

DIREKTORAAT VAN VEILIGHEIDSWETGEWING
DIRECTORATE OF SECURITY LEGISLATION

LÊER NR.
FILE NO. 2412/121 9

REKES
SERIES Binnelandse Veiligheid

WERP
T. betrekking van Organisasies

VIDEO

GEOPEN OP
OPENED ON 13/10/87

LÊER GESLUIT OP
FILE CLOSED ON

WAGINGSVOORSKRIFTE
DIRECTIONS

OF GEVAL
OR CASE

2412/121

DEEL
PART 9





DECLASSIFIED

GEHEIM

J300

sdb030704,731

DEPARTEMENT VAN JUSTISIE
DEPARTMENT OF JUSTICE

ADV. *Bene*
10/21/89

Direkteur-Generaal/Director-General • Minister

Lêer/File No.....

2/4/2/121

18/8/89
21/8/89
22/8/89

PERSPEKTIEF OP DIE ONRUSSITUASIE IN NATAL

1. Die Minister verlang 'n opsomming van die gegewens
vervat in Situasierapport 12/1989.

1.1 Volgens die Sitrap is die onrussituasie in Natal,
wat primêr gemanifesteer het as 'n botsing tussen Inkatha
en die UDF, die gevolg van 'n ernstige komplekse situasie
waarvan die oorsake nie slegs op die veiligheidsterrein
 lê nie, maar ook teen die agtergrond van die volgende
faktore beoordeel moet word:

- (a) Tradisionele stam-/faksiekonflik.
- (b) Ideologiese verskille
- (c) Gebrekkige sosio-ekonomiese infrastruktuur wat
onder andere soos volg manifesteer:
 - (i) 'n Gebrek aan 'n oorkoepelende ontwikkelingsstrategie, veral in die plattelandse gebiede;

18/8/89
18-Perik
22/8/89

OFFICE OF THE DIRECTOR-GENERAL, JUSTICE
HEUNIK VERWOERDEBOUWING 42
DC 166/89
1989 -03- 17
KAAPSTAD/CAPE TOWN 8000
KANTOOR, DIREKTEUR-GENERAAL: JUSTISIE

DECLASSIFIED

GEHEIM

2.

(ii) die omvang van die verstedelingsprobleem met ernstige gevolge met betrekking tot plakkery, werkloosheid en h onvermoë om bepaalde dienste te verskaf; en

(iii) die onderwysterrein, wat deur verskeie owerhede geadministreer word en gevolglik h hoogs uitbuitbare situasie skep.

2. Veiligheidsmagoptrede, die aanhouding van leiers-elemente en onrusstokers, asook die beperking van Inkatha se intimidasie en geweldpleging deur COSATU se hofinterdikte teen prominente Inkatha-lede, het meegebring dat onrusvoorvalle in die Pietermaritzburg-omgewing vanaf Februarie 1988 drasties afgeneem het. Daar was egter h toename in onrusvoorvalle in ander dele van Kwa Zulu en veral in die Groter Durban-gebied, en sedert Junie 1988 ook weer in die Pietermaritzburg-omgewing. Laasgenoemde word toegeskryf aan die sukses wat COSATU en die UDF behaal het met die driedaagse wegbly-aksie vanaf 6 tot 8 Junie 1988 in Natal.

3. Die "Complaints Adjudication Board" wat deur die Inkatha/ COSATU-ooreenkoms in die lewe geroep is, het tot dusver slegs drie sake verhoor wat deur die PFP, COSATU en die UDF namens COSATU aanhangig gemaak is. Inkatha

DECLASSIFIED

GEHEIM

3.

word deur die ooreenkoms gestrem omdat sy klagtes van die hand gewys word vanweë die feit dat die betrokke oortreders kwansuis nie lede van COSATU is nie. Die monitor-komitee funksioneer ook nie goed nie, onder andere as gevolg daarvan dat die UDF nie betrek is nie; die ooreenkoms slegs in die Groter Pietermaritzburg-gebied van toepassing is, en kriminele elemente, wat verantwoordelik is vir 'n groot aantal van die onrusvoorvalle, nie deur die ooreenkoms geraak word nie.

4. Ten spyte van die aanhouding van verskeie radikale leiersfigure gaan die UDF steeds voort om in verskeie gebiede ten koste van Inkatha alternatiewe strukture soos volkshowe te vestig. Daar word egter nie gemeld wie die UDF-element of leiers is wat hiervoor verantwoordelik is nie. Daar word verder beweer dat die UDF poog om Inkatha te infiltreer en veral hoofmanne se goedgesindheid te wen. In teenstelling met die meer tradisionele/-konserwatiewe Inkatha-leierskorps is die UDF-leierskorps meer aanvaarbaar vir die verstedelike Swart jeug.

5. Die konflik was aanvanklik nie polities van aard nie, maar is gaandeweg besig om meer te verpolitiseer. Strydende partye en groepe artikuleer hul belange toenemend in politieke terme, terwyl die betrokkenes selfs aan misdaad 'n politieke kleur gee.

DECLASSIFIED

GEHEIM

DECLASSIFIED

GEHEIM

4.

6. Daar is aanduidings (die aard daarvan word nie gemeld nie) dat die UDF en COSATU gedurende Desember 1988 en op 27 Februarie 1989 met die ANC samesprekings gevoer het om ANC-sanksionering vir konflikbeslegtingsinisiatiewe te verkry en sodoende binnelandse verdeeldheid oor die aangeleentheid te beperk. Die huidige spanning en verdeeldheid in COSATU-UDF-geledere in Natal blyk egter van so 'n diepgaande aard te wees dat dit betwyfel word of hulle op die kort termyn die samewerking ten opsigte van konflikbeslegtingsinisiatiewe van hul ondersteuners op grondvlak sal kan verkry.

7. Die voortslepende geweldpleging in Natal is 'n dilemma vir Inkatha aangesien dit sy beeld as nie-gewelddadige organisasie ernstig in sowel die binne- as die buiteland skaad. Buthelezi sou dus graag wou sien dat 'n oplossing gevind word, deur die boodskap uit te dra dat hy bereid is om met die ANC, UDF en COSATU gesprek te voer ten einde die geweld te beëindig.

8. Onlangse ANC-uitsprake dat hy die geweldpleging in Natal afkeur en 'n vreedsame skikking van die konflik voorstaan, is waarskynlik propaganda om sy internasionale aansien as 'n redelike en gematigde organisasie te bevorder. Daar kan verwag word dat die ANC via die UDF en COSATU sal voortgaan om Inkatha se magsbasis te ondermyn.

DECLASSIFIED

GEHEIM

~~GEHEIM~~
DECLASSIFIED

5.

9. Veiligheidsmagoptrede in die onlusgeteisterde gebiede kan hoogstens tydelike stabiliteit teweegbring. Die revolusionêre klimaat/potensiaal in sodanige gebiede sal nie betekenisvol verminder nie, tensy die negatiewe invloed van die sosio-ekonomiese faktore op die gemeenskap ook drasties afneem.

10. Voorgelê vir die Minister se inligting.

GETEKEN D SWANEPOEL 17.3.1989

DIREKTEUR VAN VEILIGHEIDSWETGEWING


DIREKTEUR-GENERAAL: JUSTISIE

17/3/89

Kennis geneem/

H J COETSEE LP
MINISTER VAN JUSTISIE

~~GEHEIM~~
DECLASSIFIED



tg-kb-110402/ddv3

Lêer No. 2/4/2/121
File

DIREKTORAAT VAN VEILIGHEIDSWETGEWING DIRECTORATE OF SECURITY LEGISLATION

DIE DIREKTEUR
THE DIRECTOR

-GENERAAL/MINISTER

POSISIE VAN DIE UNITED DEMOCRATIC FRONT (UDF) AS 'N
GEAFFEKTEERDE ORGANISASIE

R
Bev
ADK
Perdiazos
11/4/89

1. In vorige memoranda is redes aangevoer waarom die Registrateur van Geaffekteerde Organisasies nie nou h verslag ooreenkomstig die Wet aan die Minister kan voorlê nie. Die Minister het die redes aanvaar, maar versoek dat h verslag ter inligting van die SVR voorgelê moet word.

2. h Verslag is hieronder vir die Minister se oorweging asseblief.

11.4.89
DIREKTEUR VAN VEILIGHEIDSWETGEWING
11/4/89 *11/4/89* *11/4/89* *11/4*

DIREKTEUR-GENERAAL: JUSTISIE

Verslag GOEDGEKEUR/

H J COETSEE, LP
MINISTER VAN JUSTISIE

13-Perdiazos
11/4/89

tg-kb-110401/ddv3

2/4/2/121

POSISIE VAN DIE UNITED DEMOCRATIC FRONT (UDF) AS 'N GEAFFEKTEERDE ORGANISASIE

1. DOEL

1.1 Die doel van hierdie voorlegging is om die Staatsveiligheidsraad in te lig oor die UDF se posisie as 'n geaffekteerde organisasie en die stappe wat tot dusver deur die Registrateur van Geaffekteerde Organisasies (hierna "die Registrateur" genoem) gedoen is om uitvoering aan die bepalings van die Wet op Geaffekteerde Organisasies, 1974 (Wet 31 van 1974), te gee en die probleme wat hy in die verband ondervind.

2. AGTERGROND

2.1 Die UDF is op 9 Oktober 1986 tot 'n geaffekteerde organisasie verklaar. Die UDF is onmiddellik ná die optrede genader met die oog op die bepaling van 'n boekjaar ingevolge artikel 3(3) van die Wet. Die organisasie se regsverteenvoerders het egter aangedui dat hulle nie enige samewerking sou verleen, alvorens 'n hofaansoek in die Durban en Kus Plaaslike Afdeling van die Hooggeregshof, vir die tersydestelling van die UDF se geaffekteerdverklaring afgehandel is nie. Die betrokke aansoek het geslaag, waarop daar besluit is dat die Registrateur, hangende die appèl, nie met optrede sou voortgaan nie. Die inligtingsdepartement is egter versoek om die UDF te monitor ten einde te bepaal of die UDF nie intussen geld vanuit die buiteland ontvang nie.

2.2 Die appèl het geslaag, met die gevolg dat die UDF dus wel sedert 9 Oktober 1986 'n geaffekteerde organisasie is.

3. OPTREDES VAN DIE REGISTRATEUR SEDERT DIE AFHANDELING VAN DIE APPÈLSAAK

3.1 A Cachalia, Tesourier van die UDF, is deur die Registrateur genader met die oog op die vasstelling van 'n boekjaar vir die UDF en om die finansiële state te bekom. Hy het egter aangedui dat hy oor geen sodanige state beskik nie en dat hy, vanweë die feit dat hy ingeperk en verbied is om aan UDF-bedrywighede deel te neem, nie behulpsaam kan wees met die vasstelling van 'n boekjaar nie.

3.2 Daadwerklike pogings is met, onder andere, die hulp van die veiligheidspolisie te Johannesburg aangewend om die boeke en dokumente wat op die UDF se finansiële sake betrekking het, te bekom. Alle pogings in dié verband was egter tot dusver vrugtelos. Volgens die polisie beskik die UDF nie oor enige permanente kantoor te Johannesburg sedert sy kantoor te Khotso-huis vernietig is nie en dit bemoeilik gevolglik die opsporing van die verlangde dokumente.

3.3 'n Ouditeursfirma wat volgens inligting moontlik lig op die UDF se finansiële state kon werp, is vervolgens genader. Hulle het egter ontken dat hulle enige verbintenis met die UDF het.

3.4 Die hoofkantore en takke van Standard Bank en Eerste Nasionale Bank is daarop genader met die versoek om bankstate van die UDF te verskaf.
[REDACTED]

3.5 Standard Bank se hoofkantoor het die Registrateur in kennis gestel dat hy weens die vertrouensverhouding tussen bank en kliënt nie bereid is om enige inligting te verstrek nie. Die bank steun op artikel 20 van die Wet op die Suid-Afrikaanse Reserwebank, 1944 (Wet 29 van 1944) wat bepaal dat 'n bank nie enige inligting met betrekking tot die sake van 'n kliënt van die bank aan 'n ander persoon beskikbaar mag stel nie, behalwe, onder andere, waar dit deur 'n hof of ingevolge 'n wetsbepaling van hom vereis word.



3.7 Weens die feit egter dat die boeke van die UDF tot dusver nie bekom kon word nie, kan daar nie bepaal word of die UDF inderdaad die betrokke bedrae geld ontvang het nie en, indien wel, waar die geld is of wat daarvan geword het nie. Gevolglik is die Registrateur ook nie in 'n posisie om kragtens artikel 4(1) van die Wet op Geaffekteerde Organisasies, 1974 'n beëdigde verklaring aan die Griffier van die Hooggeregshof voor te lê vir die uitreiking van 'n bevel waarby iemand in wie se besit of onder wie se beheer die geld is, verbied word om op enige wyse hoegenaamd daarvoor te beskik nie. Daar kan ook insgelyks nie kragtens artikel 4(2) van die voormelde Wet 'n aansoek tot die Hooggeregshof gerig word vir die verbeurdverklaring van die geld nie.

3.8 Die Registrateur het wel 'n beëdigde verklaring aan die polisie voorgelê met die versoek dat die aangeleentheid ondersoek word met die oog op 'n strafregtelike vervolging. Die saak word tans ondersoek. Met die ondersoek kan van deursoekingsbevoegdhede ens. kragtens die Strafproseswet, 1977 gebruik gemaak word om finansiële boeke en ander dokumente van die UDF op te spoor, wat nie deur die Wet op Geaffekteerde Organisasies, 1974 verleen word nie.

3.9 Intussen is daar ook met die Direkteur van Fondsinsameling reëlings getref om 'n gesamentlike poging aan te wend om kragtens die Wet op Fondsinsameling, 1978 en die Wet op Geaffekteerde Organisasies, 1974 teen die UDF op te tree. Inspekteurs wat ingevolge die Wet op Fondsinsameling, 1978 aangestel is, het op die kantore van die UDF te Kaapstad en Durban toegeslaan. Nog geen bruikbare inligting kon ook langs dié weg bekom word nie. Yunus Mahomed, sekretaris van die UDF, word voortspruitend uit die

Direkteur se ondersoek, strafregtelik vervolgd, aangesien hy nie instruksies om die dokumente van die UDF bloot te lê, nagekom het nie.

3.10 Polisiebeamptes in Kaapstad en Durban is deur die Registrateur gemagtig om die persele van die UDF waar die boeke en finansiële state na verwagting gehou word, te betree en fotostate van die tersaaklike dokumente te bekom, maar dit het ook niks opgelewer nie, aangesien niks gevind kon word nie.

3.11 Die Registrateur het ook vir Yunus Mahomed versoek om die finansiële state van die UDF aan die Registrateur beskikbaar te stel. 'n Skrywe is op 21 Maart 1989 van Mahomed ontvang waarin hy beweer dat hy as sekretaris nie finansiële state van die UDF in sy besit het nie. Hy redeneer verder dat alhoewel die UDF sedert die beslissing van die Durban en Kus Plaaslike Afdeling van die Hooggeregshof geld uit die buiteland ontvang het, die Registrateur nie op inligting rakende dit geregtig is nie omdat die appèl nie 'n effek op die beslissing gehad het tot en met die Appèlhof-uitspraak nie. (Die klagte wat deur die Registrateur by die polisie gelê is, handel juis oor geld wat in dié tydperk deur die UDF uit die buiteland ontvang is.)

4. LEEMTES IN DIE WET WAT DIE REGISTRATEUR IN DIE UITVOERING VAN SY TAAK BELEMMER

4.1 Die Wet verleen nie aan die Registrateur die bevoegdheid om 'n perseel te deursoek of om 'n persoon anders as 'n persoon "wat aan 'n geaffekteerde organisasie verbonde is", te ondervra of besonderhede

van hom oor h geaffekteerde organisasie se geldsake aan te vra nie. Indien h persoon wat dus genader word om sodanige dokumente voor te lê, beweer dat hy dit nie in sy besit het nie, moet sy woord maar gelate aanvaar word, tensy h hofbevel verkry word.

4.2 Die Registrateur het geen bevoegdheid om h bankinstelling te dwing om enige inligting oor h geaffekteerde organisasie se finansiële transaksies te verstrek of om state aan die Registrateur te oorhandig nie. Inteendeel, artikel 20 van die Wet op die Suid-Afrikaanse Reserwebank, 1944 belet h bank om sonder h hofbevel of h dwingende wetsbepaling inligting in dié verband te verstrek.

4.3 Die Wet plaas nie h spesifieke verpligting op h geaffekteerde organisasie om jaarliks binne h bepaalde tydperk finansiële verslae voor te lê nie.

4.4 Die Wet verplig nie h geaffekteerde organisasie om h deur die Registrateur of Minister goedgekeurde ouditeursfirma aan te stel nie.

4.5 Artikel 2(3) skep sekere bewysprobleme. Dit bepaal soos volg:

"Geld in die besit van h geaffekteerde organisasie wat daardie organisasie, voordat dit tot h geaffekteerde organisasie verklaar is, van buite die Republiek ontvang het, hetsy voor of na die inwerkingtreding van hierdie Wet, mag vir geen doel hoegenaamd aan enige ander organisasie of persoon oorhandig, oorgemaak, geskenk, betaal of in ruil gegee word nie: Met dien verstande dat dit binne een jaar nadat die organisasie tot h geaffekteerde organisasie verklaar is, geskenk mag word aan h welsynsorganisasie, deur die Minister aangewys, wat ingevolge die Nasionale Welsynswet, 1965 (Wet No. 79 van 1965), geregistreer is en wat nie h geaffekteerde organisasie is nie, vir gebruik ter bevordering van die doelstellings ten opsigte waarvan daardie welsynsorganisasie aldus geregistreer is, of aan h ander organisasie deur die Minister goedgekeur".

Die buitelandse geld word saam met ander ontvangstes in 'n gesamentlike rekening gestort en dit verloor dus hulle "identiteit". Wanneer so 'n organisasie nou tot geaffekteerde organisasie verklaar word, is dit feitlik onmoontlik om te bewys dat die geld wat vanuit die buiteland ontvang is voordat die organisasie tot 'n geaffekteerde organisasie verklaar is, nog in die organisasie se besit is.

4.6 Daar bestaan min twyfel dat geaffekteerde organisasies wel via ander organisasies geld vanuit die buiteland ontvang. Alhoewel dit wel op 'n oortreding ingevolge die Wet neerkom, word daar ook in dié geval bewysprobleme ondervind. Dié organisasies of persone wat as tussenganger optree, gaan so gesofistikeerd te werk dat 'n skuldigbevinding beswaarlik verkry sal word.

4.7 Die meeste van die bogemelde probleme is in die voorgestelde Wetsontwerp op die Bevordering van Ordelyke Binnelandse Politiek aangespreek. Veral die voorsiening in die Wetsontwerp vir die maak van regulasies sou van groot hulp gewees het. 'n Probleem wat egter steeds nie na behore opgelos sal kan word nie, is die kwessie van die geld wat geaffekteerde organisasies deur middel van tussengangers bereik. Moontlik sou 'n verbod in die Wet om 'n organisasie of persoon wat enige geld vanuit die buiteland ontvang, absoluut te verbied om enige geld aan 'n geaffekteerde organisasie oor te betaal, van hulp wees.

5. TERTAFELLEGGING

5.1 Ingevolge die Wet op Geaffekteerde Organisasies, 1974 moet die Registrateur binne ses maande nadat 'n geaffekteerde organisasie se boekjaar geëindig het, verslag aan die Minister van Justisie doen

DECLASSIFIED

8.

oor die geld wat deur die organisasie ontvang en uitbetaal is. Die Minister moet dié verslag of uittreksels daaruit in die Parlement ter tafel lê.

