

THESE MINUTES ARE CONFIDENTIAL AND RESTRICTED TO THE MEMBERS OF THE WORKING GROUP, THE DAILY MANAGEMENT COMMITTEE AND THE MANAGEMENT COMMITTEE.

ADOPTED BY MEETING OF WORKING GROUP 4 ON 30 MARCH 1992

**MINUTES OF THE SIXTH MEETING OF WORKING GROUP 4 (FUTURE OF THE TBVC STATES)
HELD AT THE WORLD TRADE CENTRE OF MONDAY 9 MARCH 1992 AT 14H00**

PRESENT: Delegates and Advisers (See Addendum A)

SN Sigcau (chair)

S Albertyn (Secretary)

G Hutchings (Minutes)

APOLOGIES: BE Keikelame

J Jordaan

JHW Mentz

S Mufamadi

1. Opening by Chairperson

The delegates and advisers were welcomed by the chairperson.

2. Agenda

2.1 The agenda for the day was presented to Working Group 4 (WG 4) as drawn up by Working Group 4 Steering Committee (WGSC 4), mandated by WG 4.

2.2 One addition was made to the agenda with the approval of WG 4 : Report back from WGSC 4 on meeting with DMC on consensus. This became point 4 of the agenda.

3. Minutes

The minutes of the meeting of WG 4 of 24 February 1992 were adopted with the following change:

Point 8.1, paragraph 4 should now read : "All delegates, with the exception of Bophuthatswana, have no objection to re-incorporation."

4. Matters Arising

4.1 The IFP noted its objection that their minutes are still being received late. It was suggested by the IFP that an urgent proposal be put forward to the DMC for WG 4 to meet for two days fortnightly.

4.2 The chair and various parties/organisations noted their reservations in respect of this proposal given the large workload still facing WG 4 and the sub-groups of WG 4.

4.3 It was proposed that the WGSC 4 put forward the proposal to the DMC for their comments.

4.4 The house was divided on this issue.

5. **Report from WGSC 4 to WG 4 on meeting with DMC on consensus**

5.1 The WGSC 4 reported back on the meeting with the DMC on consensus. See Addendum B.

5.2 The report was adopted by WG 4.

6. **Report back from each sub-group**

6.1 Report from sub-group 1:

A written report was submitted - See Addendum C.

6.2 Report from sub-group 2:

It was reported that the following was agreed to:

6.2.1 Sub-group 2 (citizenship) of WG 4 has reached sufficient consensus that South African citizenship be restored. In this regard there are two views:

- (a) Citizenship should be restored immediately.
- (b) Citizenship should be restored after the testing of the will of the people and if such expression of the will is in favour thereof.

Reservation:

The Bophuthatswana Government records its position that:

- (a) Citizenship should not be imposed on people.
- (b) The will of the people at all times be tested in terms of the procedures that might be agreed upon.

6.2.2 It was agreed that Geoff Budlender be asked to act as the rapporteur of sub-group 2 as the nomination of Marius Rezelman had been withdrawn.

6.2.3 It was agreed that the statement on "sufficient consensus on citizenship" should be submitted to WG 4 to submit to the DMC as a press statement.

6.3 Report from sub-group 3:

The minutes of sub-group 3 were referred to:

6.3.1 The following was noted:

6.3.1.1 The process of gathering information from the various governments was continuing, with the exception of information from the Ciskei, who had not submitted any.

6.3.1.2 The chairperson of WG 4 appealed to the Ciskei to submit their reports timeously to facilitate the work of sub-group 3.

6.3.1.3 Liaison was needed with sub-group 2 and WG 2 and 3. Their minutes have been requested by sub-group 2.

6.3.2 It was agreed that N Memele be asked to act as the rapporteur for sub-group 3. Initially sub-group 3 deadlocked over the issue of rapporteurs, but this was resolved when the National Party withdrew their nomination.

6.3.3 Sub-group 3 asked that advisers be allowed speaking rights in WG 4 meetings when areas involving their particular speciality or expertise is debated.

6.3.4 Land Moratoriums:

The minutes of sub-group 3 of 24 and 25 February were referred to and the following points were noted:

6.3.4.1 Sub-group 3 recommended that no new land be transferred to the TBVC Governments.

6.3.4.2 Sub-group 3 recommended that where the Development Trust is in the possession of land, the land should remain in the Trust's possession until the Trust is wound up.

6.3.4.3 In the case of privately owned land, no arrangements for transfer of land between the SA Government and the TBVC states should be made.

6.3.4.4 Transkei and Venda do not regard further land transfer as important.

6.3.4.5 Ciskei wants to get more information, assess it and report back to the sub-group.

6.3.4.6 Bophuthatswana intends to pursue more land claims.

6.3.5 It was agreed that sub-group 3 will receive reports from the TBVC states on the question of the Land Moratorium at their next meeting.

6.3.6 It was noted that all the governments, with the exception of the Ciskei had presented submissions on the position of land transfers which were in the final stages of completion. Certain conflicts of fact had emerged from these submissions and it was agreed that the respective governments would sort out these differences through bilateral negotiations so that the matter would be resolved at the next sub-group 3 meeting.

6.4 Report from sub-group 4:

6.4.1 A written report was submitted by sub-group 4. See Addendum D.

The following correction in the report was noted:

The Dikwankwetla Party and not the Venda Government nominated Mr AL Ramone as a rapporteur for sub-group 4.

6.4.2 It was noted that the SA Government had withdrawn their nomination of MDB Rezelman of Secosaf as a rapporteur.

7. **Rapporteurs**

- 7.1 The communication to WGSC 4 from the DMC on rapporteurs was referred to.
- 7.2 It was noted that WG 4 is allowed two rapporteurs. A decision on the appointment of the two rapporteurs was referred to the next WG 4 meeting.
- 7.3 It was noted that all Secosaf nominations had been withdrawn.
- 7.4 The following rapporteurs have been decided upon:
- 7.4.1 Sub-group 2 - G Budlender
 - 7.4.2 Sub-group 3 - GM Memela
 - 7.4.3 Sub-group 4 - AC Ramone or B Ngcuka
 - 7.4.4 Sub-group 1 have decided not to nominate a rapporteur as the chairperson of sub-group 1, Mr Moorcroft, will fulfil this function for sub-group 1.

8. **Future Meetings**

It was agreed that no meetings would be held in the week commencing 16 March 1992.

9. **Documents Circulated**

The Ximoko Progressive Party circulated a document entitled "Summary Position on the TBVC States". This document was circulated for information only, and not for discussion. See Addendum E.

10. **Closure**

The meeting was closed at 15h30.

S.A. Sijie -
27.4.92.

Addendum A

The following people were present at the meeting:

Party/Organisation	Delegate	Adviser
ANC	A Nzo M Phosa	B Mabandla D Omar
Bophuthatswana	SS Seane	JJ Tlholoe DW Schoeman
Ciskei	N Nogcantsi BR Tokota	GF Godden BC Silivadya
Democratic Party	EK Moorcroft	N Olivier C Simkins
Dikwankwetla Party	SP Matla S Manyane	MJ Molapo DA Thejane
IFP	FT Mdlalose VT Zulu	B Anderson NJ Ngubane
IYP	JL Mahlangu JS Mabena	MS Mahlangu WMB Mohapi
INM	DZ Makhubela JM Matsana	JM Mahlalela ND Mokoena
Labour Party	T Abrahams J Douw	W Whyte S Verveen
NIC/TIC	P David NG Patel	Y Carrim J Yawitch
National Party	P Farrell	R Radue P Mackenzie
NPP	D Govender L Dwarkapersad	S Naidoo RC Panday
Solidarity Party	MF Cassim GN Naidoo	D Bagwandeem Y Seedat
SACP	T Mtintso	L Nyembe S Ngonyama
SA Government	AT Meyer NP van Heerden	RW Burton CC Prins
Transkei	WG Makanda M Titus	LM Bengu SHL Matebese

UPF

LM Mokoena
NM Malekane

JM Nonyane
ER Maponya

Venda

S Makhuvha
SE Moeti

N Nefale
RR Sumbana

XPP

CTD Marivate
C Khosa

Prof Kleynhans
TW Tshabalala

REPORT ON THE MEETING HELD BETWEEN THE STEERING COMMITTEE OF
WORKING GROUP 4 AND THE DMC ON CONSENSUS ON 2 MARCH 1992.

