

BORN OUT OF SORROW

Essays on Pietermaritzburg
and the KwaZulu-Natal Midlands under Apartheid,
1948–1994

Volume One

Compiled and edited by Christopher Merrett



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and the KwaZulu-Natal Midlands
under Apartheid, 1948–1994. Volume One*
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ABBREVIATIONS

ACTWUSA	Amalgamated Clothing and Textile Workers Union of South Africa
AFRA	Association for Rural Advancement
ALC	African Liaison Committee
ANC	African National Congress
AO	advice office
APC	Alan Paton Centre (Pietermaritzburg)
APDUSA	African Peoples Democratic Union of South Africa
AZAPO	Azanian Peoples Organisation
AZASM	Azanian Students Movement
AZAYO	Azanian Youth Organisation
BAWU	Black Allied Workers Union
BC	Black Consciousness
BOSS	Bureau for State Security
BTR	British Tyre and Rubber
CAB	Complaints Adjudication Board
CAE	Centre for Adult Education
CCAWUSA	Commercial, Catering and Allied Workers Union of South Africa
CED	Corporation for Economic Development
CI	Christian Institute
CLAC	Coloured Local Affairs Committee
COIN	counter-insurgency
CONTRALESA	Congress of Traditional Leaders of South Africa
COSATU	Congress of South African Trade Unions
CPA	Criminal Procedure Act
CPSA	Communist Party of South Africa
CUSA	Council of Unions of South Africa
DAB	Drakensberg Administration Board
DACOM	Detainees Aid Committee
DBAB	Drakensberg Bantu Administration Board
DC	Dependants Conference
DDD	debility, dependency and dread
DESCOM	Detainees Support Committee
DJWC	Durban Joint Wards Committee
DSC	Durban Supreme Court
ECC	End Conscription Campaign
EEC	European Economic Community
ELHA	Edendale Lot-Holders Association

FAWU	Food and Allied Workers Union
FEDSEM	Federal Theological Seminary
FOSATU	Federation of South African Trade Unions
GAA	Group Areas Act
GADB	Group Areas Development Board
GFWBF	General Factory Workers Benefit Fund
GWU	General Workers Union
HRC	Human Rights Committee
HRWU	Howick Rubber Workers Union
ICA	Industrial Conciliation Act
ICJ	International Commission of Jurists
ICU	Industrial and Commercial Workers Union
I-EJC	Indo-European Joint Committee
IFP	Inkatha Freedom Party
IIE	Institute for Industrial Education
ILAC	Indian Local Affairs Committee
ISA	Internal Security Act
JMC	joint management centre
KZG	KwaZulu government
KZLA	KwaZulu Legislative Assembly
KZP	KwaZulu Police
LHC	Local Health Commission
MASA	Medical Association of South Africa
MAWU	Metal and Allied Workers Union
MDM	Mass Democratic Movement
MISA	Maritzburg Indian Sports Association
MK	Umkhonto we Sizwe
MRA	Mpumalanga Regional Authority
NACTU	National Council of Trade Unions
NAD	Native Affairs Department
NAMDA	National Medical and Dental Association
NAR	Natal Archives Repository
NASCO	Natal Students Congress
NEHAWU	National Education Health and Allied Workers Union
NEUSA	National Education Union of South Africa
NFATU	Natal Federation of African Trade Unions
NGO	non-governmental organisation
NIA	Natal Indian Association
NIC	Natal Indian Congress

NIJC	Natal Indian Judicial Committee
NIO	Natal Indian Organisation
NMBS	Natal Midlands Black Sash
NOW	Natal Organisation of Women
NP	National Party
NSC	Natal Supreme Court
NULW	National Union of Leather Workers
NUMSA	National Union of Metalworkers of South Africa
NUSAS	National Union of South African Students
NUTW	National Union of Textile Workers
PAC	Pan Africanist Congress
PACSA	Pietermaritzburg Agency for Christian Social Awareness
PAR	Pietermaritzburg Archives Repository
PCDRA	Pentrich and Camp Drift Residents Association
PCRRRA	Pietermaritzburg Combined Residents and Ratepayers Association
PDL	poverty datum line
PFPP	Progressive Federal Party
PMBCC	Pietermaritzburg Council of Churches
POTWA	Post and Telecommunications Workers Association
PRA	Population Registration Act
PSA	Public Safety Act
PWAWU	Paper, Wood and Allied Workers Union
RCWU	Rubber and Cable Workers Union
RSC	regional services council
SAAWU	South African Allied Workers Union
SABS	South African Boilermakers Society
SACHED	South African Committee for Higher Education
SACP	South African Communist Party
SACTU	South African Congress of Trade Unions
SACTWU	South African Clothing and Textile Workers Union
SADF	South African Defence Force
SAP	South African Police
SAPA	South African Press Association
SATLC	South African Trades and Labour Council
SATU	South African Typographical Union
SAWCO	Sarmcol Workers Co-operative
SB	Security Branch (of the SAP)
SDU	self-defence unit
SFAWU	Sweet, Food and Allied Workers Union