5.2 Weens, onder andere, die volgende redes kan die Registrateur nie 'n verslag aan die Minister voorlê wat ter tafel gelê kan word nie:

- (a) Volledige besonderhede van die geld wat deur die UDF ontvang en uitbetaal is, kon nog nie verkry word nie.



- (c) Indien die polisie-ondersoek in 'n verslag bekend gemaak word, kan dit die ondersoek belemmer, aangesien die UDF dan by voorbaat op sy hoede gestel word en moontlike bewyse vernietig kan word.

DECLASSIFIED

GEHEIM

"F"

2/4/2/121 (V/C)

J H Breyl

211043/4

Mr Yunus Mahomed
P O Box 48060
QUALBERT
4078

REGISTRAR OF AFFECTED ORGANISATIONS
PRIVATE BAG X655
PRETORIA
0001

REGISTERED POST

1989-03-07

Sir

FINANCIAL STATEMENTS: UNITED DEMOCRATIC FRONT

Section 3(4) of the Affected Organizations Act, 1974, provides that the Registrar of Affected Organizations may require of any person attached to an affected organization, particulars of moneys received or paid out in respect of that organization.

In terms of section 3(4) of the said Act you, in your capacity as secretary and treasurer of the United Democratic Front, are hereby requested to furnish financial statements containing full particulars of all moneys which have been received and paid out in respect of the United Democratic Front, since the organization was declared to be an affected organization on 9 October 1986. Such financial statements must reach me on or before 31 March 1989.

In order to enable me to fix a financial year in respect of the abovementioned organization, I will also be glad to receive your suggestions in this regard not later than 31 March 1989.

If, however, you fail to submit suggestions in this regard, a financial year will be fixed without further notice.

Yours faithfully

J. H. Breyl
REGISTRAR OF AFFECTED ORGANISATIONS

DIREKTORAT
VEILIGHEIDSWETGEWING

1989-03-2
183

DIRECTORATE:
SECURITY LEGISLATION

P/sak-P/Bag X302 Tel. adr.-add. "KOMPOL"

Verw./Ref.: [REDACTED]

Navrae/Enq.: [REDACTED]

TEL: 3101317

21/3/1989

GEHEIM
SECRET
DECLASSIFIED

SUID-AFRIKAANSE POLISIE SOUTH AFRICAN POLICE

SAP 148

VEILIGHEIDSTAK
SECURITY BRANCH

HOOFKANTOOR
HEAD OFFICE

PRETORIA
1989-03-01

Die Direkteur van
Veiligheidswetgewing
Privaatsak X655
PRETORIA
0001

OPTREDE TEEN DIE UNITED DEMOCRATIC FRONT (UDF) EN ANDER ORGANISASIES

1. Na 'n mondelinge versoek deur u op 22 Februarie 1989 word die volgende inligting en aanbeveling deur die Suid-Afrikaanse Polisie gedoen.
2. Owerheidsoptrede ingevolge die Veiligheids- en Medianoodregulasies het die sigbare aktiwiteite van rewolusionêre/radikale groepe en elemente rondom die politisering-, mobilisering en organisering van die bevolking teen die Regering dermate beperk, dat 'n toestand van relatiewe stabiliteit in die binneland (met die uitsondering van die onrus/konfliksituasie in Natal) gehandhaaf word.
 - 2.1 Sedert verskerpte optrede ingevolge die Veiligheidsnoodregulasies teen die UDF en ander organisasies sedert Februarie 1988, was daar 'n merkbare afplatting in hulle versetoptrede. Die UDF is toenemend op sy vernaamste filiale, nl
 - (i) die SOUTH AFRICAN YOUTH CONGRESS (SAYCO);
 - (ii) die SOUTH AFRICAN NATIONAL STUDENT'S CONGRESS (SANSCO);
 - (iii) die NATIONAL UNION OF SOUTH AFRICAN STUDENTS (NUSAS);
 - (iv) die NATIONAL STUDENT'S CO-ORDINATING COMMITTEE (NASCO);

DECLASSIFIED
SECRET

Bêre tesame me
aanhangsels.
B10/3/89

2
~~GEHEIM~~
~~SECRET~~
~~DECLASSIFIED~~

- (v) die NATIONAL EDUCATION CRISIS COMMITTEE (NECC)
- (vi) die NATIONAL EDUCATION UNION OF SOUTH AFRICA (NEUSA);
- (vii) die UDF WOMEN'S CONGRESS (UDFWCO);
- (viii) die BLACK SASH;
- (ix) die CONGRESS OF SOUTH AFRICAN TRADE UNIONS (COSATU);
- (x) die NATIONAL COUNCIL OF TRADE UNIONS (NACTU);
- (xi) die CONGRESS OF TRADITIONAL LEADERS OF SOUTH AFRICA (CONTRALESA);
- (xii) die NATAL INDIAN CONGRESS (NIC); en
- (xiii) die TRANSVAAL INDIAN CONGRESS (TIC)

vir die implementering van sy strategieë en verwesentliking van beleidsdoelstellings aangewese en, omdat hulle optrede tans by wyse van ondergrondse beplanning geskied, is beïnvloeding van die bevolking deur dié organisasies beperk uit vrees vir polisie optrede.

2.2 Daar is gevind dat die CONGRESS OF SOUTH AFRICAN TRADE UNIONS (COSATU) namens bogenoemde organisasie sekere organiseringsfunksies uitvoer en bv sterk leiding neem met pogings om 'n breë Anti-Apartheidsfront ook bekend as die "United Front" (UF) te stig. [REDACTED]

3. Deur hul gebruikmaking van filiale en bevriende organisasies is dit dus duidelik waarom die UDF se oogmerk vir 1989 "vereniging van magte in die breedste moontlike eenheidsfront teen apartheid" is. Sedert Desember 1988 is die volgende strategiese en taktiese doelwitte uitgespel:

die versterking van die UDF se "alliansie" met sy "natuurlike bondgenote", wo COSATU en die SARK;

~~GEHEIM~~
~~SECRET~~
~~DECLASSIFIED~~

~~3~~
~~DECLASSIFIED~~ ~~SECRET~~
GEHEIM

die herbeklemtoring van en organisering rondom plaaslike knelpunte tesame met verdere pogings om huishuur te verminder en om huiseienaarskap te bevorder [redacted] en

die voortsetting van pogings om die beperkings op die UDF en ander organisasies op te hef, die vrylating van die "Delmas-veroordeeldes" en ander "politieke gevangenes", asook die terugkeer van uitgewekenes na die RSA te bewerkstellig.

4. 'n Veldtog om internasionale steun vir bg te verkry, is sedert Desember 1988 deur veral UDF-bestuurslede, Mafison MOROBE en Mohamed Valli MOOSA, in die buiteland geloods. Volgens hulle is daar reeds vordering gemaak met die daarstel van 'n "United Front" oor ideologiese grense heen en sal hernieude pogings in 1989 aangewend word om 'n nasionale anti-"apartheid"-konferensie te hou. Dit is verder ook bekend dat die UDF strukture en filiale steeds geheime vergaderings hou met die doel om te beplan en te organiseer. [redacted]
- 5.1 Die UDF/Inkatha konflik heers in mindere of meerdere mate oor die hele Natal. Die onrusituasie is egter hoofsaaklik beperk tot die swart woongebiede rondom en veral wes van Pietermaritzburg, nl die groter Edendale en Vulindlela area en die Mpumalanga, Fredville, Inchanga en Shangweni gebiede aangrensend aan Pinetown, sowel as die westelike swart woonbuurtes in die groter Durban-area.
- 5.2 Die voortsetting van die konflik kan oa toegeskryf word aan die UDF georiënteerde jeug wat, nadat hulle aanvanklik deur volgehoue Inkatha druk/intimidasie uit die gebiede verdryf is, terugkeer. Hierdie terugkeer word gekenmerk deur die uitvoer van vergeldingsaanvalle waarna UDF-gesindes telkens na Clermont terugvlug. Sedert middel Januarie 1989 was daar 'n afname in onrusvoorvalle in Mpumalanga agv verhoogde veiligheidsoptredes. Nav bogenoemde konflik in die gebied kan daar tans onderskei word tussen UDF- en Inkatha "beheerde" woongebiede. Asdown se woongebiede kan as UDF-beheerde gebied beskou word, terwyl Mpumuza en Imbali as Inkatha vestings dien.

~~DECLASSIFIED~~
GEHEIM
SECRET

- 5.3 In die westelike gebiede van Pinetown het die UDF en die UDF-gesindes so te sê 'n totale oorhand oor Inkatha verkry. In die groter westelike Durbangebied het die UDF die "stryd" dmv jeugorganisasies en "People's Courts" aangepak en het sterk Inkatha vestings soos Kwa Ndengezi grootliks in die hande van die UDF geval. [REDACTED] & E).
6. In die lig van die voorafgaande is dit duidelik dat die UDF steeds voortgaan met rewolusionêre bedrywighede en dat 'n algehele verbod ingevolge die Wet op Binnelandse Veiligheid (Wet 74/1982) op die UDF sowel as die belangrikste filiaal organisasies geplaas behoort te word.
7. Daar word tans om taktiese redes nie opgetree teen die individue betrokke nie, aangesien van hulle betrokke is by 'n ondersoek te Durban na die bedrywighede van die ANC/SAKP/UDF. Die ondersoek sal na verwagting nog geruime tyd duur en sal hofgerig wees.

GEVOLGTREKING:

Die UDF is (selfs volgens sy eie erkenning) tog sy deelname aan die rewolusionêre aanslag ernstig ontwrig. Dié organisasie het egter reeds begin herorganiseer en bepaalde strategiese en taktiese aanpassings gedoen. Daarvolgens word veel eerder klem gelê op optrede deur filiale en selfs nie-filiale, maar beplanning geskied tot 'n groot mate nog deur die UDF self deur geheime vergaderings. Dit is duidelik dat die beperkings deur Veiligheidsnoodregulasies deur die UDF aanvaar word as 'n terugslag, maar, dat die UDF 'n vaste voorneme het om die beperkings deur subtieler metodes te omseil en sodoende nog sy onwettige bedrywighede voort te sit.

AANBEVELING:

Die SA Polisie beveel aan dat voortgegaan word met optrede teen die UDF kragtens art 4 van die Wet op Binnelandse Veiligheid (Wet 74 van 1982) en ook teen die gemelde filiaal organisasies. As tussentydse maatreël word beperkings kragtens die

~~GEHEIM~~
~~DECLASSIFIED~~
~~SECRET~~

Veiligheidsnoodregulasies teen bepaalde
UDF-geaffilieerde organisasies oorweeg.

~~_____~~
~~_____~~
BEVELVOERENDE OFFISIER: VEILIGHEIDSTAK
~~_____~~

0061/DAH



~~GEHEIM~~
~~DECLASSIFIED~~
~~SECRET~~

1989-01-12

12/1/1989

ADX 12/1/89 Bae [unclear]

Bre field up

DIRECTORATE:
SECURITY LEGISLATION

Legal
Division

The Registrar of Affected
Organizations
Private Bag X655
Pretoria
0001

Register

PO Box 1155
Johannesburg 2000
Standard Bank
Administration Building
5 Simmonds Street
Johannesburg 2001
S.W.I.F.T. Address SBZA ZA JJ
Telegrams "FOCAL"
Telex 4-86826
Fax 636-8277
Telephone Switchboard
(011) 636-9112

Date	Direct telephone number	In reply please quote our reference	Your reference
5 January 1989	636-4729	GWHW/avdv	2/4/3/121

Dear Sir

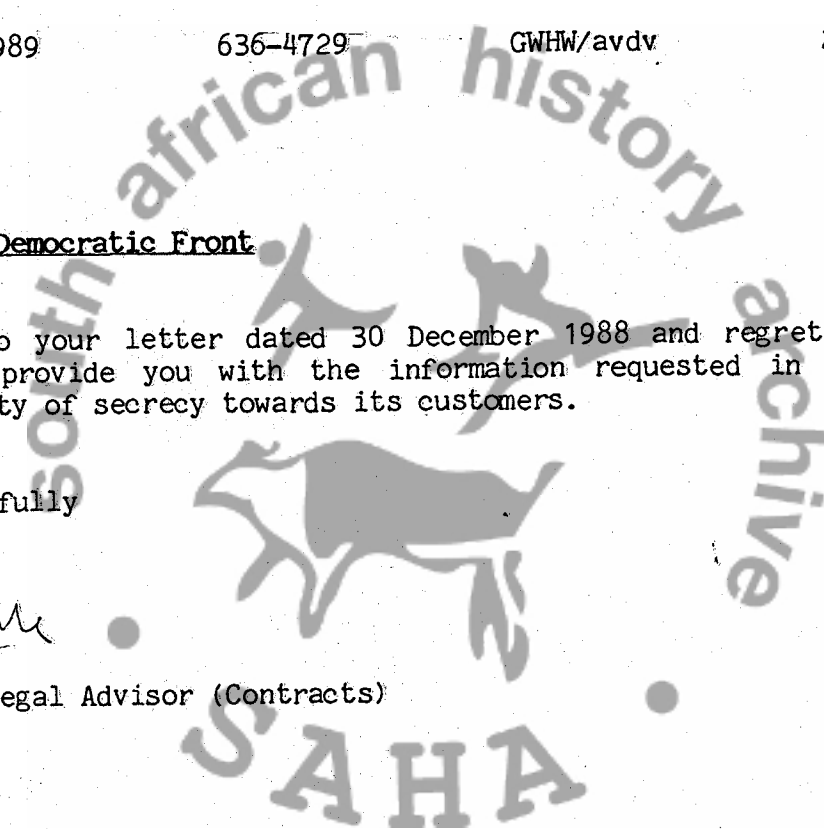
The United Democratic Front

We refer to your letter dated 30 December 1988 and regret that we are unable to provide you with the information requested in view of the bankers' duty of secrecy towards its customers.

Yours faithfully

G W H Wade

G W H Wade
Assistant Legal Advisor (Contracts)



Bre est

K

2/4/3/121

211043/4

The Head Office Manager
Standard Bank
5 Simmons Street
JOHANNESBURG

THE REGISTRAR OF AFFECTED ORGANIZATIONS
PRIVATE BAG X655
PRETORIA
0001

FOR ATTENTION: Mr C Warren

1988-12-30

Dear Sir

THE UNITED DEMOCRATIC FRONT

With reference to the telephone conversation between Messrs Warren and Hugo of our respective offices on 29 December 1988, it is confirmed that the United Democratic Front has been declared to be an affected organization in terms of section 2(1) of the Affected Organizations Act, 1974 (Act 31 of 1974) by Proclamation No 190 of 9 October 1986.

It will be appreciated if you will furnish me with the particulars of the branches of your bank where the United Democratic Front has accounts, as well as with the numbers of the accounts concerned.

Yours faithfully

J. H. BREYL

REGISTRAR OF AFFECTED ORGANIZATIONS

Autog. siter

→ *A. Vermaak*

tg-kb-301204/ddv2

Ben esb
J.

2/4/3/121

211043/4

The Head Office Manager
Standard Bank
5 Simmons Street
JOHANNESBURG

THE REGISTRAR OF AFFECTED ORGANIZATIONS
PRIVATE BAG X655
PRETORIA
0001

FOR ATTENTION: Mr Warren

1988-12-30

Dear Sir

NATIONAL UNION OF SOUTH AFRICAN STUDENTS (NUSAS)

With reference to the telephone conversation between Messrs Warren and Hugo of our respective offices on 29 December 1988, it is confirmed that the National Union of South African Students has been declared to be an affected organization in terms of section 2(1) of the Affected Organizations Act, 1974 (Act 31 of 1974) by Proclamation No R.173 of 1974.

It will be appreciated if you will furnish me with the particulars of the branches of your bank where the National Union of South African Students has accounts, as well as with the numbers of the accounts concerned.

Yours faithfully

J. H. BREYL

REGISTRAR OF AFFECTED ORGANIZATIONS

Copy file
A. Verma

Deo asb K

2/4/3/121

211043/4

The Head Office Manager
First National Bank
C/o Commissioner and
Simmons Street
JOHANNESBURG

THE REGISTRAR OF AFFECTED ORGANIZATI
PRIVATE BAG X655
PRETORIA
0001

1988-12-30

FOR ATTENTION: Mr I B Swanepoel

Dear Sir

30/12/88 gh45

NATIONAL UNION OF SOUTH AFRICAN STUDENTS (NUSAS)

*UOF.
UNITED DEMOCRATIC FRONT.*

With reference to the telephone conversation between Messrs Swanepoel and Hugo of our respective offices on 29 December 1988, it is confirmed that the National Union of South African Students has been declared to be an affected organization in terms of section 2(1) of the Affected Organizations Act, 1974 (Act 31 of 1974) by Proclamation No R.173 of 1974.

It will be appreciated if you will furnish me with the particulars of the branches of your bank where the National Union of South African Students has accounts, as well as with the numbers of the accounts concerned.

Yours faithfully

J. H. BREYL
REGISTRAR OF AFFECTED ORGANIZATIONS

*Shinywe for NUSAS + UOF
afgeluwer op 30/12/88 aan
M...
A0x + VC.
Outgoing as per*

tg-kb-301201/ddv2

→ 2/4/3/121

211043/4

The Head Office Manager
First National Bank
C/o Commissioner and
Simmons Street
JOHANNESBURG

THE REGISTRAR OF AFFECTED ORGANIZATIONS
PRIVATE BAG X655
PRETORIA
0001

FOR ATTENTION: Mr I B Swanepoel

1988-12-30

Dear Sir

NATIONAL UNION OF SOUTH AFRICAN STUDENTS (NUSAS)

With reference to the telephone conversation between Messrs Swanepoel and Hugo of our respective offices on 29 December 1988, it is confirmed that the National Union of South African Students has been declared to be an affected organization in terms of section 2(1) of the Affected Organizations Act, 1974 (Act 31 of 1974) by Proclamation No R.173 of 1974.

It will be appreciated if you will furnish me with the particulars of the branches of your bank where the National Union of South African Students has accounts, as well as with the numbers of the accounts concerned.

Yours faithfully

J. H. BREYL

REGISTRAR OF AFFECTED ORGANIZATIONS

tg-kb-301201/ddv2

2/4/3/121

211043/4

The Head Office Manager
First National Bank
C/o Commissioner and
Simmons Street
JOHANNESBURG

THE REGISTRAR OF AFFECTED ORGANIZATIONS
PRIVATE BAG X655
PRETORIA
0001

FOR ATTENTION: Mr I B Swanepoel

1988-12-30

Dear Sir

THE UNITED DEMOCRATIC FRONT

With reference to the telephone conversation between Messrs Swanepoel and Hugo of our respective offices on 29 December 1988, it is confirmed that the United Democratic Front has been declared to be an affected organization in terms of section 2(1) of the Affected Organizations Act, 1974 (Act 31 of 1974) by Proclamation No 190 of 9 October 1986.

It will be appreciated if you will furnish me with the particulars of the branches of your bank where the United Democratic Front has accounts, as well as with the numbers of the accounts concerned.

Yours faithfully

J. H. BREYL

REGISTRAR OF AFFECTED ORGANIZATIONS

tg-kb-301201/ddv2

2/4/3/121

211043/4

The Head Office Manager
First National Bank
C/o Commissioner and
Simmons Street
JOHANNESBURG

THE REGISTRAR OF AFFECTED ORGANIZATIONS
PRIVATE BAG X655
PRETORIA
0001

FOR ATTENTION: Mr I B Swanepoel

1988-12-31

Dear Sir

THE UNITED DEMOCRATIC FRONT

With reference to the telephone conversation between Messrs Swanepoel and Hugo of our respective offices on 29 December 1988, it is confirmed that the United Democratic Front has been declared to be an affected organization in terms of section 2(1) of the Affected Organizations Act, 1974 (Act 31 of 1974) by Proclamation No 190 of 9 October 1986.