1. INTRODUCTION:

There has been concern on the interpretation of consensus in as far as it affects Working Group 4. This factor necessitated consultation with CODESA DMC.

2. EXPLANATIONS BY DMC:

- 2.1. DMC expressed sentiments of CODESA embodying flexibility, generosity, imagination etc in order to facilitate the process of negotiation.
 - 2.2. DMC referred to the Standing Rules of Procedure for plenary sessions on Section 3 Agreement, which reads thus:
 - 2.3. Section 3.1. "Every delegation shall, when called by the chair to express its position on a proposal or matter before the meeting, have such position stated by the leader of the delegation or a spokesperson appointed by the leader of the delegation.
 - 2.4. Section 3.2. Agreement will be arrived at by consensus.
 - 2.5. Section 3.3. Agreement by sufficient consensus will have been reached when consensus is of such a nature that the work of the convention can move forward effectively.
 - 2.6. Section 3.4. Disagreeing participants shall have the right to record their objections or dissent.
 - 2.7. Section 3.5. When disagreement exists, the chair will allow parties adequate time to consult amongst each other and with their principals before recording any position".
3. The above stated are the approved rules and no other interpretation exists.

4. It was further stated that, no participant in this process of CODESA has any special status. No participant in this process of CODESA has any veto power.
5. If sufficient consensus has been reached, the party/s that is not part of the consensus can have their reservations recorded.
6. All participants were encouraged to return to their task with a positive spirit and not to create variations of interpretation that will create, rather than solve problems. The point of departure should be to seek for consensus rather than pointing out differences.
7. The DMC is prepared to discuss this issue with any dissatisfied party.
8. It was also pointed out that the problem that the Bophuthatswana Government had not signed the Declaration of Intent is being discussed by the Management Committee.
9. The Representative of Bophuthatswana Government indicated that the Bophuthatswana delegation will not place a delay where other states agree to proceed with the progress simply because of consensus or sufficient consensus concepts.

FINAL SUMMARY OF PROCEEDINGS OF SUB GROUP 1 (TESTING THE WILL OF THE PEOPLE) OF WORKING GROUP 4 (THE FUTURE OF THE TBVC STATES)

With the exception of Bophuthatswana, which expressed certain reservations, sufficient consensus has been reached on the following points related to our terms of reference:

- a) That the will of the people in the TBVC states be tested.
- b) That such a test be done concurrently with the rest of South Africa and that race or ethnicity should play no role in the process.
- c) That testing be done by way of a referendum.
- d) That the question asked be related to the constitutional recommendations/proposals made by Codesa.
- e) With regard to the eligibility of voters this sub group is unable to make recommendations until it has heard the recommendations of sub group 2 of working group 4 and working groups 2 and 3.
- f) That the referendum should be driven by Codesa in co-operation with the administrations of the respective states.
- g) That a 'Voice of Codesa' be established.

The following additional points are for noting:

- i) That the referendum take place as soon as is practically possible (pending 'd' above).
- ii) That a liaison committee be established in order to co-ordinate the further proceedings of Working Groups 2, 3 and 4.

REPORT BACK OF WORK GROUP & SUB GROUP 4 - MEETING HELD ON 3/3/92

There was much discussion over the choice of a rapporteur. The N.I.C. submitted the name of Mr Bulani Ngquke while the South African Government nominated Mr. M.D.B. Rezelman from Secosaf and the Venda Government submitted the name of Mr. L. Ramone. The respective movers motivated their choice of a candidate. This was followed by an examination of their respective qualifications. There was also much discussion as to what was expected of a rapporteur. It was pointed out that a rapporteur needed to be more than a minute taker. He needed to have insight into matters under discussion and be able to make recommendations as to reference material and inputs from academics.

The question of whether a candidate should necessarily have legal knowledge especially in view of our terms of reference, was also discussed. It was agreed that the matter would be finalised at the next meeting of the Sub-group after the curriculum vitae of Mr. Bulani Ngquke had been submitted and all three CVs had been scrutinised.

During the course of the discussion the group was reminded that there had been a recommendation as to the choice of a rapporteur in that, the party which had not been selected for any particular position or task should be allowed to submit the name of a candidate. The N.I.C. fell into this category, but it was pointed out that Dr. Mdalose had made this recommendation only by way of a suggestion and not as a mandatory procedure.

The profiles that had been handed in by the TBVC States were then taken as read. Future discussions framed around the terms of reference would look to the profiles for information. The Ciskei Government felt that their input was not exhaustive and that there was further information that they needed to add. It was agreed that profile material could be incremented from time to time.

In order to start off discussions at the next meeting, it was agreed that each state would give an oral presentation of 10 to 15 minutes duration framed around the terms of reference.

The Ciskei Government expressed the view that there needed to be greater liaison between the various subgroups in order that we might obtain an overview of the progress being made in each group. It was agreed that the only practical way this could be achieved in view of time restrictions was through the reports received from other groups as well as through reading their minutes.

The urgent need for increasing the time spent on discussions was then discussed. The majority of the members felt keenly that we should meet on Tuesdays as well as Mondays. Two members however, outlined the difficulty they were experiencing in giving up two in the week. It was agreed that this matter would be referred to the plenary session on Monday 9th March 1992.

XIMOKO PROGRESSIVE PARTY

WORKING GROUP 4

8 MARCH 1992

SUMMARY POSITION ON THE TBVC STATES

1. The Ximoko Progressive Party recognises:

- That the TBVC states may be considered to have acquired their independence from a recognised though illegitimate government in the sense that the South African Government of the time was not democratically elected by all those in the country who should have had the right to participate in its election.
- That the TBVC states currently enjoy de facto and arguably de jure independence.
- That the TBVC states are presently participating in CODESA by unconditional invitation and that they reserve the right not to be reincorporated into South Africa should they so decide.

2. The Ximoko Progressive Party maintains:

- That the question of legitimacy or illegitimacy of the independence of the TBVC states is of academic interest only. In practical terms there are two aspects which need to be taken account of in determining the future relationships between South Africa and the TBVC states, namely:
 - The will of the people of those states regarding reincorporation into South Africa and, in the event of their opting to remain independent, their will in respect of the nature and extent of future international relationships with South Africa;
 - The will of the people of South Africa on the question of reincorporation and, in the event of the TBVC states opting to remain independent, the will of the people of South Africa on the question of the nature and extent of future international relationships with South Africa.
- That the TBVC states are regarded worldwide as products of Apartheid and will continue to be so unless their position is legitimised. This could presumably only be achieved if both the citizens of these states and those of South Africa supported their independence and such independence represented the democratic will of all concerned. A unilateral decision of the TBVC states to retain their independence would therefore have potentially crucial consequences for their citizens of which they should be made thoroughly aware before being required to make a decision;

That, until such time as the question of reincorporation of the TBVC states into South Africa is resolved, they remain de facto independent states with no right to participate on the same basis as South African's internal parties in the process of determining the constitutional future of South Africa. This argument is based on the principle that those participating in the debate should be those who will have to bear the consequences of any decisions flowing therefrom.