SLA	Student Liberal Association (University of the Witwatersrand)
SOAS	School of Oriental and African Studies (University of London)
SoE	State of Emergency
SOYO	Sobantu Youth Organisation
SPU	self-protection unit
SRC	Student Representative Council
SSC	State Security Council
SWAPO	South West African Peoples Organisation
TGWU	Transport and General Workers Union
TRC	Truth and Reconciliation Commission
TUACC	Trade Union Advisory and Co-ordinating Council
TUCSA	Trade Union Council of South Africa
UBC	urban bantu council
UDF	United Democratic Front
UNITA	União Nacional para a Independência Total de Angola
UP	United Party
UTP	Urban Training Project
UWUSA	United Workers Union of South Africa
Wits	University of the Witwatersrand

PREFACE

‘Half the size of a New York cemetery and twice as dead’: this was the wry comment of the satirical writer Tom Sharpe who worked in Pietermaritzburg as a teacher from 1951 until deported ten years later for the archaic offence of sedition.¹ Kinder and less acerbic critics have described the city as ‘sleepy hollow’. At the height of the apartheid era humourists labelled it the ‘last outpost of the British Empire’. None of these descriptions is unwarranted, but Pietermaritzburg does in fact possess a rich history that highlights many crucial facets of South Africa’s past.

Broad-brush histories of Pietermaritzburg and its surrounding region are dominated by three names: Alan Hattersley in the mid-twentieth century; and John Laband and Robert Haswell in the 1980s.² The impressively illustrated volume edited by the latter two and published in 1988 carried a title that cleverly echoed Hattersley’s 1951 book, but for the last thirty years there has been no further comparable publication.

The planning of Laband and Haswell’s book by the University of Natal Press in the mid-1980s was attended by considerable controversy around both content and its contributors. In a time of boycott and protest there were inevitably those who refused to participate or chose to criticise the very concept from standpoints of varying principle (or, in some cases, no principle at all). The result was a largely Eurocentric compilation, but one that needed to be published despite the boundaries of political correctness. It has proved an invaluable reference book: for example, probably the most widely consulted printed source other than the English dictionary in the newsroom of the *Witness* in those times when it has been a serious newspaper. However, there is no doubt that it is heavily slanted towards the city’s nineteenth-century origins and the colonial period with a particular lack of material on black communities and the apartheid years after 1948.

While a successor volume is overdue it is highly likely that putting together a comprehensive survey of the apartheid era would run into problems similar to those of the 1980s. And even if enough contributors could be persuaded to buy into the overall concept, the more energetic writers could be frustrated for years awaiting the publication of their labours. With this in mind, the idea of a multi-volume work was put forward. If successful, the first volume would in effect kick-start a flexible process that accommodated contributions of varying type by authors who could join the project at different times rather than be tied down by one publishing deadline.

The title of the series *Born out of Sorrow* was suggested by former Natal Society Foundation chairperson and administrator Peter Croeser.³ It is a line from the poem 'A new child is born' by Gloria Mtungwa in an anthology compiled by Sono Molefe.⁴ While a slightly ambiguous title, it has been retained out of respect to Peter. While this is not cast in granite, each volume in the projected series is expected to share a broadly similar structure: chapter-length main themes; shorter contributions on more limited topics such as specific organisations or movements; and biographies. The publishers have a list of future topics, to which further ideas can be added, and it is hoped that this will underlie the content of later volumes and so develop a rounded, if largely unstructured, history of Pietermaritzburg and its surrounding region during the apartheid era. In the immediate future the editor is looking for contributions on the history of health, education, and political organisations and movements.

The object of this series is to present fresh perspectives on the city and region's recent history. It is one of the ironies of post-apartheid, liberated South Africa that history as a discipline has found itself in major crisis. Even the most superficial enquiry reveals swathes of undocumented past, but there appears to be no great appetite to fill the void. Instead, politicians set the tone and try to dominate historical discourse with their hegemonic, one-dimensional views. South Africa marches, or perhaps slouches, into the future largely ignorant, and at least severely misguided, about its history.

With its 169-year-old remit to promote the propagation of knowledge, the Natal Society Foundation hopes to make its own small contribution to a broader understanding: the acceptance, for example, that South Africa was liberated by all of its people – not one particular self-regarding vanguard movement.