It will be appreciated if you will furnish me with the particulars of the branches of your bank where the United Democratic Front has accounts, as well as with the numbers of the accounts concerned.

Yours faithfully

J. H. BREYL

REGISTRAR OF AFFECTED ORGANIZATIONS

V2

LIAISON

LCOR

2/4/2 / 121

all

pf-jh-040101/adx1

Boon
5/1/89

81/172892
(Z 28)



AUTHORIZATION IN TERMS OF SECTION 3(2) OF THE AFFECTED ORGANIZATIONS ACT, 1974 (ACT 31 OF 1974)

Under the powers vested in me by section 3(2) of the Affected Organizations Act, 1974, I hereby authorize JAN HENDRIK HUGO to enter upon any premises there to inspect and extract information from and make copies of any document relating to the finances of the organizations known as NATIONAL UNION OF SOUTH AFRICAN STUDENTS and UNITED DEMOCRATIC FRONT, which were by Proclamations No R.173 of 13 September 1974 and No 190 of 9 October 1986 under section 2(1) of the Affected Organization Act, 1974 declared to be affected organizations.

Signed at PRETORIA this 19th day of DECEMBER 1988.

J H BREYL
REGISTRAR OF AFFECTED ORGANIZATIONS

REGISTRATEUR VAN GEAFFEKTEERDE ORGANISASIES
1988-12-19
REGISTRAR OF AFFECTED ORGANISATIONS

UDF - *geaffekteerd*
swartj verplwing → Ringbinder

REPUBLIC
OF
SOUTH AFRICA



REPUBLIEK
VAN
SUID-AFRIKA

Government Gazette Staatskoerant

Selling price • Verkoopprys
(GST excluded/AVB uitgesluit)

Local 45c Plaaslik

Other countries 60c Buitelands
Post free • Posvry

Registered at the Post Office as a Newspaper

As 'n Nuusblad by die Poskantoor Geregistreer

Vol. 256

PRETORIA, 9 OCTOBER 1986
OKTOBER 1986

No. 10486

PROCLAMATION

by the

State President of the Republic of South Africa

No. 190, 1986

DECLARATION OF AN ORGANIZATION TO BE AN AFFECTED ORGANIZATION

Under the powers vested in me by section 2 (1) of the Affected Organizations Act, 1974 (Act 31 of 1974), I hereby declare the organization known as the UNITED DEMOCRATIC FRONT to be an affected organization.

Given under my Hand and the Seal of the Republic of South Africa at Pretoria this Sixth day of October, One thousand Nine hundred and Eighty-six.

P. W. BOTHA,
State President.

By Order of the State President-in-Cabinet:

L. LE GRANGE,
Minister of the Cabinet.

PROKLAMASIE

van die

Staatspresident van die Republiek van Suid-Afrika

No. 190, 1986

VERKLARING VAN 'N ORGANISASIE TOT 'N GEAFFEKTEERDE ORGANISASIE

Kragtens die bevoegdheid my verleen by artikel 2 (1) van die Wet op Geaffekteerde Organisasies, 1974 (Wet 31 van 1974), verklaar ek hierby die organisasie bekend as die UNITED DEMOCRATIC FRONT tot 'n geaffekteerde organisasie.

Gegee onder my Hand en die Seël van die Republiek van Suid-Afrika te Pretoria, op hede die Sesde dag van Oktober Eenduisend Negehonderd Ses-en-tagtig.

P. W. BOTHA,
Staatspresident.

Op las van die Staatspresident-in-Kabinet:

L. LE GRANGE,
Minister van die Kabinet.

*Ongeëffekteerde
geaffekteerde*
NUSAS.



STAATSKOERANT
VAN DIE REPUBLIEK VAN SUID-AFRIKA

REPUBLIC OF SOUTH AFRICA
GOVERNMENT GAZETTE

REGULASIEKOERANT No. 2038

As 'n Nuusblad by die Poskantoor Geregistreer

PRYS 20c PRICE
OORSEE 30c OVERSEAS
POSVRY — POST FREE

REGULATION GAZETTE No. 2038

Registered at the Post Office as a Newspaper

VOL. 111]

PRETORIA, 13 SEPTEMBER 1974

[No. 4389

PROKLAMASIES

*van die Staatspresident van die Republiek van
Suid-Afrika*

No. R. 173, 1974

**VERKLARING VAN 'N ORGANISASIE TOT 'N
GEAFFEKTEERDE ORGANISASIE**

Kragtens artikel 2 (1) van die Wet op Geaffekteerde Organisasies, 1974 (Wet 31 van 1974), verklaar ek hierby die organisasie bekend as Nasionale Unie van Suid-Afrikaanse Studente, tans met 'n kantoor te Film Centre, Jamesonstraat 17, Kaapstad, tot 'n geaffekteerde organisasie.

Gegee onder my Hand en die Seël van die Republiek van Suid-Afrika te Kaapstad, op hede die Tiende dag van September Eenduisend Negehoenderd Vier-en-sewentig.

J. J. FOUCHÉ, Staatspresident.

Op las van die Staatspresident-in-rade:

J. T. KRUGER.

No. R. 174, 1974

**VERKLARING VAN 'N ORGANISASIE TOT 'N
GEAFFEKTEERDE ORGANISASIE**

Kragtens artikel 2 (1) van die Wet op Geaffekteerde Organisasies, 1974 (Wet 31 van 1974), verklaar ek hierby die organisasie bekend as National Union of Students Welfare and Social Action Department, tans met 'n kantoor te Film Centre, Jamesonstraat 17, Kaapstad, tot 'n geaffekteerde organisasie.

Gegee onder my Hand en die Seël van die Republiek van Suid-Afrika te Kaapstad, op hede die Tiende dag van September Eenduisend Negehoenderd Vier-en-sewentig.

J. J. FOUCHÉ, Staatspresident.

Op las van die Staatspresident-in-rade:

J. T. KRUGER.

27750—A

PROCLAMATIONS

*by the State President of the Republic of
South Africa*

No. R. 173, 1974

**DECLARATION OF AN ORGANISATION TO BE AN
AFFECTED ORGANISATION**

Under section 2 (1) of the Affected Organizations Act, 1974 (Act 31 of 1974), I hereby declare the organisation known as National Union of South African Students and presently having an office at Film Centre, 17 Jameson Street, Cape Town, to be an affected organisation.

Given under my Hand and the Seal of the Republic of South Africa at Cape Town this Tenth day of September, One thousand Nine hundred and Seventy-four.

J. J. FOUCHÉ, State President.

By Order of the State President-in-Council:

J. T. KRUGER.

No. R. 174, 1974

**DECLARATION OF AN ORGANISATION TO BE
AN AFFECTED ORGANISATION**

Under section 2 (1) of the Affected Organizations Act, 1974 (Act 31 of 1974), I hereby declare the organisation known as National Union of Students Welfare and Social Action Department and presently having an office at Film Centre, 17 Jameson Street, Cape Town, to be an affected organisation.

Given under my Hand and the Seal of the Republic of South Africa at Cape Town this Tenth day of September, One thousand Nine hundred and Seventy-four.

J. J. FOUCHÉ, State President.

By Order of the State President-in-Council:

J. T. KRUGER.

4389—1

tg-pk-231113/vcl

→ 2/4/2/121 (V/C)
J H Breyl

211043/4

Mr A Cachalia
Treasurer of the
United Democratic Front
P O Box 30894
BRAAMFONTEIN
2017

REGISTRAR OF AFFECTED ORGANISATIONS
PRIVATE BAG X655
PRETORIA
0001

1988-11-23

Sir

FINANCIAL STATEMENTS: UNITED DEMOCRATIC FRONT

With reference to your letter dated 17 October 1988, your attention is directed to the fact that section 3(4) of the Affected Organizations Act, 1974, provides that the Registrar of Affected Organizations may require of any person attached to an affected organization, particulars of moneys received or paid out in respect of that organization.

In terms of section 3(4) of the said Act you, in your capacity as treasurer of the United Democratic Front, are hereby requested to furnish financial statements containing full particulars of all moneys which have been received and paid out in respect of the United Democratic Front, since the organization was declared to be an affected organization on 9 October 1986. Such financial statements must reach me on or before 15 December 1988.

In order to enable me to fix a financial year in respect of the abovementioned organization, I will also be glad to receive your suggestions in this regard not later than 15 December 1988.

Yours faithfully

J. H. BREYL

REGISTRAR OF AFFECTED ORGANISATIONS

2/4/2/121 (ADX/d)
Mr Breyl

211043/4

BY HAND

The National Secretary
United Democratic Front
P O Box 10366
JOHANNESBURG
2000

REGISTRAR OF AFFECTED
ORGANIZATIONS
Private Bag X655
PRETORIA
0001

Sir

FINANCIAL YEAR: UNITED DEMOCRATIC FRONT

My evenly numbered letter dated 9 October 1986 refers.

As you know, the Appellate Division of the Supreme Court upheld the appeal against the judgement of the Durban and Coast Local Division of the Supreme Court in the case United Democratic Front and Others v The State President of the Republic of South Africa and Others (Appellate Division case number 233/87).

In terms of section 3(3) of the Affected Organizations Act, 1974 (Act 31 of 1974) a financial year must be fixed in respect of an affected organization.

In order to enable me to fix a financial year in respect of the abovementioned organization, I will be glad to receive suggestions in this regard not later than 4 November 1988.

You are also requested in terms of section 3(4) of the Affected Organizations Act, 1974 to furnish financial statements containing full particulars of moneys received and paid out in respect of the United Democratic Front, since the organization was declared to be an affected organization on 9 October 1986. Such financial statements must reach me on or before 4 November 1988 please.

Yours faithfully

J. H. BREYL

REGISTRAR OF AFFECTED ORGANIZATIONS

27101

6140

C.A.&R. 206/87


(MEV. EHRICH)

Oos Kaapse Afdeling,
Privaatsak X 1011,
GRAHAMSTAD.
30 November 1987

Direkteur van Veiligheidswetgewing,
Privaatsak X 655,
PRETORIA.
0001

IN SAKE : UITSPRAAK : P M FLEMMER EN 3 ANDER
U 2/1/4 (V/le) gedateer 6.11.1987 verwys

Aangeheg vind asseblief n afskrif van bovermelde uitspraak soos
aangevra.


GRIFFIER

SAHA



IN THE SUPREME COURT OF SOUTH AFRICA
(EASTERN CAPE DIVISION)

GRAHAMSTOWN

23 OCTOBER 1987

PATRICIA MARY FLEMMER + 3 OTHERS

versus

THE STATE

J U D G M E N TLUDORF, J:

(10)

Four appellants were charged with and convicted of a contravention of Section 57 (1)(c) of the Internal Security Act No. 74 of 1982, it being alleged that whereas in terms of Section 46 (3)(a) of that Act, the Minister of Law and Order prohibited any gatherings in the Republic during the period 1 April 1986 up to and including the 31 March 1987, in terms of the Notice No. 582 dated 27 March 1986, and published in the Government Gazette of the same date, the said accused did unlawfully on or about the 7th of May 1986 and at or near Oxford Street East London in the district of East London attend a gathering.

(20)

The Notice dated and published in the Government Gazette on the 27 March 1986 is in the following terms:

"Whereas I, Louis Le Grange, Minister of Law and Order, deem it necessary for the maintenance of the public peace, I hereby -

(1) under Section 46 (3)(a) of the Internal Security Act, 1982 (Act 74 of 1982), prohibit any gathering in the Republic during the period 1 April 1986 up to and including 31 March 1987, except any gathering for the purposes of a bona fida sport

(30)

occasion/.....

occasion or which is held within a building; ..."

The defence requested further particulars to the charge, and in particular and inter alia the State was requested to specify where the "gathering" mentioned in the charge took place. The reply in response to the written request was furnished verbally by the prosecutor on the morning of the commencement of the trial in the court a quo, and that verbal reply was recorded as follows: In reply to the question:

"Where at or near Oxford Street East London did each of the accused allegedly attend a gathering?"

(10

It was said:

"In front of the statue at the city hall."

The facts as they emerge from the evidence of the State witnesses (they were two police officials who kept observation) are virtually common cause. The appellants did not testify but closed their cases at the conclusion of the State case.

The facts are the following. The four appellants met at a park bench about 12 metres removed from the statue to the east thereof in front of the City Hall East London, where it appeared to those observing them that they conversed amongst themselves. Appellant No. 2 then took a placard which they had amongst them and left the other three at the bench. She made her way to a position immediately in front of the statue where she took up her stand wearing a black sash diagonally across her breast and back. The meeting at the bench and the stand in front of the statue was photographed and the set of photographs were handed in consisting of a series of 12, which were used in elucidation of the evidence of the police officials who

(20

(30

kept/.....

kept observation of the proceedings. After appellant No. 2 had stood silently and alone for approximately 20 minutes, appellant No. 1, who had been sitting on the bench in the company of the other two appellants, got up and walked to where appellant No. 2 was standing in front of the statue as I have described. Appellant No. 2 then handed the placard and sash to No. 1 who donned the sash, took the placard and took up her stand in the same manner and at the same place where No. 2 had done so. After the handing over of the sash and placard by No. 2 to No. 1, No. 2 appellant left and returned to the bench where she sat down while No. 1 then stood silently and alone until she was in turn and in like-manner relieved by appellant No. 4. (10

While No. 4 was standing the police approached her and enquired whether she had permission to stage the protest, whereupon she produced official permission to stage the protest issued by the Town Clerk of East London. The police official then informed No. 4 appellant that her action constituted a contravention of the law, and took possession of the placard, issued a receipt in respect thereof and the appellants then adjourned as it was stated by the witness Nienaber, the word used was "verdaag". (20

Appellant No. 3 never took up a stand at the statue.

The handing over of the placard and sash to the relief took some seconds in each case.

The issue which the court a quo had to resolve was in my judgment whether that which happened "in front of the statue" constituted the offence charged. I say this because in response to the request for further particulars to the charge, the prosecutor unambiguously replied that the "gathering" to which reference is made in the/..... (30

the charge, that is the "gathering" which the appellants attended, was a "gathering" which took place "in front of the statue". It is clear from the photographs and from the tenour of the evidence that the bench is not in front of the statue, but to the side thereof and 12 metres removed therefrom.

In referring to the position where the appellants took up their successive stands, the State witnesses clearly stated that that, (i.e. the position of the stand) was taken up, at a point "voor die standbeeld" and "the accused stood up in front of the statue". If then the position where the appellants took up their stand is "in front of the statue" then the bench is certainly not in front of the statue but to the side thereof as is clearly evident from the photographs handed in and it was also 12 metres removed from the statue as is equally clear from the evidence. (10)

Nothing prevented the State, as far as I am able to judge, from replying that the gathering took place in front of the City Hall, in which case the entire event including both the location of the bench and the point of the stand would have been in issue. Be that as it may the reply given clearly confined the issues to the exclusion of that which occurred at the bench. (20)

A "gathering" is defined in the Act as "a gathering ... of any number of persons having a common purpose whether such purpose is lawful or unlawful". It is clear that the definition does not define the requisite time-lapse or period during which the people should be together to constitute a gathering within the meaning of the definition, and accordingly one must, in my view, attach to the word "gathering" the ordinary meaning which that word has (30)

in/.....

in the English language as far as this aspect is concerned.

Assume that two people with a common purpose in mind run along the sidewalk of the main street in East London in opposite directions towards one another the one bearing the placard in question, and in passing one another the bearer of the placard hands it to the other who then runs on out of sight, could it ever be said, all other requisites being present, that when these two runners exchanged physical possession of the placard, they "gathered"?

(10)

In my judgment such a proposition would be absurd and it would be absurd because no-one would imagine such a brief and momentary coming together to be a "gathering". The word "gathering" connotes a coming together for some duration of time, the precise limits of which must depend on the circumstances, but certainly in my view it must exceed a period of seconds as is the case in the present appeal.

In my judgment the appeal should succeed on that ground alone, but if I am wrong in the view that I take, I believe that the State has a further difficulty in the way of sustaining the finding of the court a quo.

(20)

The crime charged is that of attending a gathering not that of gathering. Indeed the act of gathering is not stigmatised as criminal by the legislation in question. It is the attending of a gathering (an assembly) or stated otherwise the attending of the result of people having already come together which constitutes the contravention. In this regard I would refer to the remarks of FANNIN J, in the matter of S v ARENSTEIN 1964(4) 697 (N) at 701.

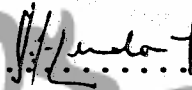
(30)

It/.....

It is settled law that a "gathering" may consist of two people only, but certainly not of one person, and it is common cause in the present appeal that there was no gathering until the two people met in front of the statue. There was consequently never an attendance of an assembly or gathering already formed because no such gathering existed. In my view it follows that also on this basis the State failed to prove that the appellants attended a gathering as charged.

In the result the appeal succeeds. The convictions and sentences of all four appellants are set aside.

(10



.....

J F LUDORF

JUDGE OF THE SUPREME COURT

HUGO, AJ:

I agree.


.....

J H HUGO

ACTING JUDGE OF THE SUPREME COURT

(20

(30

27101

6140

C.A.&R. 206/87

(MEV. EHRICH)

Oos Kaapse Afdeling,
Privaatsak X 1011,
GRAHAMSTAD.
30 November 1987

Direkteur van Veiligheidswetgewing,
Privaatsak X 655,
PRETORIA.
0001

IN SAKE : UITSPRAAK : P M FLEMMER EN 3 ANDER
U 2/1/4 (V/le) gedateer 6.11.1987 verwys

Aangeheg vind asseblief 'n afskrif van bovermelde uitspraak soos
aangevra.


GRIFFIER

SAHA

IN THE SUPREME COURT OF SOUTH AFRICA
(EASTERN CAPE DIVISION)

GRAHAMSTOWN

23 OCTOBER 1987

PATRICIA MARY FLEMMER + 3 OTHERS

versus

THE STATE

J U D G M E N T

LUDORF, J:

(10)

Four appellants were charged with and convicted of a contravention of Section 57 (1)(c) of the Internal Security Act No. 74 of 1982, it being alleged that whereas in terms of Section 46 (3)(a) of that Act, the Minister of Law and Order prohibited any gatherings in the Republic during the period 1 April 1986 up to and including the 31 March 1987, in terms of the Notice No. 582 dated 27 March 1986, and published in the Government Gazette of the same date, the said accused did unlawfully on or about the 7th of May 1986 and at or near Oxford Street East London in the district of East London attend a gathering.

(20)

The Notice dated and published in the Government Gazette on the 27 March 1986 is in the following terms:

"Whereas I, Louis Le Grange, Minister of Law and Order, deem it necessary for the maintenance of the public peace, I hereby -

- (1) under Section 46 (3)(a) of the Internal Security Act, 1982 (Act 74 of 1982), prohibit any gathering in the Republic during the period 1 April 1986 up to and including 31 March 1987, except any gathering for the purposes of a bona fida sport occasion/.....

(30)

occasion or which is held within a building; ..."

The defence requested further particulars to the charge, and in particular and inter alia the State was requested to specify where the "gathering" mentioned in the charge took place. The reply in response to the written request was furnished verbally by the prosecutor on the morning of the commencement of the trial in the court a quo, and that verbal reply was recorded as follows: In reply to the question:

"Where at or near Oxford Street East London did each of the accused allegedly attend a gathering?"

(10

It was said:

"In front of the statue at the city hall."

The facts as they emerge from the evidence of the State witnesses (they were two police officials who kept observation) are virtually common cause. The appellants did not testify but closed their cases at the conclusion of the State case.