**AFRICAN NATIONAL CONGRESS WOMEN'S LEAGUE
CODESA TERMS OF REFERENCE**

**RECOMMENDATIONS FOR WORKING GROUP 4 - FUTURE OF
TBVC STATES**

The African National Congress Women's League (ANCWL) has fundamental problems with the terms of reference of this working group in so far as they contain an inherent assumption that the TBVC states are legitimate and have a choice about their reincorporation into South Africa. The TBVC states are a creation of apartheid and were constituted without consultation with the people of these regions. The elimination of apartheid should be accompanied by the reincorporation of these states.

The process of reincorporation must pay particular attention to the following :

- 1. The immediate removal of all discriminatory laws of the TBVC states :

After independence, the TBVC states enacted sexist legislation in introducing, for example, polygamy, the flogging of women, the prohibition of married women's employment in the civil service, including educational institutions, and discriminatory marriage and family laws. The position and status of women in these states worsened. All laws which operate against women in the TBVC states must be repealed.

- 2. **Citizenship**

The ANCWL endorses the position of the ANC that all people in the TBVC states should get their South African citizenship back.

- 3. **Equality of women**

In establishing the bantustans and the TBVC states, the South African government sought to entrench indirect rule through the manipulation of the system of traditional rule.

This system has in all its aspects discriminated against women. Women have been excluded from all decision-making. Customary laws and land allocation have been particularly glaring in their discrimination against women.

The equality of women cannot be established without the democratic transformation of the system of customary law and the institution of hereditary rulers and chiefs.

Our views follow the ANC's constitutional guidelines which state that :

the institution of hereditary rulers and chiefs shall be transformed to serve the interests of the people as a whole in conformity with the democratic principles embodied in the constitution.

We believe that the entrenchment of the principle of non-sexism is a crucial part of this transformation.

4. Strategies to inform the population

We have made specific recommendations to Working Group 1 about the importance of ensuring that women have access to information. This will be particularly important for women in the TBVC states, where a high proportion of women will be illiterate. Special effort must be made to communicate with the population of the rural areas through oral education programmes.

5. Business confidence and the relevance for women.

Investment within the areas of the TBVC states has been encouraged by special tax benefits, subsidies and privileges. The ANCWL is not opposed to investment in these areas, but we are opposed to the exploitative manner in which this investment has taken place.

There is evidence that the residents of these areas have been disadvantaged, inter alia by corruption, the payment of excessively low wages, the absence of protective labour legislation and the refusal to recognise trade unions.

Women, as the most vulnerable and exploited section of society, have experienced the worst effects of business involvement. Furthermore they have experienced sexual exploitation, for instance, in the denigration of women in casinos and the promotion of pornography and prostitution.

As a result these regions and the people in the TBVC states have been significantly disadvantaged by such investment. Special attention must be paid to future investment to ensure that there is equitable investment in all regions of the country and that this investment benefits women.

**PROBLEMS IN THE CREATION OF A
CLIMATE FOR FREE POLITICAL
EXPRESSION IN BOPHUTHATSWANA**

**Paper for CODESA Working Group Four
The Future of the TBVC States**

**BY
MAFIKENG ANTI REPRESSION FORUM
(MAREF)**

21 February 1992

CONTENTS

Introduction

1. Role of MAREF
2. Participation of all individuals and organisations on an equal footing in Bophuthatswana.
 - a. Bophuthatswana Security legislation.
 - b. Practical effects of security legislation.
 - c. State controlled media.
3. A brief overview of repression in Bophuthatswana.
 - a. Introduction.
 - b. Dismissals.
 - c. Banned Organisations.
 - d. Deportations.
 - e. Vigilante Activity.
 - f. Forced Incorporation.
 - g. Indemnity for Exiles.
 - h. Political Trials.
 - i. Labour Legislation.
4. Police Brutality.
 - a. The Nature of Police Brutality.
 - i. Assault and torture of detainees.
 - ii. Other assaults against political opponents.
 - iii. Assaults of criminals and suspected criminals.
 - iv. Bop police attitude to the law.
 - v. Police Brutality is sanctioned at the highest level?
 - vi. Some conclusions.
 - b. Case Studies of Police brutality.
5. Political Prisoners.
 - a. The Remaining Political Prisoners.
 - b. The Current Hunger Strike.
6. Conclusions.

INTRODUCTION

This document has already been submitted to Codesa's Working Group One. We felt, however, that in view of the possibility of a referendum in Bophuthatswana that it was necessary to submit it to Working Group Four with an introduction on the question of a referendum.

This document serves to illustrate that there is no freedom of political expression in Bophuthatswana. Opposition groups, particularly the ANC, are subjected to very serious forms of repression and are effectively prevented from operating. It is our feeling that a number of issues need to be addressed before a truly representative referendum could be held in Bop.

Firstly, Bophuthatswana's security legislation would need to be scrapped or radically altered in order to create a climate for free political participation. (See section 2 on this issue.) This would not be sufficient, however. Codesa would need to establish mechanisms to ensure that the population could vote in a climate free from intimidation and threats.

Secondly, the question of who should be allowed to vote in such a referendum would need to be closely examined. It would not be sufficient to say that only registered voters or even only Bop citizens can vote. If only Bop citizens were allowed to vote then whole communities such as Braklaagte and Leeuwfontein, which have been forcibly incorporated, would not be permitted to vote. In addition there are many people who for political reasons have refused to take out Bop citizenship, who need the opportunity to vote. There are also many non-Tswana South Africans who have been living in Bop areas for a number of years whose voice should be heard.

Thirdly, there would need to be guarantees that in any campaign leading up to a referendum, all political organisations would have the right to put their position across in a climate free of intimidation and with equal access to the media, particularly Bop TV.

This document aims to expose all of the problems that are blocking the way to creating that climate for free political participation which is so necessary to make any referendum give an accurate reflection of the will of the people.

1. ROLE OF MAFIKENG ANTI REPRESSION FORUM

MAREF was formed in March 1990 following a spate of detentions of school children in Mafikeng. All of these children were subjected to severe torture.

Our work over the past two years has been to document, publicise and provide assistance to all victims of repression in Mafikeng and in Bophuthatswana more broadly. We have become a conduit for information to a wide range of national and international organisations and media on the repressive events in Bophuthatswana. Our most well known work has been our campaign for the release of political prisoners in Bop.

We believe our work as a Human Rights organisation operating in Bophuthatswana puts us in a unique position to assess the degree of political tolerance and the climate for free political participation in this part of South Africa.

2. PARTICIPATION OF ALL INDIVIDUALS AND ORGANISATIONS ON AN EQUAL FOOTING

a. Bophuthatswana Security Legislation.

The Bop Government has always been quick to point out that it has a Bill of Rights. However, the last section of the Bill of rights, section 18(1) reads as follows: "The rights and freedom referred to in sections 9 to 17 may be restricted only by a law of Parliament and such law shall have a general application." Thus it is clear that the other draconian laws existing in Bop completely override the Bill of Rights. The three Acts that deserve special attention are the Internal Security Act No.32 of 1979 as amended, the Security Clearance Act No. 40 of 1985 and the Public Service Act. The last two will be dealt with in the appendix.

The Internal Security Act No.32 of 1979

The Internal Security Act (ISA) is similar to the old South African version allowing extensive powers for long periods of detention without trial, bannings, etc. Certain additional powers have been given to the state however. In March 1991 the Bop State of Emergency was lifted and the ISA was amended.

In terms of these amendments the meaning of the word "gathering" has been severely extended to include any gathering of any kind whether for lawful or unlawful purposes. Prior to the amendment the word "gathering" meant a meeting where more than 20 people were present. The amendment is quiet on this which means that a meeting of more than 2 people falls within the ambit of these provisions. This has certainly been put into practise. Last year 4 Itsoseng people were charged with illegal gathering for attending a meeting where 10 people were present. The well known case of the Black Sash picket involved 11 women.