There was a time, which now seems as remote as monks writing on parchment with quill pens, when librarians and academics compiled published bibliographies as an aid to further research. They proved invaluable, but have long since fallen out of fashion, presumably because of the supposed magic of computerised databases and more recently the Internet. For this reason the bibliography in this book is as comprehensive as possible: in other words, it contains some items that were not used in the writing of this book. Those that were appear in the chapter endnotes.

A number of people must be thanked for their assistance. Tony Lemon of Mansfield College, Oxford and a former visiting lecturer in the Department of Geography of the local campus was kind enough to cast a critical eye over Chapter 1 on Pietermaritzburg's urban geography. Nazim Gani and Sherian Latif of the Alan Paton Centre of the University of KwaZulu-Natal were most

helpful in facilitating access to the PACSA collection (in relation to Chapter 6 on political trials in particular) and copying photographic material. Similarly, staff of the Periodicals Department of the Bessie Head Copyright Library were very efficient in delivering numerous volumes of the *Natal Witness*. This book owes a particular debt to the contributors to parts 2 and 3 – Jill Kelly, Mary Kleinenberg, Joan Kerchhoff and John Aitchison – whom one hopes have set a trend for future writers on local and regional history. Chapters 2–5 in part 1 are based on previously published, but much shorter, articles in *Natalia*.⁵

Jo Marwick worked on layout and design and Cathy Munro on proofreading with their customary rigour and efficiency; and Marise Bauer undertook the difficult task of reworking the maps. These are unsung labours, but crucial to any successful publication, and grateful thanks go to them for work on this and a succession of Natal Society Foundation Trust books.

CHRISTOPHER MERRETT
Pietermaritzburg, April 2020

ENDNOTES

- 1 Sharpe's two books set in a fictional, but unmistakeable, South African town called Piemburg were *Riotous Assembly* (1971) and *Indecent Exposure* (1973).
- 2 Alan F. Hattersley, *Portrait of a City* (Pietermaritzburg: Shuter and Shooter, 1951); John Laband and Rob Haswell (eds), *Pietermaritzburg 1838–1988: A New Portrait of an African City* (Pietermaritzburg: University of Natal Press and Shuter and Shooter, 1988).
- 3 Peter died in October 2016.
- 4 Sono Molefe (comp.), *Malibongwe: ANC Women: Poetry is Also Their Weapon* (London: African National Congress, 1980).
- 5 Christopher Merrett, 'Emergency of the state: detention without trial in Pietermaritzburg and the Natal Midlands, 1986–90' *Natalia* 41 (2011): 10–33; Christopher Merrett, 'A small civil war: political conflict in the Pietermaritzburg region in the 1980s and early 1990s' *Natalia* 43 (2013): 19–36; Christopher Merrett, 'Masters and servants: African trade unionism in Pietermaritzburg and the Natal Midlands before the early 1980s' *Natalia* 48 (2018): 16–36.

1 FROM SEGREGATION TO APARTHEID: PIETERMARITZBURG'S URBAN GEOGRAPHY FROM 1948

THE TRANSITION FROM segregated to apartheid city appeared to be essentially seamless: as Trevor Wills has pointed out, Pietermaritzburg's original colonial character was further reinforced by post-1948 developments.¹ But this did involve a noteworthy change of emphasis: earlier developments were based largely on social custom supported in haphazard fashion by municipal ordinances; the later entirely on national legislation derived from the ideology of the National Party (NP). From 1948 onwards the city's geography provided evidence for both continuity and discontinuity between colonial and apartheid eras. Of the latter, Christopher Hope wrote that its philosophical basis was 'so compelled by its own nightmares that it preside[d] over every activity from bowel movements to burials'.² That political neurosis would make a profound mark on the urban landscape.

Prelude to 1948

The colonial city consisted of areas largely differentiated by race with isolated pockets of other groups and even some mixed streets. The African enclaves were the first to be removed, especially after the 'native village', later known as Sobantu, was built in 1928.³ Post-World War I suburban growth in Scottsville and the northern areas of Wembley and Athlone had been overwhelmingly white. Asian households had also moved beyond their original locations in the core of the city, mainly along water courses such as the Msundusi River and Dorpspruit that assisted market gardening. This led to virulent anti-Asian sentiment prior to World War II based on the myth of penetration, the move of Asian owners and occupiers into white areas. Such racism had already shown itself in the 1930s in the form of protests against flower sellers on the steps of City Hall and at the gates of cemeteries.⁴