The facts are the following. The four appellants met at a park bench about 12 metres removed from the statue to the east thereof in front of the City Hall East London, where it appeared to those observing them that they conversed amongst themselves. Appellant No. 2 then took a placard which they had amongst them and left the other three at the bench. She made her way to a position immediately in front of the statue where she took up her stand wearing a black sash diagonally across her breast and back. The meeting at the bench and the stand in front of the statue was photographed and the set of photographs were handed in consisting of a series of 12, which were used in elucidation of the evidence of the police officials who

(20

(30

kept/.....

kept observation of the proceedings. After appellant No. 2 had stood silently and alone for approximately 20 minutes, appellant No. 1, who had been sitting on the bench in the company of the other two appellants, got up and walked to where appellant No. 2 was standing in front of the statue as I have described. Appellant No. 2 then handed the placard and sash to No. 1 who donned the sash, took the placard and took up her stand in the same manner and at the same place where No. 2 had done so. After the handing over of the sash and placard by No. 2 to No. 1, No. 2 appellant left and returned to the bench where she sat down while No. 1 then stood silently and alone until she was in turn and in like-manner relieved by appellant No. 4. (10

While No. 4 was standing the police approached her and enquired whether she had permission to stage the protest, whereupon she produced official permission to stage the protest issued by the Town Clerk of East London. The police official then informed No. 4 appellant that her action constituted a contravention of the law, and took possession of the placard, issued a receipt in respect thereof and the appellants then adjourned as it was stated by the witness Nienaber, the word used was "verdaag". (20

Appellant No. 3 never took up a stand at the statue.

The handing over of the placard and sash to the relief took some seconds in each case.

The issue which the court a quo had to resolve was in my judgment whether that which happened "in front of the statue" constituted the offence charged. I say this because in response to the request for further particulars to the charge, the prosecutor unambiguously replied that the "gathering" to which reference is made in (30

the/.....

the charge, that is the "gathering" which the appellants attended, was a "gathering" which took place "in front of the statue". It is clear from the photographs and from the tenour of the evidence that the bench is not in front of the statue, but to the side thereof and 12 metres removed therefrom.

In referring to the position where the appellants took up their successive stands, the State witnesses clearly stated that that, (i.e. the position of the stand) was taken up, at a point "voor die standbeeld" and "the accused stood up in front of the statue". If then the position where the appellants took up their stand is "in front of the statue" then the bench is certainly not in front of the statue but to the side thereof as is clearly evident from the photographs handed in and it was also 12 metres removed from the statue as is equally clear from the evidence. (10)

Nothing prevented the State, as far as I am able to judge, from replying that the gathering took place in front of the City Hall, in which case the entire event including both the location of the bench and the point of the stand would have been in issue. Be that as it may the reply given clearly confined the issues to the exclusion of that which occurred at the bench. (20)

A "gathering" is defined in the Act as "a gathering of any number of persons having a common purpose whether such purpose is lawful or unlawful". It is clear that the definition does not define the requisite time-lapse or period during which the people should be together to constitute a gathering within the meaning of the definition, and accordingly one must, in my view, attach to the word "gathering" the ordinary meaning which that word has in/..... (3)

in the English language as far as this aspect is concerned.

Assume that two people with a common purpose in mind run along the sidewalk of the main street in East London in opposite directions towards one another the one bearing the placard in question, and in passing one another the bearer of the placard hands it to the other who then runs on out of sight, could it ever be said, all other requisites being present, that when these two runners exchanged physical possession of the placard, they "gathered"? (10

In my judgment such a proposition would be absurd and it would be absurd because no-one would imagine such a brief and momentary coming together to be a "gathering". The word "gathering" connotes a coming together for some duration of time, the precise limits of which must depend on the circumstances, but certainly in my view it must exceed a period of seconds as is the case in the present appeal.

In my judgment the appeal should succeed on that ground alone, but if I am wrong in the view that I take, I believe that the State has a further difficulty in the way of sustaining the finding of the court a quo. (20


The crime charged is that of attending a gathering not that of gathering. Indeed the act of gathering is not stigmatised as criminal by the legislation in question. It is the attending of a gathering (an assembly) or stated otherwise the attending of the result of people having already come together which constitutes the contravention. In this regard I would refer to the remarks of FANNIN J, (30 in the matter of S v ARENSTEIN 1964(4) 697 (N) at 701.

It/.....

It is settled law that a "gathering" may consist of two people only, but certainly not of one person, and it is common cause in the present appeal that there was no gathering until the two people met in front of the statue. There was consequently never an attendance of an assembly or gathering already formed because no such gathering existed. In my view it follows that also on this basis the State failed to prove that the appellants attended a gathering as charged.

In the result the appeal succeeds. The convictions and sentences of all four appellants are set aside.

(10)

..... 

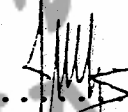
J F LUDORE

JUDGE OF THE SUPREME COURT

HUGO, AJ:

I agree.

(20)

..... 

J H HUGO

ACTING JUDGE OF THE SUPREME COURT

(30)

*Streef art. UDF - leier
11/9/88 K*

AKTIWITEITE RONDOM DIE VYFDE BESTAANSJAAR VAN DIE "UNITED DEMOCRATIC FRONT" OP
20 AUGUSTUS 1988 IN DIE ONDERSKEIE AFDELINGS

WP

1. Die Mitchells Plain Students Congress (MIPSCO) het op 'n vergadering te kenne gegee dat hulle 'n massavergadering, ten einde die UDF se vyfde bestaansjaar te vier, beplan vir 19 Augustus 1988. Tyd en plek van die vergadering is huidiglik onbekend.

1. Inligting is bekom wat daarop dui dat daar op Sondag 21 Augustus 1988, tyd onbekend 'n massavergadering beplan word, ten einde die UDF se vyfde bestaansjaar te herdenk, in die Goeie Hoop Sentrum, Kaapstad. Ses busse met ondersteuners vanaf Worcester en omgewing gaan die vergadering bywoon. Die busse met die ondersteuners vertrek om 08h00 vanaf Worcester.

BOLAND

2. Daar word beplan om op Donderdag 18 Augustus 1988 om ongeveer 18h00 'n vergadering in die Kleurlinggemeenskapsaal, Worcester te hou om die loodsing van die UDF te herdenk. Die vergadering word gereël deur 'n komitee van verskillende organisasies. Daar word gepoog om Jakes GERWEL, Franklin SONN en Dullah OMAR as sprekers te kry. Die gemeenskapsaal is deur 'n dosent van die Sonnge opleidingskollege verkry en 'n inligtingsvergadering is as doel aangegee.

NATAL

1. Die Detainees Aid Committee (DACOM), voorheen bekend as DESCOM het 'n saal by die Katedraal van die Heilige Geboorte, Pietermaritzburg vir Saterdag 20 Augustus 1988 tussen 11h30 en 15h30 bespreek om 'n "Teepartytjie" vir 150 aangehoudenes te hou. Dit is moontlik dat hierdie partytjie doelbewus deur die UDF "gekraap" sal word.

DECLASSIFIED

DIE INLIGTINGSKOMPONENT

FONDSE VANUIT DIE BUITELAND: "UNITED DEMOCRATIC FRONT" (UDF)

1. Soos u weet, is die UDF op 9 Oktober 1986 tot 'n geaffekteerde organisasie verklaar.
2. Dit sal waardeer word indien u wil aandui of die UDF sedert 9 Oktober 1986 enige fondse vanuit die buiteland ontvang het. Indien dit wel die geval is, sal besonderhede ten opsigte van die fondse, die skenker, die bankrekening(s) waarop dit inbetaal is, asook die getuienis waaroor in die verband beskik word, waardeer word.
3. Dit sal ook op prys gestel word indien daar voortaan maandeliks op 'n deurlopende basis in dié verband verslag gedoen kan word.

1987 -11- 19

REGISTRAR VAN GEAFFEKTEERDE ORGANISASIES

19/11/87
10.12.87

DECLASSIFIED

DIE INLIGTINGSKOMPONENT

FINANSIËLE STATE: NUSAS EN UDF

1987 -12-10

Dit sal waardeer word indien u sal kan aandui wanneer h
antwoord op die Direktooraat se skrywes gedateer
19 November 1987 verwag kan word. (Beide skrywes word
geriefshalwe hierby aangeheg).



[Handwritten signature]

REGSTRATEUR VAN GEAFFEKTEERDE ORGANISASIES

*V4 Versum as
oor 2 weke.
V.S.
10/12/87
31.12.87*

1/2/1 (V/Ae)
Humphreys


211043/4

Die Direkteur-generaal
Nasionale Intelligensiediens
Privaatsak X87
PRETORIA
0001

1987-11-11

ONTVANGS VAN FONDSE VANUIT DIE BUITELAND: "UNITED DEMOCRATIC FRONT" (UDF)

Graag word verneem wanneer h antwoord op my eendersgenommerde diensbrief gedateer 23 Julie 1987 verwag kan word.


DIREKTEUR VAN VEILIGHEIDSWETGEWING

Vermin 2 weke
WJ/A 11/10/87
26.11.87

DECLASSIFIED

1/2/1(V/Ae)
Humphreys


211043/4

1987-07-23

Die Direkteur-generaal
Nasionale Intelligensiediens
Privaatsak X87
PRETORIA
0001

ONTVANGS VAN FONDSE VANUIT DIE BUITELAND: "UNITED DEMOCRATIC FRONT" (UDF)

'n Afskrif van 'n inligtingstuk met betrekking tot die bovermelde aangeleentheid wat ontvang is, is vir u inligting aangeheg. Dit sal waardeur word indien u my van meer inligting met betrekking tot die aangeleentheid kan voorsien.

 DIREKTEUR VAN VEILIGHEIDSWETGEWING

Versum 2 weke

[Signature] 23/7/87

13.8.87

Versum 2 weke

[Signature] 13.8.87

Versum 10 7 dec

10 VA

11.11.87

[Signature]

DECLASSIFIED

DIREKTORAAT:
VEILIGHEIDSWETGEWING

1987 -07- 22

937

DIRECTORATE:
SECURITY LEGISLATION

22/7/87

DECLASSIFIED

SUID-AFRIKAANSE POLISIE SOUTH AFRICAN POLICE



ADV
ADV
ADV
22/7/87
148
Bankie van on
in noortgedyde
navraag aan N1
sig ont 22/7/87

P/sak-P/Bag X302 Tel. adr.-add. "KOMPOL"

Verw./Ref.: [REDACTED]

Navrae/Enq.: [REDACTED]

TEL.: 214511 x 2224

VA - SCL
u an di
rodye doen
22/7/87

VEILIGHEIDSTAK
SECURITY BRANCH
HOOFKANTOOR
HEAD OFFICE
PRETORIA
0001

1987-07-20

Direkteur van Veiligheidswetgewing
Privaatsak X 655
PRETORIA
0001

ONTVANGS VAN FONDSE VANUIT DIE BUITELAND : "UNITED DEMOCRATIC FRONT" (UDF)

1. U skrywe 1/2/1 [REDACTED] gedateer 14 Julie 1987 het betrekking.
2. Hierdie kantoor beskik nie oor inligting om Nasionale Intelligensiediens se inligtingstuk dat die "UNITED DEMOCRATIC FRONT" (UDF) onlangs R25 000 (Vyf-en-twintig duisend Rand) van die "NATIONAL UNION OF PRINTERS AND ALLIED WORKERS" (NUPAW) ontvang het, te bevestig nie.
3. Hierdie kantoor beskik wel oor dokumentêre bewys dat die UDF op 5 Junie 1987 die bedrag van R80 (Tagtig Rand) van die "BLACK SASH" Wes-Kaap Streek ontvang het.

[REDACTED]
n/BEVELVOERENDE OFFISIER : VEILIGHEIDSTAK
[REDACTED] (J H GLOY)

DECLASSIFIED

[REDACTED]
Cronje

211043/4

1987-07-14

Die Kommissaris van die
Suid-Afrikaanse Polisie
Privaatsak X302
PRETORIA
0001

ONTVANGS VAN FONDSE VANUIT DIE BUITELAND: "UNITED DEMOCRATIC
FRONT" (UDF)

h Afskrif van h inligtingstuk wat vanaf die Direkteur-generaal:
Nasionale Intelligensiediens met betrekking tot die bovermelde
aangeleentheid ontvang is, is vir u inligting aangeheg. Dit sal
waardeer word indien u my van meer inligting met betrekking tot die
aangeleentheid kan voorsien.

[REDACTED]
DIREKTEUR VAN VEILIGHEIDSWETGEWING

UH

Versuum arb. nr 16 doc

S 14/7/87.
28.7.87

DECLASSIFIED

UDF: ONTVANGS VAN BUITELANDSE FONDSE VIA 'N VAKBONDFILIAAL

1. Die UDF het onlangs R25 000 van een van sy filiale, die National Union of Printers and Allied Workers' (NUPAW), ontvang, wat deur 'n onbekende buitelandse donateur aan NUPAW oorbetaal is.

Waarheidsgradering: 2

[REDACTED]

BEPERK

[REDACTED]

.....



- b. act as a co-ordinating body for progressive community, social, educational, political and other such organisation which subscribe to democratic principles.
 - c. articulate the social and political aspirations of members of the UDF and its affiliates.
 - d. engage in appropriate actions and undertake appropriate programmes in pursuit of the above.
4. As gevolg van die UDF se + 750 affiliale en die UDF se gedentraliseerde beleid, nl dat dit 'n organisasie van organisasies is, bring dit mee dat die UDF 'n besliste rol speel in alle politisering/mobiliseringsaksies wat in die RSA gevoer word en feitlik sonder uitsondering die rewolusionêre klimaat verhoog.
- Hierbenewens het die UDF ook 'n sg Fighting Alliance met die Congress of South African Trade Unions (COSATU) gevorm wat meebring dat sekere aksies deur die UDF identifiseer deur COSATU gevoer word, veral na die afkondiging van die noodtoestand wat die UDF ondergronds gedwing het. Voorbeelde hiervan ia aksies soos die Living Wage-, Rent evictions- en Unfair dismissals-kampanjes (vergelyk P.33 para 3 - Aanhangsel 'B').
5. Die UDF het in hul beplanning vir die deurloopende Campaign for National United Action 13 kampanjes waarvan verskeie onderverdeel is identifiseer (Sien Aanhangsel 'A').

6. Die kampanjes genomr (i), (ii), (iii), (iv), (v), (vi), (vii), (viii), (ix) en (xii) (Aanhangsel 'A') wat deur om die National Education Crisis Committee, SANSCO, COSATU, Civic Associations, Release Mandela Campaign, Free the Children Alliance gevoer staan te word of reeds begin is, asmede die kampanjes vervat in paragrae 2, 3, 5, 6, 7, 8, 9, 11, 12 en 15 vervat in die Nasionale Werkekomitee se dokument P. 32 - 39 (Aanhangsel 'B') asook die resolusies P.41 - 50 het die potensiaal om, en sal waarskynlik, indien hulle gevoer word; die veiligheid van die publiek en die openbare orde bedreig en beslis daartoe lei dat die opheffing van die noodtoestand vertraag word.

7. Gesien in die lig van bostaande, word aanbeveel dat 'n verbod op die voer van die aksies geïdentifiseer in para 6 supra deur die UDF en sy filiale asook die NECC en COSATU geplaas word ten einde toestande in die RSA te normaliseer en die opheffing van die noodtoestand te bespoedig.

Dit dien gemeld te word dat indien 'n Hofaansoek vir tersydestelling van die verbod ingedien word voldoende gronde aangevoer kan word om die aansoek met sukses af te weer.

8.
/6799

Befondsing sien aanhangsel A.

DECLASSIFIED

GEHEIM

DEPARTEMENT VAN JUSTISIE
<i>Jos</i> 1988
1988-01-11
PRETORIA
DEPARTMENT OF JUSTICE

mh-sg-080188

DDU
Breda 2/1/88
 DRV via DRW

MOSIE-AANSOEK: "UNITED DEMOCRATIC FRONT" EN ANDERE TEEN DIE STAATSPRESIDENT EN ANDERE.

U memorandum 2/4/2/121 (DDV/e) gedateer 17 Desember 1987 het betrekking.

Bovermelde aangeleentheid sal deur die Afdeling: Wetsvoorbereiding ondersoek word.

[Handwritten mark]
 8/1/88

here asb.

[Signature]
 12/1/88



DECLASSIFIED

Bere
UDF

MEMORANDUM: DIE STAATSPRESIDENT EN ANDER TEEN UNITED DEMOCRATIC FRONT EN ANDERE (OP APPÈL): IN RE DIE VERKLARING VAN DIE UNITED DEMOCRATIC FRONT TOT GEAFFEKTEERDE ORGANISASIE KRAGTENS WET 31 VAN 1974.

1. *Kontroleer met min Du Buisson (min. Krosel het reeds gest. daar moet voorgesag word)*
K

Ek was op 'n dringende grondslag versoek om 'n mening uit te spreek aangaande die vooruitsigte op sukses in die appèl na die appèl-afdeling van die Hooggeregshof van Suid-Afrika in bogemelde saak. Ek het mondeling die mening oorgedra dat daar, na my oordeel, redelike vooruitsigte bestaan dat die Appèlhof die appèl sal handhaaf. Ek het onderneem om later 'n memorandum bevattende my redes te voorsien. Dit volg hier benede. Ek hanteer die geskilpunte seriatim.

2.

United Democratic Front (hiernagenoem UDF) se hoofbetoogpunt in die hof a quo, synde die punt waarop Didcott R. UDF se aansoek toegestaan het, hoewel met verklaarde vertwyfeling, was dat 'n wesenlike element van die bevoegdingsfeite (die sogenaamde "jurisdictional facts") wat nodig was, alvorens die Staatspresident regsgeldig die UDF tot geaffekteerde organisasie kon verklaar onder gemelde Wet, ontbreek het.

SAHA

Die maatreëls waarkragtens die Staatspresident die UDF tot geaffekteerde organisasie verklaar het, word bevat in Artikels 2(1) en 8 van die Wet op Geaffekteerde Organisasies, nr 31 van 1974 en lees so:

Artikel 2(1): "Indien die Staatspresident oortuig is dat politiek deur of deur middel van 'n organisasie bedryf word met behulp van of in samewerking met of in oorleg met of onder die invloed van 'n organisasie of persoon in die buiteland, kan hy sonder kennisgewing aan eersgenoemde organisasie, maar behoudens die bepalinge van artikel 8, daardie organisasie by proklamasie in die Staatskoerant tot 'n geaffekteerde organisasie verklaar."

Artikel 8: "Die bevoegdheid wat by Artikel 2 aan die Staatspresident verleen word om 'n organisasie tot 'n geaffekteerde organisasie te verklaar, word nie uitgeoefen nie tensy die Minister oorweging geskenk het aan 'n feiteverslag wat met betrekking tot daardie organisasie gedoen is deur 'n komitee bestaande uit drie landdrosse deur die Minister aangestel, van wie minstens een 'n Hooflanddros of 'n Streeklanddros moet wees." In artikel 1 word "Minister" omskryf as die Minister van Justisie.

Die maatreël waaronder die Staatspresident die funksies wat deur die Wet op Geaffekteerde Organisasies aan die Minister van Justisie opgelê is, aan die Minister van Wet en Orde oorgedra het, was vervat in artikel 20A van die vorige Grondwet. Artikel 20A was in die Grondwet ingevoer deur Wet nr 101

van 1981 en lees so:

Artikel 20A(1): "Die Staatspresident kan die uitvoering van bepaling van 'n wet wat aan 'n Minister 'n bevoegdheid, plig of werksaamheid toewys, aan enige ander Minister opdra, hetsy spesifiek of by wyse van 'n algemene opdrag tot uitvoering van 'n wet of van alle wette wat aan eersbedoelde Minister bevoegdhede, pligte of werksaamhede toewys."