In terms of section 31(5) political activity, including the holding of meetings is dependent on registration as a political party in terms of the Electoral Act. If an organisation or political party is not registered then it must apply to the Minister of Law and Order (which happens to be Mr Mangope) for permission to hold any meeting. Since the launch of ANC branches in Bop, numerous applications for such permission have been made in terms of the Act. They have all either been turned down or ignored. The practical implications of this is that all political parties not prepared to register in Bophuthatswana are de facto banned.

A further amendment to the ISA is that all people in Bop who are not citizens are prohibited from participating in political activity. If such a person attends a meeting or delivers a speech or participates in the meeting then such a meeting becomes unlawful and both the convenor and such person become liable to a penalty of R6 000 or five years jail, or both.

Many tens of 1000's of people either never bothered or refused to take out Bop citizenship. This is particularly true of all those areas that were forcibly incorporated and of people who were forcibly moved into Bop. The practical implications of this amendment is that 1000,s of people resident in Bop are silenced from participating in politics.

b. The Practical Implications of the Bop Internal Security Act

The only political parties that are registered in Bop are the ruling Christian Democratic Party, and the National Seoposengwe Party. In effect ALL other political organisations are prevented by legislation from operating.

The effect of this legislation has been greatly felt by the many ANC branches in Bop areas. At present there are over 10 "illegal gathering" political trials being conducted against ANC members in various parts of Bop. The most recent of these is against 18 members of the Mafikeng ANC who were charged with illegal gathering on 18 January 1992. They were consulting with their lawyer with regard to a previous illegal gathering case. Most of them were released on R500 bail, however, part of their bail condition was that they should not again contravene any provisions of the ISA. This means that, in effect, the Mafikeng ANC is prevented from meeting in future.

However, in the context of CODESA and the reform process in South Africa, the implications of the Bop ISA are far broader. All South African political parties participating in CODESA are prevented from operating in Bop areas. In order for the National Party or the Democratic Party or the Inkatha Freedom Party to hold a meeting in Bop to canvass for membership, they would have to apply for permission. If such permission was granted the leaders of any of these three parties would be prohibited from addressing or attending the meeting - they are not Bop citizens! Indeed, it is illegal for President De Klerk to address a meeting inside Bop.

This situation is absurd and laughable, but it is also directly affecting the lives of almost 2 million of South Africa's people who are resident in Bop. It is a situation which urgently needs to be addressed by CODESA. Unless the Bop Internal Security Act is scrapped or substantially amended it cannot be said that "all the participants in the political process" are "free to participate in that process without fear and on an equal footing and on a basis of equality with the other participants", as stated in clause 1.1 of the CODESA terms of reference. It is also equally clear that any proposed referendum on reincorporation would be meaningless under the restrictions on political expression as they presently apply.

c. State Controlled Media

The powerful medium of Bop TV is continuously used to promote the objectives of the ruling Bop Christian Democratic Party, and to promote the image of Mr Mangope himself. The strategy of Bop TV, as well as Radio Bop and Radio Mmabatho, is to give coverage to opposition groups such as the ANC on issues which do not affect Bophuthatswana, but to avoid any coverage of opposition viewpoints on Bop issues.

Internal opposition groups such as ANC structures in Bop, and human rights structures such as MAREF, are not given the opportunity to present their viewpoints, while statements of the national structures of the ANC and other organisations are treated as 'international' news. This has been taken up by both MAREF and the Mafikeng ANC with the management of Bop Broadcasting, but there has been no apparent change in policy. This means that on crucial issues such as reincorporation, only the views of the ruling party are aired.

Control of the Bop newspaper, The Mail, is also exercised to ensure that views critical of the Bop regime are not covered. By way of example, on the 30th August 1990, the front page of The Mail, which featured the executive of the recently launched Mafikeng ANC, was withdrawn at the last moment on instructions from Rowan Cronje. This newspaper, which has the Bop state as a majority shareholder, needs also to reflect a diversity of viewpoints in order to ensure a freer debate in Bop.

3. A BRIEF OVERVIEW OF REPRESSION IN BOPHUTHATSWANA

a. Introduction

This overview is necessarily brief as it is not the intention of this document to provide detailed factual information on repression. However, MAREF is in possession of detailed information and should any party require it we would be happy to provide it.

Since the February 1990 reforms of President De Klerk repression in Bop has intensified. The Pretoria Minute has not been applied in that territory and the failure of the Bop authorities to release political prisoners caused considerable embarrassment to the South African government and was cited by a number of countries as one of the issues delaying the complete lifting of sanctions.

The plight of the Bop hunger strikers focused world attention on repression in Bop. In September last year the New York based International Human Rights organisation, "Africa Watch", brought out a well-researched publication detailing repression in Bop entitled, The Misery in Bophuthatswana. This was distributed very widely internationally. In addition, Amnesty International and various Anti-Apartheid organisations internationally have sent literally thousands of letters to President De Klerk and Mr Mangope, urging them to put an end to the deplorable human rights abuses in that part of South Africa.

It is clear that there can be no fair settlement in South Africa unless CODESA puts an end to the repression taking place in Bophuthatswana.

b. Dismissals - Security Clearance and Public Service Acts

The Security Clearance Act gives the President the power to terminate the services of any employee of the state, parastatals or education institutions, if he is satisfied that such a person "endangers or constitutes a threat to the public safety or national security or the maintenance of law and order" (Sec 3). This Act has been used by President Mangope to dismiss scores of his political opponents, including the dismissals last year of Dr Thabo Rangaka, who was Superintendent of the Bophelong hospital in Mafikeng, and Dr Paul Sefularo, who was the Deputy Superintendent of the Thusong hospital outside Itsoseng. Both men have been forced to leave Bop to seek alternative employment. Without due legal process, therefore, Mangope is able to victimise those in opposition to him in order to attempt to intimidate the population at large.

The Public Service Act has been used to suspend many civil servants from their employment if they have been charged with any criminal offence. Thus in August last year 4 members of the Bophelong hospital Health Workers Association were suspended after being charged with illegal gathering and incitement. The health workers were protesting the dismissal of Dr Rangaka. Their case has still not been finalised and these men are still unemployed. August of last year also saw the suspension of three Itsoseng teachers (under the National Education Act) and one public prosecutor. All four are members of the local ANC branch and are still unemployed.

It has become tradition for Mr Mangope to call together civil servants from time to time to threaten them with dismissal. The most recent such occasion was on Friday 31 January 1992, when thousands of civil servants were called together in Mmabatho. On this occasion Mangope said that anyone who belongs to an organisation which is attempting to make Bophuthatswana ungovernable or which is planning an end to the existence of Bophuthatswana, will be dismissed. Clearly therefore, dismissals are not going to end. In fact the chairperson of the Dinokana branch of the ANC arrived at work in January this year only to find that he had been dismissed.

c. Banned Organisations

Bophuthatswana is the only part of South Africa where certain organisations are still banned. Among these are the former parliamentary opposition party, the People's Progressive Party, as well as the Black Sash and its service organisation, the Transvaal Rural Action Committee (TRAC). Also on the banned list is the Bafokeng Womens Club, an organisation headed by the wife of exiled Chief Lebone Molotlegi of the Bafokeng region.

d. Deportations

Bophuthatswana is also the only one of the 'independent' homelands which still 'deports' South African citizens out of its territory into the rest of South Africa. In January 1991 Paul Daphne, lecturer and Vice President of the University of Bophuthatswana Staff association, and Dr David Green, Chairperson of Mafikeng Anti Repression Forum, were both deported and declared persona non grata in Bop areas. On 6th September, George Madoda, a teacher in Atamelang and member of the Atamelang ANC executive was also deported. (The case of Mrs Molotlegi, wife of exiled Chief Lebone Molotlegi, is a further example of victimisation through deportation. Although not a South African citizen, she had been resident in the Bafokeng area for 27 years when she was deported in April of last year.)