In reality, the uproar about penetration was a matter of white Durban racism, which was later a prime mover behind the Group Areas Act (GAA), transferred to Pietermaritzburg. Judge Francis Broome's Indian Penetration Commission of 1940 established that between 1927 and 1940, 512 white-owned properties

had been bought by Asians in Durban. The Pietermaritzburg figure was a mere sixteen. The City Engineer calculated that a further 89 transfers had followed by May 1944 with 42 more by August 1945, most of them in the central area and only 34 elsewhere – notably Bellevue, Havelock Road, Railway Street and Mayor's Walk.⁵

Broome, reflecting the view of the conservative Natal Indian Association (NIA), pointed out that a number of examples of so-called penetration were in fact simply expansion on the margins of Asian areas.⁶ Traders, nearly 200 of them, were still largely confined to the upper and lower ends of the city centre with a few to be found at New Scotland, Edendale Road, Camp Drift and Retief Street extension. Furthermore, there was a 'consistent policy of neglect [of] ... municipal amenities for areas predominately occupied by Asians and other Non-Europeans ... by the City Council'.⁷ Indeed, the housing situation for the Asian community was officially described in 1948 as 'desperate'. It is significant that tuberculosis was rife and in 1951 only 42% of Asians could expect to live beyond the age of 45.⁸ Some of the worst conditions were evident at two Asian barracks at the lower end of Church Street.⁹

As Trevor Wills records, municipal housing was racially based before the Population Registration Act (PRA, 1950) made race identification a legal requirement or the GAA (also 1950) started to enforce strict territorial separation: 'well before the introduction of any restrictive measures [the city] was, in the minds of officials in any event, clearly divided along racial lines.'¹⁰ Anti-Asian clauses had operated in title deeds and leases of municipal land from the late nineteenth century onwards. Between 1927 and 1941, 202 sites were sold by the City Council with such clauses, mainly in the suburbs.¹¹

Anti-Asian sentiment and legislation provided a highly significant prequel to the apartheid city. In 1943, the Trading and Occupation of Land (Transvaal and Natal) Restriction (popularly known as the Pegging) Act was passed. It noted the areas occupied by Asians and placed controls on further acquisitions from whites. The negotiations that preceded the legislation were conducted in a spirit that was largely co-operative. Just two years later the Asian Land Tenure and Representation (Ghetto) Act followed, placing final limits on Asian land occupation. The preamble to the Act was a classic example of legalese: 'Impose restrictions with regard to the acquisition and occupation of fixed property in the Province of Natal ... to make special provision for the representation in Parliament of Asians in the Provinces of Natal and Transvaal'.

In the case of the town lands of Pietermaritzburg, areas 17 and 18 were delimited to the north-west and south-east of Mountain Rise cemetery,

uncontrolled space that included present-day Woodlands (Hathorn's Hill) and a small part of Mountain Rise suburb. In these so-called neutral areas existing restrictive clauses in title deeds fell away, allowing anyone, including Africans (many of whom had been removed from Hathorn's Hill in the 1930s under slum clearance regulations) to purchase, sell and occupy land. In controlled areas, racial zoning was to apply except under permission or proclamation, although the existing situation prior to January 1946 was allowed to continue under permit. Such were the segregation ambitions of Jan Smuts' United Party (UP) government that lost power in 1948.

A significant proportion of the white ratepayers of Pietermaritzburg were influenced by the poisonous anti-Asian sentiments of the Durban Joint Wards Committee (DJWC) and its neo-fascist secretary Grove Shaw, whose publications spoke of 'Asian aggression', promoted 'the doctrine of white supremacy', and described blacks as 'semi-barbaric'.¹² Even if they did not vote for the NP, which failed in the 1948 general election to make much impression in Pietermaritzburg, many whites would have sympathised to some degree with its apartheid aspirations.¹³ In the late 1940s there were many bitter complaints from whites that Pietermaritzburg was becoming an Asiatic city.¹⁴

In 1948 when the NP assumed power nationally, Pietermaritzburg was already largely segregated. The urban area was dominated by the original grid established by the Voortrekkers in 1839, aligned north-east to south-west north of the Msundusi River and beneath Boesmansrand escarpment. Pietermaritzburg was compact and largely white in terms of land ownership. It was still characterised by the symbols and buildings of imperial rule, although now put to provincial, municipal or even educational use. Administrative, commercial, educational and medical functions were concentrated on the grid or in its immediate vicinity. This was also home to a large proportion of the city's residents with the exception of the white working-class area of Mayor's Walk near the railway workshops. Sobantu was the quintessential African township inhabited by that part of the indigenous population deemed essential to white administration and economic activity. At its northern and southern extremities were areas of Asian and coloured housing and commerce. People of differing ethnicity lived in close proximity to one another in spite of the wide divergence in their rights and expectations, reflecting close economic inter-dependence. The modernising exceptions to this nineteenth-century legacy were new white, middle-class suburbs made feasible by trams, buses and motor cars: Scottsville dating from the early 1900s; the northern areas of Clarendon, Athlone and Wembley; and the more modest dwellings of Pelham and Bisley.