Soos reeds daarop gewys hierbo, het die Staatspresident by proklamasie R 30 van 1984 uitdruklik verklaar dat hy die proklamasie uitvaardig kragtens sy bevoegdheid onder artikel 20A en het hy daarin verklaar dat hy sy "goedkeuring" aan die betrokke oordrag van funksies verleen, in plaas daarvan om, so het die Hof bevind, direk die oordrag te gelas ooreenkomstig die taal van Artikel 20A(1) van die Grondwet.

Ook vir gerieflike verwysing haal ek die geheel van die inhoud van proklamasie R 30 van 1984 aan:

"Oordrag van bevoegdhede, pligte en werksaamhede van die Minister van Justisie aan die Minister van Wet en Orde, die Wet op Openbare Veiligheid, 1953 (Wet 3 van 1953), die Wet op Traangas, 1964 (Wet 16 van 1964), en die Wet op Geaffekteerde Organisasies, 1974 (Wet 31 van 1974).

Bladsy 5

Kragtens die bevoegdheid my verleen by artikel 20A van die Grondwet van die Republiek van Suid-Afrika, 1961 (Wet 32 van 1961) neg ek hierby my goedkeuring aan die oordrag van alle bevoegdhede, pligte en werksaamhede wat tans ingevolge die Wet op Openbare Veiligheid, 1953, die Wet op Traangas, 1964 en die Wet op Geaffekteerde Organisasies, 1974 aan die Minister van Justisie toevertrou is, aan die Minister van Wet en Orde.

Gegoe onder my Hand en die Seel van die Republiek van Suid-Afrika te Pretoria, op hede die tweede dag van Februarie eenduisend negehonderd vier-en-tagtig.

M. Viljoen

Staatspresident

Op las van die Staatspresident - in - Rade:

H.J. Coetsee."

SAHA

Uit die aangehaalde artikels 2 en 8 van die Wet op Geaffekteerde Organisasies, blyk dit duidelik (en was dit gemene saak deurgaans) dat, ten einde n regsgeldige verklaring van UDF tot n geaffekteerde organisasie te bewerkstellig, daar aan die vereistes gestel deur artikel 8 van die Wet, voldoen moes word. Dat die formele vereistes van artikel 8 nagekom is, was nie in

Bladsy 6

geskil nie. Die enigste vraag was of die Minister van Wet en Orde behoorlik bekleed was met die funksies van die Minister van Justisie, toe hy gedoen het wat vereis was deur Artikel 8.

Ten aansien van laasgenoemde, sal 'n vergelyking tussen die inhoud van proklamasie R 30 van 1984 en die teks van Artikel 20A(1), beide soos hierbo aangehaal, die probleem onmiddellik toelig. Artikel 20A maak nie voorsiening vir die "goedkeuring" deur die Staatspresident van die betrokke oordrag van funksies nie, maar vereis in terme oordrag van gemelde funksies van een Minister na die ander deur die Staatspresident self. Dit is dan ook hoe die Hof a quo dit beskou het en, gevolglik, bevind het dat die gewaande oordragshandeling beliggaam in proklamasie R 80 van 1984, nie geskied het ooreenkomstig die bepalinge van Artikel 20A nie en dat, gevolglik, die funksies van die Minister van Justisie regtens nooit oorgegaan het op die Minister van Wet en Orde nie.

5.

Na my mening is voormelde bevindinge van Didcott R ongetwyfeld verkeerd en gebaseer op 'n wanbeskouing van die ware funksies van die Staatspresident onder die vorige Grondwet. Ek verantwoord hierdie siening hierbeneede.

6.

Onder die huidige Grondwet van die Republiek van Suid-Afrika, nr 110 van 1983, word die Staatspresident, algemeen gesproke, beklee met wye uitvoerende magte. Daarteenoor was die Staatspresident onder die vorige Grondwet van die Republiek van Suid-Afrika, nr 32 van 1961, beklee met weinige, indien enige, onafhanklike uitvoerende magte en was die amp, weereens algemeen gesproke, 'n verteenwoordigende een met 'n lang konstitusionele geskiedenis. Die huidige Grondwet het in werking getree op 3 September 1984. Die gewraakte proklamasie R 30 van 1984 was op 3 Maart 1984 uitgevaardig. Die regsgeldigheid van die betrokke proklamasie moet gevolglik getoets word aan die hand van die vorige Grondwet en die konstitusionele reg soos dit bestaan het op 9 Maart 1984, die datum van uitreiking van proklamasie R 30, en moet daarteen die vraag gevra word of "goedkeuring" van die oordrag van die funksies van die Minister van Justisie aan die Minister van Wet en Orde, soos beliggaam in proklamasie R 30 van 1984, voldoen aan die bepalinge van artikel 20A van die vorige Grondwet. Dit moet gedoen word gedagtig daaraan dat die grondslag van die beswaar is dat deur die oordrag van die tersake funksies "goed te keur", die Staatspresident in die proklamasie skyn aan te dui dat hy geen oorspronklike diskresie daaraangaande uitgeoefen het nie, maar bloot sy stempel plaas op 'n diskresie wat deur ander uitgeoefen is.

Die bevoegdheids van die Staatspresident onder die vorige grondwetlike bestel (wat insluit die bevoegdheid kragtens artikel 20A om die tersake proklamasie uit te vaardig) word geskep deur die 1961 - Grondwet, maar begrens en beperk deur konvensie.

Artikel 7 van die 1961 - Grondwet bepaal, onder meer, dat die Staatspresident die hoof van die Republiek is; dat die oppergesag van die Suid-Afrikaanse Weermag by hom berus; dat hy, onderworpe aan die bepalinge van die Grondwet, bepaalde bevoegdhede geniet, waarby ingesluit is die mag om die Volksraad te ontbind, om ooreenkomstig die bepalinge van artikels 20 en 21 van die Grondwet Ministers en plaasvervangers as Ministers aan te stel, om internasionale konvensies, verdrae en ooreenkomste aan te gaan, om Krygswet af te kondig of te beëindig, om oorlog te verklaar en vrede te sluit en om bevoegdhede uit te oefen wat kragtens ander wette aan hom verleen word. Artikel 7(4) en (5) verdien egter spesiale melding. Artikel 7(4) bepaal dat die Staatspresident as hoof van die Staat oor dieselfde bevoegdhede en funksies beskik as wat die Koningin onmiddellik voor die inwerkingtreding van die 1961 - Grondwet by wyse van prerogatief gehad het. Artikel 7(5) verklaar dat die konstitusionele gebruike wat onmiddellik voor die inwerkingtreding van die Wet bestaan het, nie deur die bepalinge van die Wet geraak word nie.

Artikel 16 van die 1961 - Grondwet bepaal dat die uitvoerende gesag van die Republiek ten opsigte van enige aangeleentheid betreffende binne - of buitelandse sake berus by die Staatspresident handelende op advies van die Uitvoerende Raad (wat bestaan uit die dienende Ministers wat kragtens artikel 20 aangestel is). Artikel 16(2) verklaar dat, behalwe waar uitdruklik of by nodwendige gevolgtrekking anders bepaal word, n verwysing in die Grondwet na die Staatspresident, geag word n verwysing te wees na die Staatspresident handelende op advies van die Uitvoerende Raad. Soos in die geval van artikel 7, dien daar ook in besonder gelet te word op artikel 16(3) wat bepaal dat voormelde subartikels (1) en (2) nie so uitgelê moet word nie dat dit die beoefening van die Staatspresident van sy bevoegdhede kragtens artikel 20 (vir sover dit betrekking het op die aanstelling van Ministers slegs) of artikel 25 (waardeur die Staatspresident die tye van die sessie van die Volksraad bepaal en die Raad van tyd tot tyd kan prorogeer) of artikel 47 (waaronder die Staatspresident te enige tyd die Volksraad by proklamasie kan ontbind) of die konstitusionele gebruike in verband met die uitoefening van sy funksies deur die Staatspresident raak nie.

Die prerogatiwe en konstitusionele gebruike, waarna verwys word in artikels 7(4), 7(5) en 16(3), word nêrens in die 1961 - Grondwet omskryf of bepaal nie. Ek bespreek dit egter later hierin.

Indien 'n mens by die juridiese uitleg van die bepalinge van die 1961 - Grondwet betreffende die daarin verleende magte van die Staatspresident, te werk gaan soos Didcott R. (met die verskuldigde eerbied) deur slegs te let na die uitdruklike bepalinge van artikels 7(3)(b), 16(1) en 20A(1), sonder inagneming van of verwysing na die gemelde prerogatiewe en konstitusionele gebruike (konvensies), is dit verstaanbaar waarom die Hof a quo tot die gevolgtrekking geraak het dat 'n oordrag van funksies kragtens artikel 20A van een Minister na 'n ander, 'n oordrag verg waardeer die Staatspresident sy persoonlike diskresie daaraangaande uitoefen en dat "goedkeuring" van so 'n oordrag nie regtens voldoende is nie.

Die feit dat artikel 16(1) bepaal dat 'n verwysing na die Staatspresident in die Wet, 'n verwysing is na die Staatspresident handelende op advies van die Uitvoerende Raad, en dat daar gevolglik geen sprake kan wees van die uitoefening deur die Staatspresident van 'n individuele en onafhanklike diskresie by die oordrag van funksies onder artikel 20A nie, het nie die geleerde Regter van sy voormelde siening laat afsien nie. Die reaksie tydens betoog was dat artikel 16(2) slegs praat van "advies" en dat die Staatspresident nie gebonde is om advies te aanvaar nie.

In die lig van voorgaande wentel die probleem, gevolglik, af na die vraag of die Staatspresident onder die 1961 - Grondwet verplig was om uitvoering te gee aan die advies van die Uitvoeren-

Bladsy 11

de Raad. Is die antwoord op die vraag bevestigend, sou dit volg dat die Uitvoerende Raad n diskresie moes uitgeoefen het en n beslissing geneem het dat die funksies van die Minister van Justisie onder die Wet op Geaffekteerde Organisasies oorgedra word op die Minister van Wet en Orde, die Staatspresident daarvan in kennis gestel het en hy, gevolglik, dienooreenkomstig opgetree en die tersake proklamasie uitgevaardig het. Die Staatspresident sou dan nie n onafhanklike diskresie uitgeoefen het nie, maar bloot sy bevestiging of goedkeuring verleen het aan gemelde oordrag. Die proklamasie sou dan in orde wees. Dit bring n mens by die daardie newelagtige gebied bekend as konstitusionele gebruike of konvensies. Ek handel vervolgens daarmee.

7.

By die oorweging van konvensies, sou n aanvaarbare vertrekpunt seker wees om na die omskrywing daarvan te kyk.

Dicey: Law of the Constitution (tiende uitgawe) op bladsy 426 beskryf dit so:

"The conventions of the constitution are in short rules intended to regulate the exercise of the whole of the remaining discretionary powers of the crown, whether these powers are exercised by the Queen herself or by the Ministry."

Hood Phillips: Constitutional and Administrative Law (vierde uitgawe) op bladsy 77:

"Rules of political practise which are regarded as binding by those to whom they apply, but which are not laws as they are not enforced by the Courts or by the Houses of Parlemant."

Op eie bodem omskryf Verloren van Themaat: Staatsreg (tweede uitgawe - 1967) op bladsy 151 konvensies soos volg:

"Konvensies is gebruik wat die wye bevoegdhede van die Koning (of by ons die Staatspresident), die Ministers en die Parlement formeel, na die letter van die Regsreël, sou kan uitoefen, beperk."

Met betrekking tot die effek wat konvensies op die magte van die Staatspresident onder die vorige Grondwet het, gaan Verloren van Temaat, t.a.p., soos volg voort:

"Die gevolg van konvensies is dat die bevoegdhede in werklikheid verskuif word, sodat diegene wat formeel n bevoegdheid skyn te besit (en uit te oefen), dit in werklikheid nie meer op n ander wyse kan uitoefen nie, as wat aan hulle deur ander opgedra word. So bestaan die meeste koninklike prerogatiwe nog onverminderd, maar die Koning kan hulle nie op eie goeddunke uitoefen nie, maar moet die advies van sy Ministers volg. Deur konvensies kry die Ministers dus groot mag, maar aan

die ander kant word hulle, as gevolg van ander konvensies, weer afhanklik van die Laerhuis.

Hierdie verskuiwing van die werklike seggenskap in die uitoefening van bepaalde bevoegdhede, bring mee dat die werklike Staatsreg anders lyk as die fomele Staatsreg skyn aan te dui."

(Die onderstreping is myne.)

Die eerste beklemtoning by wyse van onderstreping hierbo, gaan tot die wese van die vraag onder behandeling. Die tweede beklemtoning lê slegs die vinger op die probleem wat ondervind was in die Hof a quo, waar die Staatsreg toegepas was suiwer ooreenkomstig die sogenaamde letter van die Wet en sonder inagneming van konvensie.

Dion A Basson en Henning T Viljoen: Studentehandboek vir die Suid-Afrikaanse Staatsreg (1986):

"Ons eie siening is dat konvensies, of sommige daarvan in ieder geval, Staatsregtelike gewoonteregsreëls is. Dit sal dan dié wees wat baie lank reeds toegepas word en waarvan die inhoud vas en seker is."

Dat konvensies in die Engelse Staatsreg ontwikkel het om die mag van die Britse Koning te beperk, behoef geen verantwoording nie. Met betrekking tot die effek wat konvensies gehad

Bladsy 14

het en steeds het op die Britse Grondwetlikebestel, sê Hood Phillips, op. cit. op bladsy 81 die volgende:

"In this way the legal framework of 1688, a strong monarchy limited in certain sesific ways, has become a "constitutional" monarchy, that is to say a democratic political system with hereditary head of State particularly bereft of Governmental Powers."

Die Britse Koninklike prerogatiewe, asook die konstitusionele konvensies is uitdruklik op ons Staatsreg oorgedra deur die Zuid-Afrika Wet, 1909. Ten aansien van die oordrag van prerogatiewe verklaar Innes, C.J. in Union Government (Minister of Lands) v Estate Whittaker, 1916 A.A. 194 op bladsy 202:

"It is clear that the prerogative is as extensive in Natal as in England, except in so far as it has in either country been duly modified or abandoned; it is also clear that any statute affecting it must be strictly construed, and that it requires definate language or necessary implication to diminish the rights of the Crown."

(Sien ook Union Government v Tonkin, 1918 A.A. 533 op bladsye 539 - 540; Sachs v Dönges, N.O., 1950(3) S.A. 265(A) op bladsy 288 e.v.).

Artikel 8 van die Zuid-Afrika Wet, 1909, bepaal op Engels

soos volg:

"The executive Government of the Union is vested in the King, and shall be administered by his Majesty in person or by the Governor-General as his representative."

In die Ope Brief (Letters Patent) wat onder die Koninklike Seël uitgereik is te Westminster op 29 Desember 1909, verskyn in klousule 3 daarvan:

"The Governor-General may on our behalf exercise all powers under the South Africa Act, 1909, or otherwise in respect of the summoning, proroguing, or desolving the Parliament of the Union."

Na die aanvaarding van die Britse Statuut van Westminster, 1931 waardeur soewereiniteit aan die Parlemente van die destydse Britse Vrygeweste verleen was, het die Parlement van die Unie van Suid-Afrika die Wet op die Status van die Unie, 1934 (nr 69 van 1934), aangeneem. Artikel 4 van daardie Wet maak voorsiening daarvoor dat die Goewerneur-generaal sy bevoegdhede onder die Suid-Afrika Wet uitoefen handelende op advies van die Ministers. Artikel 4(3) van daardie Wet bevat wesenlik dieselfde bepalinge as artikel 16(3) van die 1961 - Grondwet.

Die konvensies wat in die Britse Staatsreg bestaan het, was

gevolglik deur wetgewing in ons stelsel ingedra en, ten aansien van daardie konvensies wat relevant is tot die onderhawige geding, onveranderd gegeld in die 1961 - Grondwet ten tye van die uitvaardiging van proklamasie R 30 van 1984. Van die vele konvensies wat op daardie wyse deel van ons Staatsreg geword het, is een daarvan bepalend vir die vraag onder bespreking. Hood Phillips op cit bladsy 86 omskryf daardie konvensies soos volg:

"The Queen is bound to exercise her legal powers in accordance with the advice tendered to her by the Cabinet through the Prime Minister. She has the right to be kept informed and to express her views on the question at issue, but not to override ministerial advice."

Voormelde konvensie was onder die 1961 - Grondwet net so van toepassing op die Staatspresident gedagtig daaraan dat artikel 7(4) van daardie Wet bepaal dat die Staatspresident as hoof van die Staat bekleed word met dieselfde bevoegdhede en funksies as wat die Koningin onmiddellik voor die inwerking treding van die Wet by wyse van prerogatief gehad het.

Die enigste gesag in ons Regspraak wat ek kon opspoor in die tyd tot my beskikking, waarin hierdie besondere konvensie onder bespreking, toegepas was, word gevind in Schierhout v Union

Bladsy 17

Government, 1927 A.A op bladsy 101 - 2, waar De Villiers

J.A., dit soos volg hanteer:

"The constitutional position therefore is that the Governor-General, except in the case of murder which is specially dealt with in the Letters Patent and possibly in one or two other cases, of which this is not one, is bound to accept the advice of his Executive Council. In all such matters there is no discretion in the Governor-General personally.

That being the case, there is no legal duty upon him to peruse the documents and to make up his mind upon them. He may do so or not as he pleases. If he does so, and inclines to a view different to that held by his responsible advisors he may no doubt put his personal views before them and endeavour to persuade them from the proposed course. But more he cannot do. If the Ministers persist in the course advised, the Governor-General has no option but to approve."

(Die onderstreping is myne.)

Hoewel toepaslik, maar minder duidelik en kennelik obiter is Corbett, J.,M se dicta in S A Defence and Aid Fund and another v The Minister of Justice, 1967(1) S A 31(K) op bladsy 34, waar die volgende verskyn:

"..... the Act is silent. It does not indicate how this information is to be used by the Minister or what the procedure thereafter should be. I have no doubt that in accordance

Bladsy 18

with the usual constitutional practise in such matters
....., the Minister, having considered the matter, would
lay the relevant information together with his own views
and recommendations, before the Executive Council which would
then decide whether it was satisfied that the necessary grounds
for the declaring of the organisation unlawful existed. If
it was so satisfied and it was decided to exercise the power
to declare the organisation unlawful, then the State President
would be advised accordingly."

8.

In die lig van die voorgaande uiteensetting van die Staatregtelike
beginsels wat gegeld het ten tye van die uitreiking van prokla-
masie R 30 van 1954, is ek die mening toegedaan dat die proklama-
sie behoorlik uitgereik is ooreenkomstig die bepalinge van
artikel 20A van die Grondwet. Hoewel dit die Staatpresident
se prerogatief was om op te tree kragtens sy bevoegdheid
verleen deur artikel 20A, was daardie prerogatief aan bande
gelê deur konvensie en had hy geen ander keuse nie as om
sy goedkeuring te heg aan die oordrag van die betrokke funksies
vanaf die Minister van Justisie na die Minister van Wet en
Orde. (Vergelyk Schierhout v Union Government, supra, op
bladsye 101 - 2).

9.

Die tweede betoogpunt wat deur die UDF aangevoer was, het bestaan uit 'n spitsvondige en unieke benadering tot die audi alteram partem - beginsel. Dit was so gestel: "The First Respondent (Die Staatspresident) had a discretion as to whether or not notice of intended action against the First Applicant (UDF) should be given to the First Applicant. That discretion had to be exercised properly. The submission is that the First Respondent did not do so because he simply assumed that once there was no obligation in law to give such notice to the First Applicant he would not do so."

Na my mening was hierdie betoog gebaseer op 'n totale wanbegrip van die audi alteram partem - beginsel en die effek van die uitsluiting daarvan deur die wetgewer.