e. Vigilante Activity

Allegations have been made of attacks on village residents by vigilantes supported by the Bop security forces. These accounts emerge particularly from the village of Braklaagte, which has been forcibly incorporated into Bophuthatswana. Attacks on residents of Braklaagte, who have strongly resisted their incorporation, resulted in almost the entire community of over 6000 people fleeing to neighbouring Zeerust in December 1990. This community only returned to Braklaagte on the 13th July 1991 - over 6 months later.

f. Forced Incorporation

In relation to this issue it is worth noting that the process of forced incorporation of communities such as Braklaagte, Leeuwfontein and Madibogopane appears to be continuing. The South African government, despite having pronounced the failure of separate development, and against the expressed wishes of these communities, is still going ahead with aspects of the consolidation of Bophuthatswana.

g. Indemnity for Exiles

The related question of the indemnification and safe return of exiles is another issue where the Pretoria Minute is not being applied in Bophuthatswana. There are no guarantees that returning exiles will not be arrested, as the case of Rocky Malebane-Metsing, ex-leader of the Peoples Progressive Party, illustrates.

Despite being granted indemnity by the South African government, the Bop authorities have stated that he will be arrested if he enters Bophuthatswana. Other returning exiles have also been detained and harassed by the Bop security police despite being granted indemnity by the South African government.

h. Political trials

Currently there are a number of political trials taking place in Bop. The majority of these are for illegal gathering, while some are for intimidation, incitement and contravention of the Prisons Act. All of these are charges as a result of legitimate, non-violent political activity. These political trials need to be stopped before a climate for free political activity can be created in Bop.

i. Labour Legislation

Apart from the formal banning of the organisations mentioned above, labour legislation is currently in force which prevents workers from joining trade unions affiliated to the major South African federations, COSATU and NACTU. These unions are deemed to be 'foreign' unions and are therefore prevented from operating in Bop areas. COSATU have embarked on a campaign to organise workers in defiance of this ruling, and are currently in conflict with the Bop authorities over this.

4. POLICE BRUTALITY IN BOPHUTHATSWANA

a. The Nature of Police Brutality

While incidents of human rights abuse and police brutality have decreased markedly in the rest of South Africa since February 1990, in Bophuthatswana they have in fact increased. The Bop police are used as a weapon to forcibly suppress any political opposition to the ruling government. However, political activists are not the only ones to suffer at the hands of the Bop police, criminals and suspected criminals are routinely assaulted while in police custody.

Political opponents of Mr Mangope (most of whom are members of the ANC) are subjected to continuous harassment which takes many forms. Activists are routinely detained generally only for a few hours or a day or two. Certain individuals have been detained for brief periods up to 20 times in the space of 12 months. Almost without exception the police deny having detained the person, saying they are only holding them for questioning. Very often during these detentions the detainees are assaulted. The pattern has been that older professionals are not assaulted, but any youth is subjected to assault and sometimes terrible torture. However, there are of course exceptions to the rules.

MAREF receives weekly repression reports from other parts of Bop. Almost every week there are more stories of assault and torture of detainees. Many of these areas are extremely remote and these stories never reach the press, nor do the victims have access to legal representation.

i. Assault and torture of detainees

The methods of assault and torture vary. The least serious is when the person is made to stand or slapped with open hands. This happens as a matter of course on all but a few detainees.

Sometimes detainees are punched all over their bodies by several policemen at a time, often for an hour or two. Detainees are strangled by hand or with cord. Some have reported being suffocated with plastic bags, and being repeatedly drowned in water. Electric shocks are frequently applied to all parts of the body including the genitals. Helicopter treatment is a particularly inhuman form of torture. Here a detainee is bound in a crouching position, a stick is then inserted between his arms and legs so that he can be suspended between two chairs. He is then spun around. Detainees have reported being subjected to this for up to 20 minutes while being shocked at the same time.

The offices of the security police in Mafikeng have a room especially designed for torture. It is a room with no windows and a door like a fridge, the temperature can be controlled so that it is either very hot or very cold. Many detainees have been kept in this room for several hours at a time with the temperature regulated for torture purposes. Temperature torture was used in at least one other case, where Aaron Mokeng was forced to stand under a cold shower for two hours in the early hours of the morning in the middle of winter on the 16 June 1990. Aaron had been found in possession of June 16 pamphlets.

All of the above mentioned forms of torture have been documented in affidavits and many assault charges have been laid and civil claims made. Applications for restraining interdicts have also been granted. However, none of this has led to any curtailment of police brutality.

ii. Other assaults against political opponents

Assaults of political opponents do not only take place while in police custody. It has become a regular occurrence that people wearing political T-shirts are randomly assaulted by uniformed police.

On several occasions busses and combis carrying people returning from or going to rallies and meetings outside the Bop boundaries (this is often the only way that opposition organisations can meet) have been stopped at roadblocks, the people forced out and then systematically assaulted and in some cases even shot. Public functions organised by the ANC youth league, such as at discos, have been teargassed and then the fleeing youths assaulted and even shot.

iii. Assaults of criminals and suspected criminals

MAREF's work focuses on political repression, however, generalised police brutality in Bophuthatswana is becoming of such a scale that we can no longer ignore the plight of ordinary criminals as well.

Our frequent visits to police stations to provide support to detainees and our own detentions, have brought us into contact with the plight of ordinary criminals. Violence against criminals or suspected criminals is used as a matter of course. The Mmabatho police station has a cleverly concealed weapon for such purposes. In the charge office an innocent looking brass fitting in the wall can be pulled out to reveal a long rigid length of electric cord. A detained MAREF member recently saw a man who had been slashed across the face with this.

iv. Bop police attitude to the law.

The police make up their own rules, generally have almost no knowledge of the law, and show no respect for it. MAREF members and members of the Mafikeng branch of Lawyers for Human Rights are having an increasingly hard time defending the rights of political detainees. Police stations are refusing to accept food and toiletries for detainees. Arbitrary banning charges are placed on MAREF workers denying them access to public facilities such as hospitals and police stations.

Lawyers are refused access to detainees and routinely have to take the matter to court. Investigating officers are even starting to ignore the orders of court. All of this is done without any legal authority. The Bop police are increasingly becoming a law unto themselves.

v. Police brutality is sanctioned at the highest levels ?

There is considerable evidence that police brutality is sanctioned from the highest levels of the police force. The station commander of Mafikeng Police station frequently metes out the assaults himself. On the 20 December last year three ex-political prisoners, Pascalise Racoco, Victor Motsamai, and Patrick Cebisa were detained in Mafikeng. The next morning at the offices of the security police a certain Major arrived and ordered the police to assault them. He was heard saying, "You must kill the bastards before they kill you". The "Major" was never identified. The three were then stripped naked and repeatedly punched by amongst others, Capt. Ben Hlakanya and Sgt Boitumelo Moluefe. They were assaulted in front of one another. This communal form of assault happens very frequently and is an indication that the police do not fear prosecution.

A very clear indication of instructions from the top came to our attention when a MAREF member met a policeman who is a friend of his on the 5 December last year. He was told that the police had received instructions that anyone seen wearing ANC or related T-shirts must be assaulted and that they would receive indemnity from any charges brought against them. The occasion was the independence celebrations the next day. Sure enough, MAREF received news of four such cases of assault the next day. The MAREF member has made a sworn affidavit that this is what he was told.

MAREF came into being in March 1988 following the detention of 19 school students and 2 Unibo employees. We were so horrified by the affidavits of torture we collected from the school children, that together with several prominent Mafikeng residents, we attempted to have a meeting with the Commissioner of Police, Major-General P.J. Seleke. We provided him with extensive information on why we wanted the meeting together with the sworn affidavits of the children. After several days the reply was that the Commissioner refused to meet us with no reasons given. Clearly bringing torture to the attention of the people in charge has no effect.