Beyond the ambit of official municipal control were the peri-urban areas, the 'black belt' redolent of white nightmares about disease and various brands of imagined depravity. This belt was in fact a series of scattered pockets, most notably the mixed but Asian-dominated area of Raisethorpe.¹⁵ To the south-west of Pietermaritzburg was the freehold area of the old Edendale mission station surrounded by rural land defined by tribal authority that climbed towards Elandskop at the head of the valley. The aspirations of the people of Georgetown (Edendale) for municipal status had long since been rejected, but during the 1940s part of the valley was placed under a local health authority. Whether this was to protect the whites of Pietermaritzburg or improve the lives of Edendale's inhabitants is debatable. In 1942 another municipal township was built on the city's western outskirts at Ashdown. The fact that under influx control regulations residents of Ashdown and Sobantu were granted preferential labour rights in the city, to ensure that rents were paid, doomed Edendale to relative economic decline.¹⁶ The definition, and redefinition, of insiders and outsiders is one of the constants in South African history.

Year	Total	White	Coloured	Asian	African
1950	60 112	46.5	5.1	19.0	29.4
1959	102 577	37.5	4.9	28.8	28.8
1965	102 190	41.4	5.2	23.7	29.7
1975	141 780	32.8	7.3	29.0	30.9
1985	170 450	34.8	8.7	41.0	15.5

Figure 1: Population of Pietermaritzburg by apartheid classification for selected years, 1950–1985 (%)

The statistics shown in figure 1 are indicative and based on municipal estimates. During the years of apartheid the white population showed a steady annual growth of 3.3%. The Asian and coloured groups grew at rates three or four times greater. African population figures, and proportions, are entirely unreliable due to poor enumeration, official indifference and the fact that individuals had good reason not to have their presence recorded. In the 1960s it was admitted that the African deaths register was 'completely unreliable'.¹⁷ The African population also varied with boundary changes required by apartheid policy. While figures must be approached with extreme caution, they are significant as the background against which municipal officials framed their perception of the city and made their decisions.

Under the sword of Damocles:¹⁸ the early years of apartheid, 1948–1960

At the end of World War II the African population of Pietermaritzburg had been significantly diminished in terms of the Natives (Urban Areas) Act of 1923 (amended in 1937) supported by the Public Health Act (1919) and the Slums Act (1934). The 1923 Act provided for townships, influx control, fiscal segregation and advisory boards, but all these were optional. The Act was based on the ideology of Stallardism: the place of Africans in urban areas was a simple instrumental one of satisfying the labour needs of whites.¹⁹ And as Paul Maylam has explained, the blatant racialisation of public health issues permitted segregation via the back door.²⁰ Africans were regarded in the main as alien to the city, accommodated either in Sobantu (if in long-term employment), on white property (domestic servants), or beyond the borough limits (casual daily or togt labour). Although racist in intent, this arrangement was loudly justified in terms of public health. In 1945 the Smuts government passed the Natives (Urban Areas) Consolidation Act, which tightened the qualifications for the permanence of Africans in towns to continuous residence since birth, lawful residence for fifteen years, or employment by the same employer for ten years (section 10).

Implementation was still discretionary, but became mandatory and a cornerstone of apartheid policy under the NP government.²¹ In 1948 the municipality confidently, and prematurely, claimed that through legislation and tight pass law control shanties had been eliminated from the area under its jurisdiction.²² On 1 August 1950, Raisethorpe and parts of New England were incorporated into the borough and this ironically brought more Africans under municipal oversight rather than that of the Local Health Commission (LHC), which administered neighbouring areas such as Ockert's Kraal, Plessislaer and Mount Partridge as well as Edendale. The Illegal Squatting Act (1951) was, however, aimed at Africans in peri-urban areas while the Urban Areas Act (1952) deemed every town a prescribed area, limiting the presence of Africans to 72 hours except those with a section 10 exemption.²³

The other three components of the city's population were largely segregated as a result of custom and social distance, particularly in the case of whites. This left a number of mixed areas occupied by coloured and Asian residents, plus a very few whites. Such areas were the target of the GAA, which ambitiously aimed at total separation of groups defined in the PRA through elimination of 'unnecessary points of contact'.²⁴ This would ultimately result, in theory, in racially exclusive areas divided by buffer zones. In the case of

Pietermaritzburg, Mountain Rise cemetery and the railway servitude between Woodlands (coloured) and greater Northdale (Asian) were already well placed to fulfill this purpose, although the racial boundary often turned out to be just a street.