Soos gesien sal word by die lees van artikel 2 van die Wet op Geaffekteerde Organisasies, hierbo aangehaal, is die Staatspresident by magte om die verklaring te doen sonder kennisgewing aan die betrokke organisasie. 'n Bepaling in 'n wet dat die bekleër van 'n mag iets kan doen sonder kennisgewing aan die persoon of instansie wat daardeur geraak word, is sonder uitsondering deur ons howe vertolk as 'n verklaarde bedoeling aan die kant van die wetgewer om die audi alteram partem - beginsel uit te sluit. (Sien byvoorbeeld South African Defence and Aid Fund v Minister of Justice, 1967(1) SA 263(A))

op bladsy 268; R. v Ngwevela, 1954 (1) SA 123(A) op bladsy 131; sien ook Omar en ander teen die Minister van Wet en Orde en ander (Appèl-Afdeling) 25 Junie 1987 (ongerapporteerde)).

Moeilik soos dit is om die advokaat van UDF se betoog te volg op hierdie punt, skyn dit op die volgende neer te kom: hoewel hy toegee dat die audi alteram partem - beginsel uitgesluit is, kom dit daarop neer dat die Staatspresident geen vooraf kennisgewing aan 'n organisasie hoef te gee nie, maar tog nog 'n soort persoonlike willekeurige diskresie behou om te besluit of hy desnieteenstaande die bepalinge van die Wet, vrywilliglik kennis moet gee aan die organisasie. Die Staatspresident het nie sy diskresie hieraangaande uitgeoefen nie en die verklaring van UDF tot verbode organisasie was, aldus die betoog, regtens ongeldig.

Na my mening is dit 'n drogredinasie en word as sodanig ontbloot by 'n behoorlike ontleding van die tersake beginsels.

Die bevoegdingsfeite (Jurisdictional facts) wat teenwoordig moes wees, alvorens die Staatspresident 'n geldige verklaring van die UDF tot 'n geaffekteerde organisasie kon maak, is die volgende:

- a) Die Staatspresident moes oortuig wees dat politiek deur of deur middel van die UDF bedryf word met behulp van of in samewerking met of in ooreën met of onder die invloed van 'n organisasie of persoon in die buiteland;

- b) Voordat die Staatspresident tot die voorgaande oortuiging geraak, moes die Minister van Wet en Orde oorweging geskenk het aan 'n feiteverslag wat met betrekking tot die UDF gedoen is deur 'n komitee bestaande uit drie landdroste deur die Minister aangestel, van wie minstens een 'n Hoof- of Streeklanddros moes wees.

By ontstentenis aan uitsluiting daarvan deur die sinsnede in artikel 2 - "sonder kennisgewing aan" die UDF - sou die audi alteram partem - beginsel in die artikel ingelees moes word as 'n verdere bevoegdingsfeit. (Sien Publications Control Board v Central News Agency, 1970 (3) SA 479 (a) op bladsye 488 - 9).

10.

Soos reeds daarop gewys is die audi alteram partem- beginsel onderhawig uitgesluit en die enigste bevoegdingsfeite wat teenwoordig moes wees vir 'n geldige verklaring kragtens artikel 2 was dié vervat onder (a) en (b) hierbo. Dit synde die posisie, kan daar nie gesê word nie dat, omdat die Staatspresident buite die bepalinge van die Wet die reg gehad het, indien hy dit so sou verkies, om aan die UDF kennis te gee van sy voorneme, hy, deur dit nie te doen nie, 'n ongeldige verklaring gemaak het.

Bladsy 22

Na my mening is hierdie besondere punt op die feite nie vir die UDF beskikbaar nie. Die hele betoog is daarop gebaseer dat die Staatspresident skynbaar onder die indruk was dat hy in effek verbied was deur artikel 2 van die Wet om vrywilliglik kennis te gee van sy voorneme en dat hy nooit besef het dat hy so 'n vrywillige kennisgewing kon gee nie. Op bladsy 178 van die stukke (paragraaf 12.15) verwys die Staatspresident na die reg vervat in artikel 2 om sonder kennisgewing aan UDF die betrokke proklamasie uit te vaardig en verklaar hy dat hy verkies het om dit so te doen. Hieruit volg dit dat die Staatspresident wel 'n diskresie daaringaande uitgeoefen het.

11.

'n Verder aanval op die geldigheid van die verklaring van die UDF tot 'n geaffekteerde organisasie, was ook gerig op die inhoud van proklamasie R 30 van 1984. Dit was so bewoord: "What is authorised by section 20A (1) of the 1961 constitution is the assignment of "the administration of any provision in any law". This is not to be equated with a power to assign the power, duty or function itself from one Minister to another. The First Respondent, however, did not confine himself to an assignment of the administration of the law in proclomation R30 of 1984. It does not refer to the assignment of the administration of any law at all - it purports to transfer

Bladsy 23


directly the powers, duties and functions entrusted to the Minister of Justice in terms of three statutes, to the Minister of Law and Order."

Na my mening is hierdie betoogpunt toereikend en ardoende beantwoord in die hoofde van betoog wat namens die Minister van Justisie tydens die verrigtinge in die hof a quo geliasseer was. In wese kom dit daarop neer dat die betoogpunt deur die bepalinge van artikel 10 van die Interpretasiewet, nr 33 van 1957 ongedaan gemaak word.

12.

In die vooropstelling is ek die mening toegedaan dat die vooruitsigte dat die Appèlhof die Staatspresident se appèl sal kan handhaaf, goed is.

GEDATEER te PIETERMARITZBURG op hierdie 20ste dag van AUGUSTUS 1987.



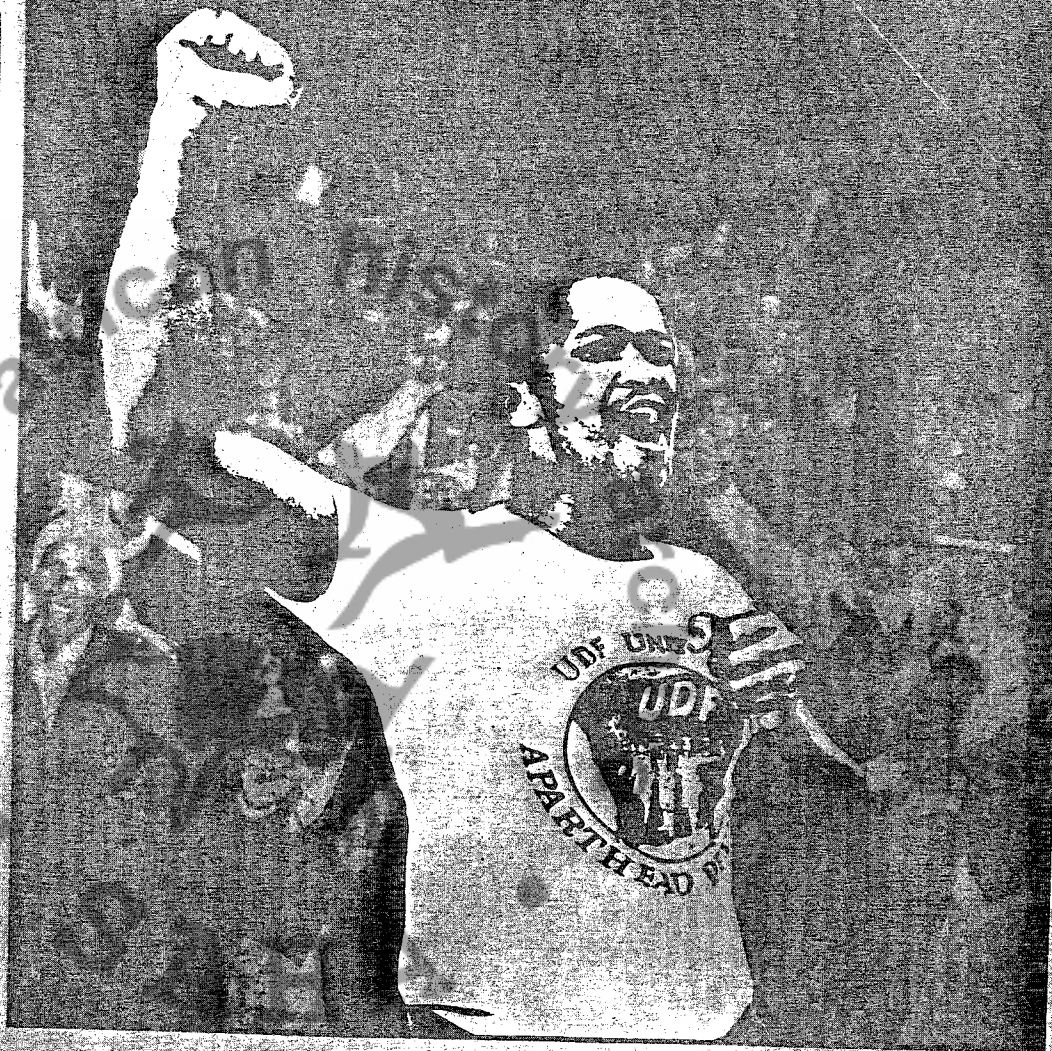
Kamers N B S Stadsentrum
Kerkstraat
PIETERMARITZBURG

ISIZWE

THE NATION



JOURNAL OF THE UNITED DEMOCRATIC FRONT Vol 1 No.4 March 1987



THE PEOPLE SHALL GOVERN

Notes - on UDF

South

Contents

Introduction	2
Notes on the present situation	3
Democracy	20
Monopoly capital	30
Why we organise	36
Defence committees in Angola	45
Poem by Agostinho Neto	52

The views expressed in ISIZWE are not the official views of the UDF or any section of the Front. They are designed to encourage discussion, education and training within our ranks.

If there are any issues which comrades would like ISIZWE to discuss, or if you are unclear or unhappy about what we have said, write to Isizwe through your organisation or local UDF REC.

INTRODUCTION

We are now into the ninth month of the latest state of emergency. We in the UDF have no doubt as to who is the major target of the apartheid regime's repression. Despite losses and heavy blows from detentions, imprisonment and the murderous work of the vigilante death squads, the UDF continues to inspire millions of democratic, patriotic South Africans. We are once more proving that we will not be stopped.

Even in 1984 the regime boasted that it would 'finish off the UDF in 6 months'. They are still trying, and they will not succeed. They have completely underestimated the heroism and determination of millions of ordinary South Africans.

But this does not mean that we on our side can be complacent. To continue our struggle we need to broaden our unity, double our vigilance, and, above all, deepen our organisation. It is for this reason that this issue of ISIZWE puts special stress on organisational topics.

A LUTA CONTINUA !
FORWARD TO PEOPLE'S POWER !

Notes on the present situation

(The following are extracts from a discussion paper prepared for the UDF NEC)

INTRODUCTION - THE CURRENT POLITICAL SITUATION

Towards the end of 1984 the apartheid regime began to lose the political strategic initiative. In the wake of the massive defeat of its 'reform' initiatives, and the massive mobilisation that occurred around their rejection, a significant qualitative change began to take place in the people's camp. With the collapse of its lower levels in the townships, apartheid rule came increasingly to be challenged by the development of rudimentary organs of people's power within rural and urban townships.

For the ruling bloc, the resulting political crisis placed tremendous strains on its internal unity. In the course of 1985 the ruling bloc showed greater signs of internal division than previously. On the one hand, the ultra-right wing parties

and groupings (Conservative Party, HNP, AWB, etc.) extended their influence and mobilisation considerably within the white working class areas and certain white rural areas. On the other side, more enlightened elements of the big bourgeoisie, the PFP and other groupings became less certain of their middle term future under white minority rule. They began to seek contact with the ANC and with the legal progressive movement.

At the same time, and for the same reasons, the major imperialist powers became increasingly nervous about the medium term prospects for capitalism in South and southern Africa, seeing the continuation of the apartheid regime as a major cause for mass mobilisation, deepening struggle, people's war and wide-spread anti-imperialist sentiment.

In the first few months of 1986 the regime found itself in a no-win situation. It is clear that towards the end of 1985 they had been contemplating the release of cde Nelson Mandela. Their political signals to this effect did not take the national and international pressure off them. In fact, they served to heighten the pressure. The Commonwealth's EPG initiative marked the turning point. Despite early misgivings about the initiative, the UDF co-operated with the mission, and this proved to be a correct decision. The major demands of the the EPG echoed most of the immediate demands of the broad democratic movement - in particular, the unbanning of the ANC and the release of all political prisoners.

As a result of these combined pressures, in May 1986 a new tactical shift from the side of the regime became apparent. It realised that, both on the international front and the domestic front, its attempts to buy time for 'reforms' that would keep the basic structures of minority rule were failing. The regime abandoned pretences, and moved more aggressively (raids against the ANC in the frontline states, enactment of the Le Grange Bills in the face of opposition even from their own puppets in the tricameral parliament, and the declaration of the second state of emergency on June 12th).

This marked, of course, merely a tactical shift, a greater level of ruthlessness, within the broader context of continued, uninterrupted fascist terror against the South African majority, representative organisations and the frontline states. In the week preceding June 16th the regime launched a massive campaign of disinformation to whip up fear.

For the regime, the second state of emergency (SOE) is designed to achieve the following results:

- i. Smash the rudimentary organs of people's power - specifically street committees, people's courts, and initiatives around people's education;
- ii. Destabilise mass democratic organisations, specifically the UDF. The regime possibly has the medium term objective of banning the UDF completely;

iii. To obtain more information, through interrogation, on people's power and mass organisations. It is clear that the regime's information is extremely uneven ;

iv. To regroup and re-consolidate the ruling bloc. Specifically, to take back some of the language and symbols of the extreme right wing, and to be seen to be taking a hard line against 'revolutionaries'. In so doing, they hope to reclaim some of the support drifting to the CP/HNP/AWB. On the other hand, through promoting a sense of siege, of total onslaught, they hope to win back some of the more liberal waverers in the professional and big business sectors.

The main cost to the regime for this tactical shift has been on the international front. The shift marked an admission from its side to its imperialist partners that it was unable to meet the minimum demands emanating from these countries.

In terms of the four main aims of the second SOE, it is perhaps too soon to pronounce definitely about how successfully they will be achieved. Generally, the regime has achieved some success in regard to all four, but it has so far failed to recoup to the level of the 1983-4 situation (itself crisis ridden). For a number of objective and subjective reasons (see Isizwe no.3) the regime is highly unlikely to achieve a roll-back of the popular forces in any way resembling that of the first half of the 1960s.

INTERNATIONAL SITUATION

The current situation is marked by considerable tactical confusion amongst the major imperialist powers. With some R60 billion in direct imperialist investment in our country, SA is of considerable significance to these powers. Their broad strategy, developed over the last decades, is to arm SA as a mini-imperialist power and regional policeman for the entire sub-continent. It is a similar strategy to that developed for the Shah's Iran, Israel, etc.

The imperialists' main concern at present is the chronic instability, and the medium term viability of the apartheid minority regime. With the heightening of our struggle, the last three years have seen, in particular, a significant defeat for the principal aim of constructive engagement : to stabilise the South African situation, while bypassing the national liberation movement, and in particular its leading organisation, the ANC.

In the last year, as a result, there has been a growing tactical divergence between the main imperialist powers and the apartheid regime. For the imperialists, the main tactical thrust at present is to urge rapid negotiations, to forestall any far-reaching revolutionary change. They have realised that it is impossible to bypass the ANC. Instead they attempt to draw the teeth of the liberation movement, while calling for the unbanning of the ANC and the release of political prisoners. Insofar as they are applying limited sanctions is as a signal to the apartheid regime, tactical pressure to secure the conditions for negotiations.

For the imperialist powers, then, sanctions are not seen as one weapon amongst others, to completely remove the illegal minority regime.

One of the major weaknesses of the imperialist strategy is the significant absence of a viable collaborating group. Gathsa Buthelezi continues to be seen as a component of such a group. However, his local and international prestige is considerably more stained, and his local support base less solid. (Even within the PFP there is a clear recognition that Buthelezi's participation in their failed 1985 National Convention Alliance proposal was a major weakness).

In the light of this weakness (i.e. the absence of a significant neo-colonial collaboration base) we in the mass democratic movement need to be particularly vigilant. The last period has seen a vast increase in the sums of money being pumped into the country, for black education, rural, labour and community projects of all kinds. This funding has the capacity to reach into the soft underbelly of the mass democratic movement. We need, increasingly, and rapidly, to develop a uniform political approach to this funding. In particular, we need to guard against the following :

- i. excessive dependency by progressive organisations on foreign funding
- ii. the undermining of structures through corruption

- iii. the unnecessary disclosure of information about our structures and campaigns to foreign agencies
- iv. the tying up of leadership in endless overseas trips, when the priorities lie in building mass structures inside our country.

We need also to be clear that progressive organisations cannot accept money from sources that are using this as a justification for an anti-sanctions stance.

The situation in the southern African region, has generally deteriorated further in the last period. The destabilisation of the frontline states has unquestionably weakened our own struggle. The increased regional instability is likely to continue. As the apartheid regime faces the prospect of its own demise, so it drags the whole sub-continent into turmoil. The interconnectedness of our own struggle and the tasks of consolidating gains in Mozambique, Angola and Zimbabwe is more apparent than ever.

In the coming period, the mass democratic movement in SA has a special responsibility in this regard. With the exception of some memorial rallies for Pres. Samora Machel, and some pamphleteering around his untimely death, we have failed in the past period to adequately deepen the spirit of internationalism within the sub-region. The UDF should also take more responsibility for pressuring regimes within the region when they allow South African refugees to be harassed, detained and even handed over to the apartheid regime.

THE ECONOMY

The economic crisis in South Africa is both partly independent and deeply related to the current wave of mass political struggles. SA, like many other relatively advanced but not major capitalist powers, has been severely affected by the prolonged, global capitalist crisis dating back to the early 1970s. In SA's case this crisis has been partially, but only partially, cushioned by its major export, gold.

This crisis in SA has, as elsewhere, taken the form of chronic stagflation - low or zero growth, coupled with fairly significant inflation. Although this is a crisis of South African capitalism, its effects are suffered most acutely by the working masses. Unemployment in our country has assumed enormous proportions - current estimates range between 4 and 6 million. The majority of these unemployed are, in fact, youth who have so often formed the shock troops in the struggles in the last period.

The economic crisis, and especially inflation, has also deeply affected the already desperate plight of the majority. The crisis has also severely limited the regime's ability to buy itself out of its political crisis. Even the limited 'reforms' envisaged on the housing and educational fronts, have been considerably more restricted as a result.

In turn, the political upheavals of the last two years have further deepened the economic crisis of the regime. Returns

on US investment to SA have declined considerably in the last six years as a result of the instability here. This simple fact of lower profitability, coupled of course with sanctions pressure, should be seen as a key motivation for the recent withdrawal of large US companies like GM and IBM. While the immediate economic impact of these withdrawals may not be great (the companies have been taken over by South African shareholders), it has medium term significance. It sets a trend and lowers the attractiveness of investment in SA. Politically, the less committed US companies are to SA, the less the South African ruling bloc can depend on imperialist support. No wonder a recent US State Department briefing document which suggested that SA was rapidly becoming 'just another third world, African economy', provoked considerable hysteria from the side of the Botha regime.

The regime's current, more aggressive tactical shift on the political front has its economic equivalents, and its economic effects. With the advent of the second SOE, and the resulting advance of international sanctions, we are seeing the development of a siege economy within the country. The siege economy is part and parcel of the regime's 'total strategy', which it has held in contingency planning for some years.

In practice, the sie the deepening of col big capital, and inc to economic informat between state and bi

to be noted in :

i. joint strategising on how to break sanctions ;

ii. participation of political, defence, police and business personnel on the Joint Management Committees. It is here that detailed, localised strategies are developed in an attempt to break the wave of popular struggle.