The following extract clearly demonstrates the attitude of the Minister of Law and Order to his police force. It is taken from a speech he made to the community of Leeuwfontein.

" Beware that Bophuthatswana is like a prickly pear... Bophuthatswana is very tasty, but also dangerous. I warn you strongly not to abuse me. If you do I will prick you and pierce you like a prickly pear...I shall start by informing you that I have heard that you do not want to see my police force in this place. Know that I actually love them. I love them for carrying out my instructions. They are the ones that see to it that all the people of Bophtuhatswana obey the law to the letter. I am going to order them to come to this place. They will see to it that there is order in this place. Even if you engage the services of attorneys you will not accomplish your wishes. I am not afraid of Johannesburg attorneys or any attorneys. "

L.M. Mangope 19 May 1989

vi. Some Conclusions

Our own experience of the Bop police force and the mass of evidence accumulated by the Mafikeng Anti Repression Forum over the last 2 years, therefore, leads to the inescapable conclusion that

- * the use of violence and torture by the Bop police against political opponents has increased dramatically in 1991/92,
- * this violence is being used in order to suppress the growth of political opposition and to intimidate the population at large,
- * this violence does not constitute the random acts of junior members of the force, but is part of a systematic policy of violence carried out on the orders of high ranking members of the Bop security forces,
- * there is little if any protection from the Bop courts for the victims of police violence, and police officers operate on the assumption that they have immunity from prosecution.

b. Case Studies of Police Brutality

The number of cases of police brutality that MAREF has on record and that are available at the many offices of attorneys in Bop and elsewhere, and the number of cases against the Minister of Law and Order that are on record at the Mmabatho Supreme Court, are so numerous that a completely separate paper would be needed to document them all. This of course would only represent the tip of the iceberg, since most people do not lay charges and MAREF's information network does not reach very far.

However, what we are attempting to do in this section, is merely to present a few recent cases representing the different categories outlined above.

i. Assault and torture of detainees.

*** Three political prisoners are beaten up by prison warders - 3 September 1991.**

Bushy Molefe, Frans Mokomane and Patrick Mongake were recovering from a hunger strike in Odi hospital when the doctor ordered that they be transferred to Bophelong hospital in Mafikeng for further treatment. They were fetched by prison warders who undertook to take them to Mafikeng. However, they were taken to Odi prison where they were informed that the vehicle which was to have transported them was not available until the next day. The three prisoners insisted that they be taken back to Odi hospital to await transfer instead of having to spend the night in prison. At that point Sgt. Kgoadi summoned reinforcements and the three were attacked by over 20 warders who kicked and assaulted them while dragging them into cells, where they were physically thrown in.

They were taken to Bophelong hospital the next day where they were seen by MAREF members. They were all extensively bruised and had many abrasions. When considering that there were 3 prisoners and about 20 prison warders, the kind of force that was used was completely excessive.

*** Mandla Magwetyana assaulted - 26 October 1991**

MAREF member Nomvula Hlangwana, was detained on 26 October along with 3 Danish journalists who had been interviewing hunger striking political prisoners. The Danes were released, but Ms Hlangwana was held.

That night her brother, Mandla Magwetyana, went to the Mafikeng police station to take her food and toiletries. When he arrived in the charge office he witnessed several policemen assaulting a woman behind the counter. He began shouting at them in an attempt to stop them. They then grabbed him and about six policemen beat and kicked him while dragging him into the police holding cells where he spent the night. The next morning the station commander, Lt. Gopane went to the cell and proceeded to beat him up again by kicking and punching him for ten minutes, while shouting that he must not think that the police station is an ANC office and that if he had been called the previous night he would have shot Mandla. This was all overheard by Ms Hlangwana who was in the next cell.

The bizarre thing is they then charged Mandla with assaulting a police officer and released him. Mandla has laid charges of assault and both cases are pending.

*** Four Itsoseng youths severely assaulted - 23 October 1991**

Following a schools crisis in Itsoseng which began with the dismissal of four teachers on August 20 and a subsequent class boycott, several youths fled the township and sought refuge at the ANC Western Transvaal office in Klerksdorp.

On Wednesday 23 October four of these youths were arrested by South African police in Klerksdorp, allegedly for stealing. However, no investigation followed, and they were then immediately handed over to the Bop security police, who took them back to Itsoseng. When they arrived they were systematically beaten and tortured. Their injuries were so serious that even the security police took them to the local clinic for treatment. A week later when they were released their faces were still swollen and bruised.

The four are Joel Chacha, Gideon Seokama, Isaac Mogonediwa and Lazarus Seologodi. Charges of arson relating back to the school boycott were laid, but have since been withdrawn. Lawyers for Human Rights are handling their case and have laid assault charges against the police.

*** Two women assaulted by Lt. Gopane - 23 November 1991.**

41 members of the Mafikeng ANC were arrested on 21 November while attending a branch meeting. They were held until Monday 25 November when they were charged with illegal gathering and then released on bail.

On the Saturday morning the Mafikeng station commander Lt. Gopane assaulted Beauty Mmutle and Basatsane Mocumi by slapping and kicking them. He also made them sit on hot concrete in the sun and stretch their legs out so that it would burn them. When they could not, he would jump on their legs. This treatment lasted for about 45 minutes. He alleged that they had written slogans in the cells. They have been charged with damaging property and he has been charged with assault.

*** Ex-political prisoner assaulted - 27 November 1991**

Christian Nhlapo was detained in Itsoseng. When he arrived at the security police offices he was attacked by seven policemen who punched, kicked and strangled him for about two hours. They interrogated him about the activities of the political prisoners while they were still in jail. They released him six hours later.

*** Ex-political prisoners assaulted - 20 January 1992**

Samuel Motlhanke and Samson Mogapi were detained in Lehurutshe by security police. They were systematically assaulted in each others presence over a period of 8 hours. They report being kicked, punched and repeatedly strangled. Both had extensive bruises and abrasions.

ii. Other assaults against political opponents.

* Kuruman disco broken up - 7 September 1991

The ANC Youth League held a fund-raising disco at a school hall in Magojaneng village outside Kuruman. Police surrounded the hall, threw teargas canisters inside and when everyone ran outside, assaulted them and opened fire. Two people were shot and later admitted to Kimberly hospital. Ten other youths sustained serious injuries. 17 Members of the youth league went to the Mothibistadt police station to lay charges of assault on the following Monday. Police refused to allow to lay charges. They then went to the Governors office to protest this. Instead of their grievances being heard, they were detained by security police. All of them were seriously assaulted and then released.

* Vehicles stopped at roadblocks - 8 September 1991

People returning to Kimberly and Taung from a rally in Vryburg were stopped at a road block, forced to alight from their vehicles and then systematically beaten up. The vehicle containing Mrs Ruth Mompoti, ANC NEC member was teargassed and as people were attempting to escape the teargas they were assaulted.

* Seoding village near Kuruman - 5 December 1991.

Security police disturbed an ANC Youth League meeting of approximately 30 people at the home of Mrs Agnes Moholoeng. They youth locked themselves in the room they were meeting in and Mrs Moholoeng opened the door to the police. they immediately began assaulting her and when her husband tried to intervene he was shot in the face using rubber bullets. He lost an eye and suffered a broken nose. The police then threw 6 teargas canisters into the room where the meeting was taking place. The youths attempted to escape, but several were arrested. Both Mr and Mrs Moholoeng were admitted to hospital due to the injuries they sustained.