Building upon the provisions of previous legislation aimed at Africans, the GAA segregated coloured communities through law for the first time. For South Africans of Asian extraction it augmented existing discriminatory legislation. White racism directed towards Asian South Africans was particularly extreme, illustrated by a government report published as late as 1950: 'the European inhabitants of Natal ... did not want the Asian and they feared the curses which they believed would come upon the country'.²⁵ The report went on to mention repatriation. The NP maintained that group areas would prevent friction; but in reality the aim was social control, distance and dominance, what was more commonly, and arrogantly, described as preserving Western civilisation.²⁶

Prime Minister D.F. Malan regarded the GAA as the 'essence of apartheid policy'.²⁷ He was entirely correct and its imprint remains visible to this day. The PRA classified all South Africans by ethnic group, in terms of appearance, habits and way of life, descent and general acceptance and this categorisation governed in particular where they should live and own businesses. Such personal criteria were determined by white bureaucrats with results that were sometimes unpredictable. As John Western wrote with some irony of Cape Town, whose racial mix gave rise to many anomalies, 'One is one's address'.²⁸

Given the ambiguities of ethnic identification this was also true, up to a point, of Pietermaritzburg. Maylam points out that although its ultimate intent was clear, the GAA contained no great master plan but presented a ten-year challenge to local authorities and their urban planners. Pietermaritzburg's, as elsewhere in South Africa, complied. There is no doubt that while there was considerable support for group areas among local officials, an appetite for the consequential expense was less well developed. Nor was there any major discontinuity with previous practice: the city was 'pretty thoroughly segregated' by 1950 and 'until the 1960s the local state seems to have enjoyed a fair degree of autonomy in urban policy'.²⁹

In spite of agitation from the depths of the NP, apartheid's bureaucrats were grappling with policy of enormous complexity that had been defined politically in highly simplistic terms. This often put them in conflict with the ideologues. The 1950s were punctuated by constant amendments to the relevant legislation, most notably the Group Areas Amendment Act of 1957. Government officials described group areas as 'n stadige proses' and defended themselves by

saying that time was needed. Obstructionism by the Natal Indian Congress (NIC) through the courts was also a factor, and this had an effect on the pace of events in Pietermaritzburg, but each successful legal challenge was parried by legislative amendment, which simply prolonged the time of uncertainty.³⁰

Initially the GAA was based on the principle of the controlled area, designed to maintain the status quo (Natal was declared as such on 30 March 1951), but it quickly acquired the more radical purpose of racially pure property ownership and occupation, residential and commercial, that would eliminate contact between members of different groups – except where white economic ends determined otherwise. With time, the definition of the term occupation became more and more crucial. It had a direct bearing on concepts of community and ethnicity, which the government was determined to define and control. Segregation in the pre-apartheid city had involved a degree of flexibility. Under the apartheid regime, the objective was to minimise the need for each group of South Africans to use one another's space. Housing would prove easy to monitor given sufficient ruthless bureaucratic determination, but other uses of space proved more of a challenge to social apartheid, although the use of specific facilities was tightly controlled by the Reservation of Separate Amenities Act (1953).³¹ As John Dugard points out, 'ownership is a term of law, occupation is not', but the very vagueness of the latter's definition proved intimidating. Bureaucratic whim was responsible for exceptions and exemptions and the overall result was highly discriminatory.³²

Though limited in extent there was a small amount of Asian and coloured housing development during this decade of perpetual uncertainty that followed promulgation of the GAA. Twenty-five sub-economic houses were built at lower Berg Street for Asians and in 1955 another 50 houses for coloured families were provided at Fitzsimmons.³³ The mortality figures for both communities worsened: in 1952 only 39% of their members could expect to live beyond their 45th birthday.³⁴ By 1953 there was a shortfall of over 1 000 sub-economic houses for these two population categories and an Asian housing scheme with national funding was held up by indecision around group areas. Temporary Asian housing was provided at Hathorn's Hill in the mid-1950s.³⁵

Land Tenure Board sittings for Pietermaritzburg were held in June and July 1954. Three years later 'considerable hardship' was being recorded among the coloured and Asian population, although another 45 houses had been built at Fitzsimmons and 212 at the proposed Asian suburb of Northdale.³⁶ At the end of the 1950s, group areas determinations seem to have been pre-empted with completion of Northdale stage I (214 houses for Asians)

and initial development at Woodlands (50 houses for coloured families) amid pointed comments about 'frustration'.³⁷ On 1 January 1959, Allandale was incorporated into the borough, thus consolidating the northern areas at a time when Northdale stage II was starting to develop. Another 90 acres were added to Raisethorpe in 1960.³⁸