Apart from its economic objectives, the siege economy approach thus serves to consolidate one aspect of the fourth objective of the SOE - the closing of ranks between the regime and big capital.

Another important outcome of the siege economy approach will be an increased monopolisation of our economy. Already four companies control 80% of shares quoted on the Johannesburg Stock Exchange. This monopolisation will increase, and it will further worsen unemployment.

From this brief economic survey we can conclude that those of our campaigns that are centred around the economic hardships of our people (rents, a living wage, unemployment, transport costs, etc.) will continue to be of central importance in the new year. The need for consolidating our united action with the trade unions, specifically Cosatu, is particularly relevant in this regard. The regime will certainly seek, henceforth, to blame all economic hardships on the sanctions campaign. It will be a major political duty of the mass movement to expose this propaganda, and explain the real reasons

for the economic crisis in our country.

REGIONALISM AND FACTIONALISM

The current period requires even greater efforts than in the past to ensure the unity of the UDF. The UDF has over 700 affiliates, it is a broad alliance that came together around a specific campaign, and the momentum of mobilisation and organisation built up in 1983-4, have kept the Front moving forward. In so doing the UDF has been occupying the terrain of open, mass political struggle, a terrain that had been more or less empty for over twenty years.

In the course of these developments, individuals, and groups from many different political, ideological, class and cultural backgrounds have been drawn together. Within the UDF today you will find activists and supporters whose backgrounds are Black Consciousness, liberal, Charterist, socialist, ultra-left, Christian, Muslim, and many more. We have also had to cope with differences between generations, which have sometimes been exaggerated by the long silence on the mass political front in the previous two decades. Generally, it can be said that the UDF has pulled these differences into a remarkable unity, beneath the broad hegemony of the national liberation front and the strategy of national democratic struggle. However, no-one should be surprised if this diversity also continues to have some negative effects.

REGIONALISM

The very fact of rebuilding nationally on the front of mass struggle has underlined regional diversities. Some of these differences are of a subjective kind, reflecting the particular strengths and weaknesses of UDF leadership and structures in particular areas. But this is not the only, or even the main cause for regional differences. The UDF nationally has had to come to terms with regions that are, objectively, quite different- for instance Border and Eastern Cape on the one hand, and the Western Cape on the other. The former regions have large African populations and strong Charterist traditions. In the Western Cape, the African population is relatively smaller, and the large coloured sector does not have strongly rooted Charterist traditions.

Generally speaking, the UDF has learned to work with these differences, while seeking, at all times, to advance national unity in action and a broad uniformity of approach. In the last period most of the sharpest regional differences at the ideological level have been overcome. Our Second National Working Committee, held last year, and attended by many delegates from all over SA, witnessed a new level of national unity and uniformity of approach.

FACTIONALISM

A more serious problem within a front like ours can be the problem of factions. While genuine political differences do certainly play a role, factionalism is often more related to styles of work, and

competing networks of influence and control of resources, and to certain personalities displaying individualism, ambition and other petty bourgeois tendencies.

There is a natural tendency, however, from within factions to justify their existence on allegedly ideological grounds. They will also attack other factions (real or imagined) on ideological grounds. All of this generally serves to obscure the real root of the problem. These false ideological justifications generally take the form of claiming to represent the 'authentic Movement position' - as opposed to the 'others'. The incorrect, and often highly undisciplined introduction of this particular dimension, merely makes resolution of the problem even more difficult.

In understanding the existence of factions, we need to consider the importation of certain styles of work into the UDF from the late 1970s and early 1980s. Positive work in this earlier period was performed and made possible, arguably at least, by certain styles of work - tight caucusing, advanced groupings working within the broader leadership of organisations, etc.

However, the huge development of mass based democratic organisations, and the overwhelming acceptance of the broad charterist perspective, has made these old styles of work unconstructive. The broad charterist position no longer needs safeguarding from the basis of self-appointed, independent small advance networks that bypass the democratic processes of mass organisations.

The UDF has identified the following basic principles as our chief weapons against factionalism :

- i. the upholding of democratic processes of our affiliates and of the front itself, even under conditions of the emergency. There must be no casual bypassing of these democratic processes - even if they need to be substantially adjusted because of repression. No such bypassing can be justified in the name of the 'authentic Movement line', or whatever. The UDF and its leadership is not an alliance, or conglomeration of factions. This is an important assertion, unfortunately in many quarters within our ranks there is a dangerous assumption that the mass democratic structures are purely formal, and that somehow everyone must also sign up with one or another faction. Against these tendencies we must ensure that our activists learn to act in accordance with the merits of a particular line, democratically determined, rather than on the basis of this or that individual authority or factionalist line.
- ii. a clear understanding of the different levels of discipline. Characteristically, factions operate in a cloudy, intermediate area, without being under the discipline of any real organisation - legal or otherwise. However, underground levels of discipline are sometimes falsely invoked (often publicly) to justify bypassing the discipline of UDF structures. It needs to be understood that no independent group, or individual can designate itself as 'authentic'.

It also needs to be understood that the use of such alleged authority in open public forums is entirely incorrect if not downright suspicious.

- iii. democratisation and answerability of service organisations to elected structures of our mass organisations. These service organisations often command considerable resources, and employ many more activists than our affiliates and central front structures themselves. Such service organisations can disrupt the processes of the front if they make independent interventions, or understand their answerability to mean answerability to merely some elected leaders, of their own choice.
- iv. uniform, national programmes of education and training - particularly designed to underline our unity, and to emphasise that factionalism is currently not fundamentally rooted in ideological differences.
- v. the deepening of constructive criticism and self-criticism within our ranks. UDF and affiliate structures must be able to accommodate ongoing constructive criticism. At the same time, loose talk, gossip and slander cannot be tolerated. Those with criticisms must make them within the democratic structures of the mass movement.

The dangers of factionalism cannot be overstated in a situation in which there is a relatively vigilant enemy, constantly on the look-out for gaps within the people's camp. The UDF and its affiliates need to

act democratically, but also boldly and quickly against individuals guilty of gossiping and involved in faction forming. Too often we have waited inexcusably long, allowing factionalism to deepen and spread.

Finally, it should be stressed that the struggle against factionalism must in no way be equated with the attempt to stifle debate, or disciplined diversity within the framework of the basic ideological and organisational principles of the front.

THE DEBATE ABOUT SOCIALISM

In the last year, there has been a growing mass interest within the UDF and Cosatu ranks, in socialism. There is a great hunger for more information about socialism, and for wider discussion about a possible socialist future in SA. These developments are widespread and national in character. Several commercial surveys, in fact, have shown that a majority of blacks support socialism. (The Financial Mail, for instance, reported a poll that indicates 77% support from urban blacks for socialism.)

The handling of this reality from the side of the UDF leadership has not always been self-assured. It is clear that the UDF is not, and should not be a socialist front. The UDF and the broader liberation front include both socialists and non-socialists. This is not a shortcoming. The last three years of intense struggle have confirmed, once more, in the hard school of practice, the absolute correctness of the broad strategy of national democratic struggle. Any individual who imagines that the NDS strat-

egy is a delaying tactic, or the result of a 'petty bourgeois takeover' of the liberation movement, is lacking in any concrete understanding of the material conditions in SA. (And, it should be said, such an individual is also lacking in any understanding of the real possibilities of transition to socialism in our country.)

On the other hand, a genuine interest in socialism and its propagation is not to be equated with dissidence, workerism, or any other deviation. Where such accusations have been made, where for instance interest among youth in socialism is dampened or suppressed, this merely encourages divisions between generations, and the formation of factions.

More positive, open discussion on the future of our country needs to be encouraged within the ranks of the UDF.



SAHA

DEMOCRACY

We are involved in a national DEMOCRATIC struggle. But what do we mean by democracy? How does our approach differ from other approaches to democracy? Under the state of emergency are democratic procedures possible within our organisations? These are just some questions that arise when we speak about democracy.

To understand our approach to democracy, it is useful to consider the question at two different, but connected levels.

1. In the first place, democracy is the fundamental aim of our broad national democratic struggle - to bring about a united, democratic South Africa. This aim is summed up in the demand: The people shall govern!

2. In the second place, there is the question of democracy within our existing organisations.

It is useful to separate these two levels, but obviously they are also connected. By developing active, mass-based democratic organisations, we are laying the basis for a future, democratic South Africa.

Let us consider each of these levels in more depth.

DEMOCRACY, THE BASIC AIM OF OUR NDS

We are struggling to build a future SA in which the broad working masses of our country have a real control over their lives. This means control over all aspects of their lives - from national policy to housing, schooling and working conditions. This, for us, is the essence of democracy. When we speak of majority rule, we do not mean that black faces must simply replace white faces in parliament. When we demand that the people shall govern, we mean at all levels and in all spheres, and we demand that this must be a real, effective control on a daily basis.

To place stress on this understanding of democracy, fundamentally distinguishes our position from various liberal versions of democracy. These liberal approaches look at abstract models, and, in particular, they lay great stress on multi-party systems as opposed to supposedly 'undemocratic' one-party states. A future, liberated SA may have a one-party or a multi-party system. That, for us, is not at all the most important question. Indeed, in different liberated countries there are advanced

democracies that involve one party systems in some, and multi-party systems in others. In all progressive countries, seeking to build and deepen democracy, it is not a question of how many parties are to be included, that is not the central question at all. The key to deepening democracy lies in deepening mass organisations in all sectors of society, and in creating the right social and economic conditions in which power is no longer in the hands of a small class of exploiters.

Reflecting this approach to democracy, this is what Sandinista leader and Nicaragua vice president, Sergio Ramirez says :

"Effective democracy, like we intend to practice in Nicaragua, consists of ample popular participation : a permanent dynamic of the people's participation in a variety of political and social tasks ; the people who give their opinions and are listened to ; the people who suggest, construct and direct, organise themselves, who attend to community, neighbourhood and national problems ; a people who are active in the independence of the country and in the defence of that independence and also teach and give vaccinations ; a daily democracy and not one that takes place every four years, when at that, or every four or five or six years when formal elections take place ; the people don't go as a minority but in their totality ; and they consciously elect the best candidate and not one chosen like a soap or a deodorant, a vote freely made and not manipulated by an advertising agency ... for us democracy is not merely a formal model, but a continual process capable of giving the

the people that elect and participate in it the real possibility of transforming their living conditions, a democracy which establishes justice and ends exploitation."

The rudimentary organs of people's power that have begun to emerge in SA (street committees, shop steward structures, SRCs, PTSAs) are the beginnings of the kind of democracy that is already being built in Nicaragua and elsewhere. Clearly, this approach to democracy is very different from the abstract, liberal view of democracy, of political parties competing every few years for elections.

But it is not just liberals who approach the question of democracy in this way. At present, there are supposedly 'progressive' groupings who, in speaking of democracy, put all their stress on the 'right to differ', 'the need for criticism', etc. Neville Alexander is one of the leading voices in this little choir :

"Provided a particular position is not clearly an enemy viewpoint, we should, as far as possible, tolerate differences, 'allow a hundred flowers to bloom and a thousand schools of thought to contend', for this is the essence of the democratic ideal."

It is true that the right to constructive criticism is of great importance. We in the UDF also understand very well the need to work with and unite a variety of different tendencies and social forces. It is one thing to say this, it is another

to portray the 'essence of democracy' as lying in the blooming of a hundred flowers, and in the contest of a thousand schools of thought. As we have said, for us, the essence of democracy does not lie in this debating society view of politics, but in the ability of the working masses to effectively control their lives.

Alexander's approach to democracy brings him very close to a liberal pluralism. In fact, he even uses the example of bourgeois political practice to justify his own stand:

"It is very seldom that one organisation alone represents the interests of a given class. We need only look at the different parties that represent the interests of the (white) capitalist class in SA (National Party, PFP, NRP, etc.)"

The example betrays the source of Alexander's error. The power of the bourgeoisie rests in its ownership and control of the economy, and in its influence over the army, police, prisons, courts and administration. Bourgeois party politics happens behind the screen of this economic and state power, a power that exploits and oppresses the majority. Meanwhile, behind this screen, bourgeois party politics is fundamentally a question of competition between ruling factions, of dividing up the spoils of exploitation, of lobbying and dealing, of a hundred schools contending.

To present this to the oppressed and exploited masses as 'the essence of democracy' is, in fact, to disarm the popular classes. In the face of exploitation and oppression,

the major weapon of the broad working masses lies in their numbers and in their capacity for united, disciplined action. It is united, disciplined mass action, and not left-wing debating societies that will lay the basis for real democracy in SA.

If we have looked at Alexander at some length, it is because at present these 'pluralist' ideas (democratic in form, and sectarian in essence) are being expressed in a number of places. We have looked at the demand: The people shall govern. Let us now consider democracy within our existing organisations.

ORGANISATIONAL DEMOCRACY AND THE STATE OF EMERGENCY

The state of emergency can make the fullest practice of democracy difficult within our organisations. Open general Councils, or AGMs may be dangerous or impossible to organise. But this does not mean that the basic principles of organisational democracy should now be forgotten. In fact, the conditions make it crucial that we ensure that the widest democratic consultation and discussion takes place. Without this, members will become demobilised and out of touch, even dissatisfied. Without democratic involvement of all members, leaders lost through death or detention will be hard to replace.

At the same time we must not be simple-minded about the security situation. When we say that all members must participate in decision making, we are

not saying they must do this in a meeting of 200 people, or even 50 people. To ensure democracy is practised in this period, we need to improve our organisation. We need to build many smaller units within our organisations. It is in these units, and through mandating and reporting between units and higher structures that democracy can be maintained, and even deepened. To elect a new executive of a youth affiliate, for instance, a full AGM may not be possible. But this does not mean that elections cannot happen, or policies cannot be reviewed and changed. This can be done through voting processes from the smaller units, to branches, to the central structure.

Although conditions have changed, then, in the emergency, the basic principles of organisational democracy remain. They are :

1. ELECTED LEADERSHIP. Leadership of our organisations must be elected (at all levels), and re-elections must be held at periodic intervals. No single individual must become irreplaceable. Elected leadership must also be recallable before the end of their term of office if there is gross indiscipline, or unsuitability.

2. COLLECTIVE LEADERSHIP. At all levels we must practice a collective approach. There must be continuous, ongoing consultation. We must always work as a team. Executives, committees, must be seen as collectives - five brains are better than one. This collective approach spreads leadership skills, and is therefore also a measure against possible disruption due

to detention, etc.

3. MANDATING. Leaders, delegates, etc. are not free-floating individuals. They must always operate within the democratic mandates of their positions and delegated duties. How often do individuals, who are supposed to be delegates, for instance, speak their minds without making it clear that these views have not been mandated by their organisation/region/branch? This is not to say that individual views must never be expressed, or that they are not often valuable - but the meeting must be clear as to what is mandated and what is personal.

In speaking of mandates, it is important to remember that there are different kinds of mandate. Let us take the case of a UDF publicity secretary. For this work to be effective, for the UDF press statements to be up to date, there is no possibility of waiting for a tight mandate on each and every issue. We expect our publicity secretary to be able to react swiftly on issues, and in so doing reflect the broad policy of the UDF. But this does not mean that the publicity secretary, for instance, works unmandated - merely within the boundaries of a broad mandate. On other issues tighter mandates will be needed.

4. REPORTING. Reporting back to organisations, areas, units, etc. is an important dimension of democracy. As we have already said, with the emergency this work becomes

even more important, because we need to have many more smaller meetings.

Reporting back is a basic democratic principle that is often not treated with enough care. Too often delegates report back in a sloppy way. They will remember what they can, or read long boring details all jumbled up from the notes they made at the meeting. Often they have not even looked at these notes, or thought about them since that time.

To enable full democratic participation, the task of reporting back must be taken more seriously. Prepare yourself for your report back, be clear of the main points. This helps those you are reporting to, to participate in a meaningful way in the issues raised.

5. CRITICISM AND SELF CRITICISM. No organisation is perfect, the most effective organisations are those that know how to learn from their mistakes and correct them. To do this evaluations, questions and criticism must be encouraged. Obviously these must be constructive, not endless demobilising moaning. The task of criticism is to improve our work, not to turn our fighting organisations into debating clubs. In criticising a comrade, we must do so as friends, as comrades concerned about the person, hoping to improve his or her work for the sake of the whole organisation. To criticise is not to turn a comrade into a victim.

We should always be ready to practice self-criticism, to recognise our own

faults, and be the first to speak about them for all to learn. The purpose of self-criticism is not to make a confession and to ask for forgiveness. It is also, obviously, not designed to win time, so that we can go on making the same errors. The purpose of both criticism and self-criticism is to improve the work of all.

These five basic organisational democratic principles are not a luxury, they are a fundamental weapon in our struggle. Organisational democracy properly applied is the means to achieving the fullest, most active and most unified participation of the working masses in our struggle.

QUESTIONS FOR DISCUSSION

1. Would you agree that 'expressing different viewpoints' is the 'essence of democracy'?
2. How can democracy within our organisations be maintained and deepened at a time of emergency?
3. Discuss the five basic principles of organisational democracy. Are they being applied within you affiliate, branch or region?



MONOPOLY CAPITAL

South Africa is, of course, a capitalist country. But capitalism goes through several different stages of historical development. At present our economy is in the stage of advanced, monopoly capitalism. This means that our economy is dominated by a few, giant capitalist companies. In fact, four monopoly companies control more than 80% of the shares in all South African firms !

The big four monopoly capitalist companies in South Africa are Anglo American, SA Mutual, Sanlam and Rembrandt. Besides these big four, but linked to them, are other big monopolies, including the big banks, supermarket chains, newspapers, and agricultural companies.

It is not just the overall, total picture that shows such a high degree of monopolisation. In just about every separate branch of indust-

ry, you will find two or three companies producing more than two thirds of the goods in that branch of industry. In turn, these monopolies within different branches are linked in a thousand ways to the big four.

How can it be that so few companies dominate the South African economy ? Are we not told always that capitalism is all about 'free enterprise', with thousands of different firms 'competing' against each other ? Yes, that is the story, but if we look closer we will see that reality is quite different.

Although there might seem to be thousands of separate companies, the actual ownership and control of the majority of these companies is dominated by the very biggest monopolies. This, then, is the reason why we say that South Africa's economy is in the stage of advanced monopoly capitalism. But what are the effects of monopoly capital on our country's economy ?

HIGH PRICES

In a situation where one parent, monopoly company might own hundreds of factories, all sorts of price manipulations become possible. Let us take a fairly small example.

In Cape Town there is a well-known bus company which owns the only registered bus transport firm in the city. The same company also owns an insurance company, a company that prints bus tickets, and the garage that supplies petrol for the buses. The parent company lets the ticket company, the insurance company and the garage charge much higher than normal prices when selling

to the bus company. In this way these companies make huge profits.

But, you will ask, if all the companies are owned by the same parent company, isn't this just a case of one hand taking from the other hand ? But wait ...

While the insurance company, the ticket printing company and the garage are making big profits, the bus company goes to the government and says it is poor. It can even open its books to show it is hardly making a profit. It says it needs a government subsidy and that it needs also to put up fares to be able to continue operating its 'service to the community'. And so, while the commuters are paying higher fares, and we all pay higher taxes for the subsidy, the owner of the bus company, who is also the owner of the insurance company, the ticket printing company and the petrol garage, is laughing all the way to the bank. That is 'free enterprise' for you.

Even where there is not a single controlling company, as in this example, monopoly capital is able to push up prices. Because there are so few big firms in just about every branch of our economy, it is easy for them to get together and decide how high to fix prices. Thus, last year, the economy hardly grew at all, the times were very difficult for working people. Yet all the big companies pushed up their profits, some by as much as 19% ! They did this by making the people pay high prices. In fact, inflation was more than 20% last year, and many South African went hungry.