*** Mr Rulashe is assaulted for wearing an ANC T-shirt on Bop independence day - 6 December 1991.**

Mr Rulashe, a man in his fifties, was picked up on Bop independence day for wearing an ANC T-shirt. He was taken to a secluded place where six uniformed policemen proceeded to kick and punch him. After about half an hour of this treatment a police dog was let loose on him. His injuries were so serious that the police took him to Bophelong hospital and dropped him off. Mr Rulashe was unable to identify any of the police and therefore has laid a civil claim against the Minister of Law and Order.

iii. Assaults of Criminals and suspected Criminals

*** Madoda Hlangwana assaulted - 28 November 1991.**

We were able to get the details of this case because it involved the son of a MAREF member. Most non-political cases are very hard to follow up.

Nineteen year old Std 9 student, Madoda Hlangwana, was arrested by the Murder and Robbery squad at 1.30pm on 28 November last year. The police said they were investigating charges of robbery against him. As soon as he left the house he was blindfolded and taken somewhere where he was shocked all over his body and repeatedly assaulted with a blunt object. He was handcuffed, attached by the handcuffs to something against the wall and then pulled by the feet, as though he was on an old-fashioned torture rack. All of this lasted for about 3 hours during which time he was always blindfolded. He was then taken to the police station still blindfolded.

His mother had been alerted to the possibility that he would be assaulted; because when the police arrived at the house to arrest Madoda, they were with one of his friends, who had clearly been assaulted as he had a bruised and swollen face, and torn clothing. She managed to obtain an urgent interdict restraining the police at midnight that same day. All charges against Madoda have since been dropped.

5. POLITICAL PRISONERS

a. The Remaining Political Prisoners.

While most of the political prisoners in Bop have been released, there are still 5 left in jail. They are as follows:

1. Timothy Phiri - Leader of the 1988 coup.
Conviction - High treason
Date of sentence - 18/12/1989
Sentence - 18 years imprisonment
2. Petrus Mothupi - member of Umkhonto weSizwe.
Conviction - attempted murder and a charge under the Internal Security Act
Date of sentence - 30/7/1986
Sentence - 10 + 5 years. He will qualify for release after July 1996.
Nature of offense - Mothupi attempted to murder the unpopular chief of Dinokana who had been installed by Pres. Mangope. The previous chief had been deposed without regard to tribal custom.
3. Amos Ramesega - Leeufontein resident.
Conviction - Public violence arising out of disturbances relating to the forced incorporation of this area into Bop.
Date of sentence - 17/8/1990
Sentence - 2 years. According to the prison authorities Ramesega will qualify for release on 16/6/1992.

Ramesega was sentenced along with 4 other Leeuwfontein residents. One of those is Peter Modisane. He also received a two year sentence for public violence. He was however also convicted of a stock theft charge one month after the public violence charge. He was sentenced to 2 years and the sentences run consecutively. It is the view of MAREF that once he has served two years since the date of his stock theft charge, (September 1992) he will then qualify as a political prisoner and should be released. Ramesega's other co-accused have already been released.

4. Christopher Makgale - Bafokeng Action Committee member

Conviction - Murder

Date of Sentence - 8/10/91

Sentence - 15 years

Although the offence committed by Makgale and his co-accused, Boy Diale, occurred after the cut-off date of the Pretoria Minute, MAREF feels that this cut-off date for political offenses is not appropriate to Bop in that by this date there had been no liberalisation of the political process in this area. In addition, the judge accepted as an extenuating circumstance that the murder was politically motivated. This was why the accused got prison terms instead of the death penalty.

5. Boy Diale - Bafokeng Action Committee member

Conviction - murder

Date of sentence - 8/10/91

Sentence - 12 years

Diale was the co-accused of Makgale

b. The Current Hunger Strike.

Christopher Makgale has been on hunger strike since 13 December 1991. As at the date of writing this report, he is on the 71st day of his hunger strike in Odi prison. MAREF has been denied access to him, but from the reports of people who have seen him, we believe he is in a serious condition. Unless he is released very soon he will die. We are concerned that he has been removed from Odi hospital while in an extremely advanced stage of hunger strike.

Petrus Mothupi is now on the 51st day of his hunger strike. He is in the Bophelong hospital in Mafikeng. His condition is cause for serious concern.

MAREF is baffled by the failure to release Petrus Mothupi as a political prisoner. Frans Mokomane, John Pilane and George Biya, all operatives of liberation armies and serving lengthy sentences, have been released. It has been suggested that the reason he has not been released is because the chief he attempted to murder is a personal friend of Mr Mangope.

It would be truly tragic if one of these people was to die at this point in South Africa's history.

6. CONCLUSIONS

Since the initiation of the reform process by President De Klerk in February 1990, little has changed in that part of South Africa designated as Bophuthatswana. If anything, repression has actually worsened as the Mangope administration has desperately repressed all opposition in an attempt to stave off inevitable changes. There is no freedom of political expression. Detentions, deportations, dismissals, and less formal acts of repression are used to stifle opposition. Organisations such as the Black Sash and Transvaal Rural Action Committee remain formally banned, while the ANC is 'de facto' banned in that it is prevented from holding meetings and organising openly in the Bop areas.

If a referendum is going to be the way of testing the will of the people, then Codesa needs to ensure that free political expression exists in Bop and that there are mechanisms for enforcing it. Without that, a referendum would make no sense.

LAURA TAYLOR

MAFIKENG ANTI REPRESSION FORUM

21 FEBRUARY 1992

Stinkwater Community Authority

Bophuthatswana is a product of apartheid. The matter (S.A.) has been crushed but the babies (bantustan) are still alive. With the scrapping of the Land Act and Population Registration Act there have been claims by the South African government that the last pillar of apartheid have been removed. These claims ring somewhat hollow for the people living in the bantustans, particularly in the "independent" Bophuthatswana, where nothing has changed since the dramatic reforms of February 1990. The Status of Bophuthatswana Act of 1977, which gave this bantustan it's so-called independence is still firmly on the statute books, and for us in the Bophuthatswana areas this particular pillar of apartheid is still very much alive and kicking.

The Bophuthatswana authorities have been the most intransigent of all the bantustans in sticking to old style grand apartheid. The people of Bophuthatswana has never recognised the independence. It's a land ruled by a gun to suppress the aims and aspirations of the people. The state resources are used to promote the interest of Mangope. It is generally accepted that the people of these areas support the concept of a United South Africa. History of apartheid has meant that these are the most neglected part of our country in terms of infrastructure and development in general. Many of us opposed to the bantustan system, have elaim that the dismantling of the bantustan structure will lead to substantial saving in expenditure. Reincorporation and dismantling of the bantustan structure will inevitably bring about savings in certain areas which will allow these finances to be put to better use. In examining the 1989/1990 Bop budget it is hard to see the necessity of the Dept. of the Presidency receiving an allocation of R53 million. In the same budget

The Bill of Rights in Bop but not working Mangope is unpopular in Bop. He's not representing the people of Bop. He represent himself. He does not tell them about the proceedings or the outcome of Codesa. We are seeking the Status to represent the people of Bop or have a say in Codesa.

What Mr. Mangope is saying about the people of Bop is a lie. They are not happy at all.

Sent reply to : The Tribal Officer
P.O. Box 480
Hammanaskraal
0400

Hoping and trusting that Codesa will hear our plea.