As in all South African cities, apartheid planning would never overcome the unavoidable truth that while residential segregation was possible at enormous cost, financial and human, economic integration was inevitable in businesses and factories: the central business district as well as Willowton and Mkondeni industrial areas drew workers from every community, especially Africans from outside the municipal boundary. They lived at considerable distances from work opportunities and were dependent on mass transit; first buses and later kombi taxis. (The city has never had a significant rail passenger link.) The apartheid city and conflict around commuter transport became inseparably connected. By 1990 the municipality had closed down its bus service and only one company, KwaZulu Transport Bus Company, remained in operation. It, too, would gradually downscale its operations faced by declining passenger numbers, violence and destruction, and competition from kombis.³⁹

The fundamental contradictions of apartheid were evident everywhere and are illustrated by the issue of domestic servants, who constituted a significant proportion of the Africans residing in Pietermaritzburg. Most of them lived, without nearby leisure-time amenities, on white property. Curfew regulations applied to Africans and in 1950 there were 691 prosecutions, a figure that rose annually until the deadline was extended to 11.00 pm in 1956.⁴⁰ The Wembley District Ratepayers Association complained, dramatically, in 1950 that 'Disease, drunkenness, immorality and discontent is preparing a rich harvest for communism ... [our] committee would urge that the City Council develop sports grounds for Natives ... a strong, healthy, satisfied Native population should be one of our greatest assets'. The City Engineer was sympathetic, but faced with the predictable 'not in my backyard' syndrome from white householders who demanded that recreational facilities be placed at far-away sites, such as the beer hall at the lower end of the city.

As manager of the municipal Native Affairs Department (NAD), Daniel Bang,⁴¹ commented, 'complaints are continually coming in that Natives loiter about the pavements in their spare time causing irritation to residents. Actually they have no playgrounds and it is only on the pavements that they can meet. All they need is open space, removed from the vicinity of European residents'. Bang suggested a low-key approach, but even this was thwarted by

the increasing influence of central government directives that steadily eroded the powers of the municipality.⁴² While the Scottsville Burgesses Association supported the idea of recreational facilities in the name of racial harmony, it was clear that central government dictates and the policy of group areas would prevent any development. The debate seems to have petered out in the mid-1950s. The pre-1948 era of a low-key relationship between local and central government was undoubtedly at an end and municipalities controlled by the UP, however conservative, were in the sights of NP ideologues obsessed with bantustans and migrant labour.⁴³

African workers continued to be accommodated in hostels, although the post-war City Council had required that new industrial concerns provide housing for their workers. The East Street hostel had a capacity of 1 200 in 1949, its denizens closely linked to the beerhall. The fact that both hostel and beerhall were run by the municipality is testimony to the extraordinary level of labour control and in the early 1960s their inhabitants were officially, and significantly, described as 'inmates'.⁴⁴ Other hostels at Ohrtmann Road and Church Street (women) accommodated 119 and 174 persons respectively. Another hostel for 200 women was later opened at Oribi. These figures, however, were notional and overcrowding at East Street would send the occupation figure there up to nearly 2 200.⁴⁵ From 1967 and with the development of Imbali, closure of hostels in Pietermaritzburg began at Ohrtmann Road and Oribi. Imbali hostel was opened in August 1966.⁴⁶

Another example of apartheid complexity was the fate of the Chatterton Road sports ground, which remained in planning limbo for years. Post-war planners had suggested it as an industrial area, although this notion seems quickly to have been abandoned.⁴⁷ As a notoriously undeveloped sports ground for the coloured and Asian communities it was also mooted in 1971 as the site of a white swimming pool and in 1973 as appropriate for a football stadium. The issue of either coloured or Asian sportspeople, or both, using this recreational space absorbed a great deal of discussion for years, aggravated by the fact that grounds had to be marked out around depressions, testimony to the site's previous status as the municipal rubbish dump.⁴⁸ The continued underdevelopment of Pietermaritzburg, and ongoing costs to the ratepayers, were perpetuated by disputes about which community should use such land and for what purpose, exacerbated by the conflicting aims of central and local government that mirrored the slightly differing opinions and approaches of the National and United parties. In the case of Chatterton there were also pending

developments associated with construction of the Durban-Johannesburg national road and city bypass (today the N3).