EXPLOITATION OF WORKERS

Monopoly capitalism also enables the bosses to exploit workers more completely. Monopoly capitalists increase their power over workers by owning factories in many different sectors of the economy.

The Anglo American Corporation, for instance, controls more than half the economy. It has gold and coal mines, metal factories, chemicals, banks, property, big stores and farms. Amongst the stores in which Anglo American has a powerful presence, is OK Bazaars. If there is a strike in OK Bazaars, as there has been, Anglo American can hold out against the workers for months by getting its profits from all the other companies it controls.

UNEMPLOYMENT

The South African monopoly capitalists work very closely with foreign investors. They use a lot of advanced, imported machinery. The monopolies' only interest is in profit. They do not care if the machinery, like computers, that they import puts many thousands of workers out of their jobs.

In fact, monopoly capitalists, with their love for sophisticated technology, are one of the main causes of unemployment today.

THE WEALTH SHALL BE SHARED

We have looked at some of the harmful effects that monopoly capital has. But not everything is going the way of the monopoly capitalists. In fact, in the last few years

they have become more worried about their future than ever before. More and more oppressed and democratic South Africans are questioning the so-called free enterprise system in South Africa. Workers and youth are talking about socialism. Even small traders are realising that they cannot make a living in the face of the powerful monopoly capital sector.

In the face of this unpopularity, monopoly capital is trying to protect its long-term future. Some big firms are worried that apartheid has radicalised blacks. They hope to co-opt some blacks into the ruling class, with elitist education schemes and offering them cosy company directorships.

But the biggest problem for monopoly capitalism is the very labour army it has assembled. Tens of thousands of workers are employed by a few big companies. They are paid low wages and suffer bad working conditions in their factories. They are no longer fooled by the sweet talk of the bosses. More and more organised workers are realising their own collective power in the giant factories.

In the recent OK Bazaars strike, shop stewards from all the other companies owned by Anglo American met together. The workers warned that if Anglo did not settle the OK dispute, they would all take action. This was an important factor in forcing the bosses to settle in the end.

It is important for all democrats and patriots in South Africa to realise that the struggle against monopoly capital is not separate from the national democratic struggle. There can be no meaningful national liberation

while our economy is monopolised by a handful of white capitalists working closely with imperialism. Equally, there can be no political democracy while the economy is in the hands of this tiny minority. What does it help to have majority rule if 80% of company shares are controlled by monopolists, black or white, with the power to push up prices, exploit workers and put millions out of jobs?

It is for this reason that the Freedom Charter's first and major demand: 'The people shall govern!', cannot be separated from its key economic demand: 'The people shall share in the country's wealth!' This clause of the Freedom Charter goes on to add: 'The mineral wealth beneath the soil, the banks and monopoly industry shall be transferred to the ownership of the people as a whole.'

QUESTIONS FOR DISCUSSION

1. In recent times some major monopoly capitalists have criticised the apartheid government. How would you explain this?
2. Is the answer to the problems caused by monopoly capitalism a return to a more competitive form of capitalism? Or does the answer lie in popular control by the working people of SA over the major banks, mines and other monopolies?



WHY WE ORGANISE

In the last two years our struggle has reached new heights and is more deeply rooted. Many more people are actively fighting for their rights, they are more united and more aware. We have seen this, in the last period, in the sustained mass action countrywide - in factory and school, township and village, in the consumer boycotts, stayaways and rent boycotts, in the street committees and people's courts. Increasingly the people refuse to be ruled in the old way, and demand democratic self-government over their daily lives.

This fundamental challenge to apartheid rule did not just suddenly happen. Painstaking ORGANISATION, over many years, knocked down for our people the walls of passivity and powerlessness, of ignorance, division and fear. And it is organisation which remains the key to defending and taking further the challenge to apartheid rule.

WHAT IS ORGANISATION ?

For us in the democratic movement the concept 'organisation' has a particular meaning. When we talk of 'organising' or 'organisation' we refer to a process which involves a number of things :

1. building the unity of our people
2. raising the level of understanding and awareness of our people
3. bringing about their active involvement in struggle and in the issues of daily concern to us all
4. giving this unity and involvement, structure and form, content, consistency and direction.

All of the above, taking place in an ongoing and living way, is the process of organisation. In other words, an organisation is not just a constitution or a committee. Organisation for us means fulfilling a key requirement in our struggle for national liberation.

WHY WE ORGANISE

Denied full political rights and access to the wealth of the country, the daily lot of our people is one of poverty and hardship. Denied a democratic say and control over their lives, the oppressed have no automatic power to change this situation. The councils, management committees and other puppet bodies the government sets up for us are undemocratic and unable to do anything about our problems. But by uniting and acting on our problems, we gain the strength and power to challenge oppression and to

overcome it. Organisation is our tool to build this strength and power.

Central to our understanding of the need for organisation is our belief that it is only through our own efforts that we will be able to do something about our problems. We do not rely on the government and its dummy bodies. Their interests are fundamentally opposed to the interests of the oppressed. Their whole purpose is to maintain our oppression. Our experience has taught us that when we ourselves act on our problems, only then does change become possible. We have to take charge of our own lives in order to change them.

The efforts we talk of are the efforts of the mass of people. Not just of a few individuals, or a few enlightened leaders. Change in the true interests of the majority will come about only through the united action of the majority. So we organise to bring about the active participation of the maximum number of people in the issues of daily concern to them - issues of high rents and low wages, poor housing, forced removals and gutter education.

More and more the basis upon which our people are struggling is becoming more political as the government uses brute force to crush our struggles, and as our people become more and more aware that apartheid rule is the root cause of their misery.

In acting on our problems, we act in unity. Without unity we cannot effectively challenge our oppression and strike telling blows against it. We share common problems, and

by taking them up together we exercise greater strength and power.

The enemy will always try to undermine and weaken our struggles through dividing us - offering concessions to some and not to others ; trying to discredit and isolate democratic organisations and leadership from the people

Where the government seeks to divide us - parent from youth, homeowner from tenant, Zulu from Xhosa, urban from rural, Indian from African, black taxi-owner, nurse or trader from black worker - we organise to cement a lasting unity. Of course, we understand that not all the interests of these different groups and classes are exactly the same. The black working masses have the greatest interest in taking our struggle to its deepest conclusions. But all oppressed and democratic South Africans have an overriding interest in the final elimination of apartheid. Building the unity of our people around this unifying interest, maintaining and defending this unity, ranks in priority for us.

To survive, apartheid depends not only on our disunity and lack of action, but also on our ignorance. Ignorance of the reasons for our hardships. Ignorance of our right to a better life. Ignorance of our ability to fight for that right and to achieve it.

We organise to raise the level of understanding and awareness of our people. Through mass struggle we learn that there are reasons for our life of misery and oppression. We learn that our problems can

be overcome. We learn of the power of, and need for united action. We develop confidence in our ability to make decisions for ourselves, to take charge of our own lives, and to influence the course and outcome of events.

To give proper expression to our unity and action, to co-ordinate and direct it, to consolidate and build on it, we form organisations, structures and committees. Our organisations allow us to communicate with one another, to discuss matters and jointly arrive at decisions. Through our organisations we are able to plan action, implement and co-ordinate it. It represents our collective voice and ensures we act in unity. Organisations also help us to learn from our successes and failures. Without constant organisational assessments (does this strategy work ? is this possible ? why did that fail ?) there can be little scientific basis for ongoing work. Without organisation we can never learn from our collective mass struggle.

It is also within organisation that we develop democracy. The experience of our people in their own democratic organisations, is the experience of democratic participation. Our people are exposed to open discussion and a free expression of views; to working together and sharing joint responsibility; to discipline and accountability.

Through all of this - this dynamic process of organisation- we are protecting ourselves from attacks on our living standards,

fighting to improve the quality of our lives, and bringing about change in our interest. As we organise, not only are we challenging and breaking down the old and negative, but also creating and building the new and positive.

FORMS OF ORGANISATION

The democratic organisations we establish take many and varied forms. The kind of organisations we form and the way they are structured, is determined by a number of factors. These include who is being organised, what their interests are, what issues we are organising around, what our goals are.

It could be hostel dwellers, students, commuters, teachers, or the unemployed who are being organised. The organisation we establish could be an SRC, a trade union, rent action committee or a political organisation.

Sometimes we form bodies for specific sections of the people like unemployed workers' associations or youth congresses. Some of these bodies may come together under a civic association to represent the total interests of all residents in the community, or all of them can come together under a broad national political movement like the UDF to fight for national liberation.

Organisation, we can see, occurs at different levels and assumes different forms. A careful reading of all relevant factors and conditions, and the lessons and experience we gain while organising, will guide us on the nature, form and structure of

organisation. But almost as a rule, it is crucial to achieve the involvement of the people who directly experience a particular problem or set of problems.

It is not good, for example, for youth to lead and dominate a struggle against high rents while the workers, parents and tenants are not actively involved. In the same way it is not good for the taxi owners and drivers to take decisions on a bus boycott and not the commuters.

APPROACH TO ORGANISATION

We refer to our approach to organisation as the mass approach. This is based on our understanding that mass struggle is the key to change. Our mass approach means that we must always be at the level of the people. To confuse the awareness and commitment of the masses with that of activists, would leave us as a small peripheral clique isolated from the people. What are the feelings of the majority of people? How deeply do they feel about this particular problem? How far are they prepared to go with action? What is their level of understanding on this issue? These are important questions to ask for anyone who is serious about organising.

In line with this, our approach on any issue is one which seeks to win over as many people as possible. We are careful not to alienate people through ill-discipline, poor conduct or rash action. Important to this approach is consultation and hard work to ensure any decision or action enjoys the broadest possible support. Not only is this an important part of our democratic approach, but it is necessary for the success of that action.

All of this does not mean that our organisations must be passive in the face of those we seek to organise. We must also constantly provide active leadership to the people. To pursue a mass approach to organisation, does not mean folding our arms and moaning about the 'backwardness' of this or that sector of the people.

We must not be fifty steps ahead of the people. But equally, we must not fall behind them. To begin from where the people are at, this is the key to effective organisation. Organisation is the key to mass struggle. Mass struggle is the key to change.

METHODS OF ORGANISATION

We employ all and any method which allows for contact, communication and consultation with the masses. Methods which allow us to know the real thoughts and feelings of the people, which promote the message of the organisation, and which will ensure the united response of the people.

Methods we use include posters, pamphlets, mass meetings, house visits and street meetings.

NEW CONDITIONS - SAME TASKS

Under the present repressive conditions, where we are denied the the right to organise, where we are faced with bannings, detentions, vigilante action, soldiers and police, some of these methods are difficult to employ, if not impossible. But our task of mass mobilisation and organisation

remains. In fact, more than ever, we must deepen our organisational roots among the masses. This in turn requires the tightening up of organisational discipline, and a much higher level of vigilance and security consciousness within our ranks.

QUESTIONS FOR DISCUSSION

1. What do you believe are the most important reason for organising ?
2. What do we mean by the mass approach to organising ?
3. Are some sectors of the people more difficult to organise than others ? If so, why ?

Defence committees in Angola

INTRODUCTION

A recent United Nations report shows that 140 000 children under the age of five died last year in Mozambique and Angola as a direct result of the apartheid regime's policy of destabilisation. This means that every four minutes a small Angolan or Mozambican child is lost, who would otherwise have lived. This is just one more mass-scale crime against humanity committed by the fascist, apartheid regime.

The UN report speaks of "mass terrorism carried out by forces which have burned crops and farmhouses, pillaged and destroyed schools, clinics, churches, mosques, stores and villages, poisoned wells by throwing bodies down them, and attacked the transport system which is a vital part of rural life."

The report adds : "Health workers, as well as clinics and other health posts, schools, teachers and pupils, foreign aid personnel and vehicles transporting health and relief supplies, are all deliberately chosen as targets of the war for the purpose of causing a breakdown in civil administration."

Those who shout loudest in our country about attacks on 'soft targets' and about a 'terrorist total onslaught' are directly implicated in these horrific crimes in our neighbouring countries.

What is it that the apartheid regime fears so much about Angola and Mozambique ? PW Botha is terrified of the shining example of unity, democracy, non-racialism, peace , prosperity and progress that these countries with a socialist orientation can provide to the peoples of South Africa. The apartheid regime is determined by all means to destabilise these countries, so as to be able to say 'national liberation does not work, socialism does not work'

In Angola (as in Mozambique) patriots have learnt in many years of difficult struggle, they have one irreplaceable weapon : popular mobilisation and organisation. In this issue of Isizwe we present the first of a series of articles that will look at the major mass organisations in Angola. In future issues we will look at trade unions, and the women's and youth organisations.

BACKGROUND

Just over 30 years ago, in December 1956,

Angolan patriots formed the People's Movement for the Liberation of Angola (MPLA) and demanded independence from Portuguese colonialism. The only response of the colonialists was to increase their military presence in Angola, and make arrests among the patriotic forces. The founding president of MPLA, Agostinho Neto, was deported to Portugal and held in jail.

The people of Kaxihane, Neto's birthplace, organised a peaceful demonstration calling for his release. The colonial army's reply was spelt out in machine-gun bullets. This massacre started a fire which the colonists would not be able to extinguish.

On December 6, 1960 MPLA announced the beginning of the armed struggle. In Malange province, peasants calling for an increase in cotton prices were bombed with napalm and thousands were killed and injured. On February 4, 1961, a group of MPLA militants, armed only with pangas carried out daring raids on the radio station, police posts and prisons in Luanda. The following day, the enraged colonial authorities took reprisals, and more than 3000 people died.

This was the beginning of the popular insurrection. Gradually, MPLA equipment, skills and experience improved. In the following years the MPLA opened the Cabinda front, and the eastern front. Liberated zones were established and these increased in size.

Under the combined pressure of national liberation struggles led by MPLA in Angola, and FRELIMO and PAIGC (in Mozambique and Guinea Bissau-Cape Verde) the Portuguese

colonial army collapsed completely in April 1974.

For the MPLA, however, the fighting was still not over. Another war began immediately, this time with the racist South African regime. The SADF invaded Angola to try to prevent the liberation of the country by MPLA. Independence was declared on November 11 1975 when the troops of the racist regime, supported by US imperialism, still occupied a large part of Angola's territory. With aid from their Cuban allies, the MPLA eventually forced the invaders to flee back into Namibia. By the end of March 1976, the last SADF troops had left Angola after suffering some significant defeats.

However, there was to be only a brief interlude. Since 1978, there have been continuing incursions, attacks and bombing raids. The SADF has occupied large areas in southern Angola on several occasions. The apartheid regime has also been making use of the UNITA puppet group to aid in its destabilising policies.

It is against this background that, one year ago, President Jose Eduardo dos Santos, in his New Year's message, said: "The year 1986 will be devoted to the defence of the popular revolution. No revolution can triumph unless it knows how to defend itself."

PEOPLE'S VIGILANCE BRIGADES

For the MPLA-Workers' Party and the people of Angola, the defence of their country and their revolution is not just the task of the people's army FAPLA. Defence is

the task and duty of every patriotic Angolan. In order to better structure this work, the first Peoples Vigilance Brigade (BPV) was established in November 1983. Since then BPVs have been established all over the country.

Although the BPVs are, in fact, the most recently formed of all the major mass organisations in Angola, their membership has already grown to include about 800 000 people throughout the country.

The BPVs are under the direct discipline of the MPLA-Workers' Party, rather than under the military discipline of FAPLA. The BPVs are community based committees and their task is to watch for those seeking to undermine the revolution from within.

Brigade members are selected by the district MPLA-Workers' Party committee on the basis of their proven commitment. They receive basic military training, including the use of small arms. The majority of BPV members are workers and peasants, and their participation in the BPVs is part-time. However, a member may be released from work for brigade activities if the need arises.

Once a brigade is established, its first task is to do a thorough survey of the inhabitants of its district. This enables it to identify additional, potential recruits. In carrying out the survey door to door, the BPV members introduce themselves and explain their duties to the community. In this way they begin to seek the help of the entire community in isolating anti-social and criminal elements.

In certain districts where enemy agents might be active, the BPVs draw up guard duty rosters. Members then take turns to patrol their district and ensure its safety.

With the aim of increasing efficiency, the national co-ordinator of the BPVs, Balthazar Missoji, has suggested contact be maintained with foreign organisations established for the same purpose. Contacts and exchange of information have already been made with the Cuban Committees for the Defence of the Revolution, and Patriotic Front of Bulgaria.

Besides their major task of defending revolutionary gains within their own districts, the BPVs also play an important support role for various national campaigns. In particular, they encourage popular participation in those campaigns which set out to resolve the social and economic problems confronting this newly independent country. For example, BPVs are active in blood donation and vaccination campaigns. They have also been playing an important role in education and literacy programs.

Another area into which the BPVs have been drawn is the supervising of goods distribution in their districts. Their task is to ensure that workers and peasants are not exploited by individuals channelling scarce goods into the kadonga (the black market).

But, at this stage of the Angolan revolution, it is the defence task, maintaining local vigilance, that remains uppermost for the BPVs. In the words of President dos Santos, the task of defence is not just the specialised task of the people's army, "it calls for the

active participation of all Angolan citizens, from Cabinda to Cunene."

For the people of Angola, the defence of their hard-won liberation is not an easy task. There are many powerful forces determined to wreck their country. But, guided by the scientific approach of the MPLA-Workers' Party, and strengthened by mass mobilisation and internationalist support, the Angolan people will win through. They have shown their ability in the past to overcome the most formidable obstacles. A luta continua - but complete victory will be won.



African
archive
SAHA

POEM BY NETO

we must return

To the houses, to our crops
to the beaches, to our fields
we must return

to our lands
red with coffee
white with cotton
green with maize fields
we must return

to our mines of diamonds
gold, copper, oil
we must return

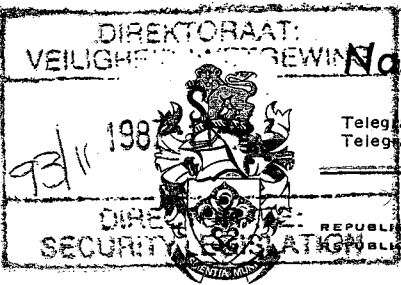
to the coolness of the mulemba
to our traditions
to the rhythms and bonfires
we must return

to the marimba and the quissange
to our carnival
we must return

we must return
to liberated Angola
independepent Angola.

(Agostinho Neto, written in prison
in Lisbon, Portugal, October 1960)





DECLASSIFIED van 3 kopieë

Nasionale Intelligensiediens - National Intelligence Service

Teleg. adres: NASVEIL
Telegraphic Address: NASVEIL

Teleks: 322618
Telex: 322618

Telefoon: 323-9761
Telephone: 323-9761

Bylyn: 333
Ext: 333

Privaatsak / Private Bag X 87
PRETORIA

Verw/Ref: [REDACTED]

18 November 1987

Die Hoofdirekteur
Direktoraat Veiligheidswetgewing
Poyntongebou
Oos-vleuel, 7de vloer
Kerkstraat-Wes
PRETORIA

VIR AANDAG : [REDACTED]

ONTVANGS VAN FONDSE VANUIT DIE BUITELAND : UDF

1. U skrywe [REDACTED] [REDACTED] gedateer 23 Julie 1987 onder gelyke opskrif, verwys.
2. Hierdie Diens beskik oor geen verdere inligting mbt die verkryging van buitelandse fondse vir die UDF via sy vakbondfiliale nie.
3. Indien enige verdere inligting in bovermelde verband onder aandag kom, sal dit onverwyld aan u voorsien word.

nms DIREKTEUR-GENERAAL
NASIONALE INTELLIGENSIEDIENS
[REDACTED]

MDP/mf

[REDACTED] 3 weke

26/11/87
12.87

DECLASSIFIED