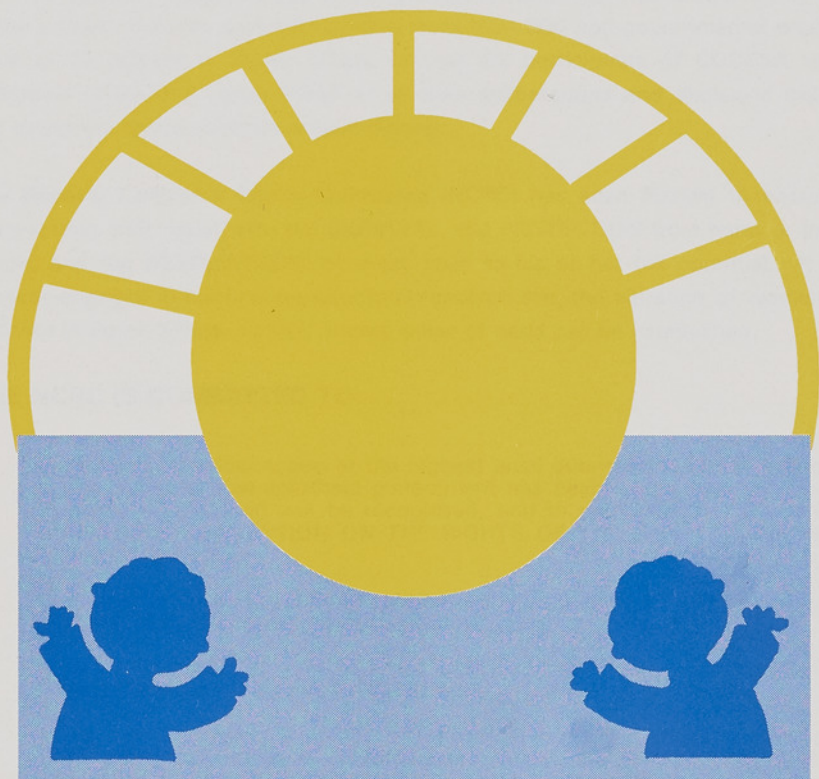
Your faithfully
Stinkwater Community

U.P.F. UNITED PEOPLE'S FRONT:

The United People's Front submits that a decision to hold meetings fortnightly and for only two days is not in accordance with the number of days allocated by Codesa.

Codesa allocated two days per week which amount to four days per fortnight. It is assumed that Codesa regarded the 2 days per week as reasonable for the preparation to be completed before Codesa 2.

U.P.F. would support the proposal to meet fortnightly if the meeting would be for four days. Any reduction in the number of days amount to the delay of the processes to enable reports to Codesa 2 to be made.



NATIONAL CHILDREN'S RIGHTS COMMITTEE

NCRC

put children first

PRESENTATION TO CODESA

PREAMBLE

We, the National Children's Rights Committee, an umbrella organization established under a Deed of Trust, and representing more than 200 non-governmental organizations in 14 regions in South Africa, call on the participants of CODESA to put children's needs and rights FIRST in all their deliberations and decisions because our country's future depends on our children.

The National Children's Rights Committee (NCRC) has been formed to encourage programmes that assist with the SURVIVAL, the PROTECTION from harm or exploitation, and the DEVELOPMENT of every child to his or her full potential. It is at present engaged in national multisectoral research into the situation of women and children in South Africa, so that priority areas of need can be established.

THE NCRC IS COMMITTED TO:

- lobby for political action at the highest level during this interim period and also when a post-apartheid government has been established, so that the needs of the child will be recognised, and in particular that the UNITED NATIONS CONVENTION ON THE RIGHTS OF THE CHILD will be ratified by South Africa;
- inform social and economic policies to enhance children's health and nutrition and their optimal growth and development;
- work to strengthen the role and status of women, and for support and respect for the family in its role of nurturing children;
- work to ameliorate the plight of thousands of children in our land who live in particularly difficult circumstances, especially children displaced and orphaned through violent conflict, disabled children, street children and abused children;
- work for programmes that reduce illiteracy and provide educational opportunities for all children irrespective of their background or gender; and that prepare children for productive employment and lifelong learning opportunities;
- promote the values of peace, understanding and dialogue in the community and in the education of children, so as to give children a peaceful and secure future;
- work for common measures for the protection of the environment at all levels, so that all children can enjoy a safer and healthier future;
- work for an economic policy that promotes economic growth while ensuring the well-being of the most vulnerable sectors of the population, especially children.

CONSIDERING that our children are innocent, vulnerable and dependent but also curious, active and full of hope, their time should be one of joy and peace, of playing, learning and growing. Their future should be shaped in harmony and co-operation. Their lives should mature as they broaden their perspectives and gain new experiences.

HOWEVER, for the majority of children in our land the reality is very different. There is in fact a silent catastrophe among the children in South Africa with regard to:

SURVIVAL - In some rural areas up to 157 children in 1 000 - more than one in ten - die before their first year of life, and of the survivors about the same proportion die before they turn five.

DEVELOPMENT - Of the survivors, thousands drag out their lives, handicapped by disease and malnutrition, without the stable family life that is needed for emotional growth and stability, and without the stimulation and basic education that are needed for their intellectual potential to be fully developed.

PROTECTION - Neither in law nor by common practice is the protection of children adequately provided for. In South Africa children are IN THE FRONT LINE in the conflict and violence. They are the most vulnerable victims of the poverty of almost half our citizens. They are often subjected to abuse through child labour neglect and prostitution (about 10 000 of them are street children).*

We therefore reiterate our call on all participants of CODESA to put children first by giving priority on the national agenda to the right of the child to survival, protection and development.

ACCORDINGLY, we recall the public notice by CODESA, inviting all interest groups in South Africa to make submissions, and we hereby take advantage of that invitation, and besides our general appeal we make the following specific recommendations to all the Working Groups of CODESA:

* Many are detained in adult prisons.

WORKING GROUP 1

The current level of violence in the country violates the rights of the African child, in particular the right to a secure family life, health and education.

Family life is disrupted for many in the poorest localities of our country, as these are the main target areas for those perpetrating the violence. As a result of the violence hundreds of children are killed and maimed each year and education is disrupted.

We are convinced that the National Peace Commission and CODESA have the capacity to stop the violence.

Working Group 1, charged with the task of recommending mechanisms to CODESA 2 for the creation of a climate conducive to free political activity, should speed up the process to resolve this problem.

WORKING GROUP 2

Nothing in the constitutional principles considered by Group 2 should undermine the rights of the child as contained in the United Nations Convention on the protection of the rights of the child.

We identify the following important rights as inalienable and therefore should unequivocally be protected in a new constitution:

- nationality and citizenship;
- non-discrimination;
- protection against abuse and exploitation;
- freedom to voice problems;
- health;
- shelter;
- education;
- secure family life;
- protection against exploitative adoption practices both nationally and internationally;
- leisure and recreation;

- special treatment, care and education if disabled;
- appropriate treatment or training for recovery and rehabilitation if maltreated, neglected or detained.

The democratic state should take full responsibility for providing the necessary services.

WORKING GROUP 3

We urge this group to see that interim arrangements are accelerated and to ensure that nothing in your proposals undermine the best interests of the child.

WORKING GROUP 4

We urge this working group to consider the protection of children against customs which undermine their well-being:

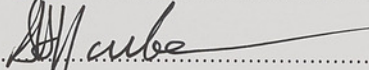
- exploitative child labour;
- early marriages;
- dangerous circumcision practices;
- unequal health provision for the female child;
- exploitative sexual practices;
- inequality in education.

WORKING GROUP 5

Speedily effect the mandate to this group, by taking cognizance of the agreed-upon time frame, and, in considering your terms of reference 1.1.2, repeal all the discriminatory legislation which in particular affects the rights of the child to survival, protection and educational development.

WE MAKE THIS APPEAL ON BEHALF OF ALL THE CHILDREN IN SOUTH AFRICA - NOT ONLY FOR THE PRESENT GENERATION, BUT FOR ALL GENERATIONS TO COME. THERE CAN BE NO TASK NOBLER THAN GIVING EVERY CHILD A BETTER FUTURE.

(Signed)  (Albertina Sisulu)

 (Sr Bernard Ngcube)

(CHIEF CONVENORS)