Eddels Sports Club, sponsored by the footwear company, received a letter in June 1953 informing it that 'until the racial zones under the GAA are demarcated there is no point in discussing the matter and the [Finance] Committee therefore regrets that their request for an interview cannot be granted.' This followed appeals over two years for the lease on a sports ground that could be used by all black employees of Eddels factories. In 1951 these workers numbered just over 1 500, of whom nearly 80% were Asian and 13% African. Eddels was keen to treat all its black employees, members of the Leather Workers Union, equally by providing them with football and cricket fields and tennis courts, a change room and refreshment facilities, preferably at Chatterton Road.⁴⁹

Indecisiveness about recreation facilities was particularly acute and clearly illustrates the decade of uncertainty created in the 1950s by the GAA. The Maritzburg Indian Sports Association (MISA) waited for years to hear about compensation for land lost at Fitzsimmons due to industrial zoning. There was reluctance to grant land in town while the prospect of a major new suburb on the city's periphery was in the offing and this issue was particularly bitter as it contained profound political symbolism about the status of the Asian community. By 1959 MISA was describing the removal of grounds to the proposed suburb of Northdale as the 'death knell of Indian sport in Pietermaritzburg', predicting inaccurately that it would be suspended altogether.⁵⁰ This ideological conflict around recreational facilities persisted in various forms until the end of apartheid, particularly since from 1973 onwards a significant segment of Pietermaritzburg sport became non-racial, affiliated to the South African Council on Sport and bitterly opposed to government and its local structures.

The attitude to Africans perpetuated pre-war preoccupations such as a fear of 'idle Africans', their 'drift' towards the urban area and a 'black belt' of insanitary housing encircling it. In 1950 there was a police census of Africans in peri-urban areas within an 8-kilometre radius of the city centre while the manager of the municipal native affairs department called for relaxation of controls in these areas to accommodate the long-term employed – defined as those with two years continuous service with good conduct.⁵¹ For Sobantu, a source of great civic pride among many white municipal officials and city councillors as a model village, the immediate post-war period saw considerable

expansion including acquisition of another farm, The Finish, and growth from 352 houses in 1940 to 920 in 1956.

But government decided that rents should become economic, a doubling in some cases that brought considerable opposition and hardship; and then there was a stubborn refusal to allow permission for further expansion, even on land already allocated, until final zoning under the GAA was complete. Home ownership was also refused by government and the reasons given for this negativity revealed NP belief that Sobantu was too close to European suburbs and would eventually need to be moved (Hendrik Verwoerd apparently favoured it as a coloured area). This announcement in 1956 came as a surprise after the halt to development two years previously and there was considerable public outcry led by residents, the City Council and the Liberal Party. Yet the extraordinary geometry of group areas had long been evident. When 25 houses were built for police officers, teachers and municipal clerks in Sobantu it was noted that 'located on land adjoining the village [it was] well segregated from European and other areas by large tracts of vacant land ... towards the south the nearest European was about 700 yards distant but there was a natural boundary in the Umsinduzi River about 500 yards away.'⁵²

The complacent official municipal view in the early 1950s was that Sobantu residents were contented. Patronising comment commended them for their common sense and maturity, although by the mid-1950s a 'strained atmosphere' was detected particularly among the 'educated and semi-educated groups of Natives who have of late taken to reading both European and Native papers avidly.'⁵³ But overcrowding, increased rents, new electricity charges and education levies, a ban on home ownership and general uncertainty about the future led to tension in Sobantu. Some families were spending up to 50% of their income on rent.⁵⁴ This situation was exacerbated by refusal of permission to consider another African suburb to the south-west of the city, possibly at Slangspruit, until group areas had been finally demarcated. When Slangspruit was officially approved, the minister vetoed the idea because it involved private land within the borough. Instead, land outside the municipality, initially named Thembani and bizarrely symbolising hope, was announced in 1960 as the site of a new township. Preliminary work on what was eventually to become Imbali started in 1961.⁵⁵

In the 1930s a combination of disputes, land speculation and slum development had led to the degradation of Edendale. Landowners requested a village management board in terms of the Natives Administration Act (1927), but this was denied. Instead, in 1941 the province established a LHC that lacked

local representation. The official line was that this was a temporary expedient used to upgrade local skills; and with this assurance an advisory board was accepted. It ultimately led nowhere, however, except to a government announcement that an urban bantu council (UBC) was under consideration. It was later decided that a UBC was not applicable to Edendale, although the residents were assured in November 1970 that their freehold rights were safe.

Marc Epprecht argues, however, that the 'second experiment at Edendale', which took place in the late 1940s and 1950s under the LHC, held considerable promise and that it promoted the interests of multiple communities with different histories.⁵⁶ The odds were considerable: by the 1950s Edendale was 1 000% overstocked, commonage had been abused, eucalyptus and wattle had caused severe erosion, and industry such as tanning was undercapitalised. The Thornton Commission of 1938 had called Edendale an 'insanitary deathtrap'.⁵⁷ The idea of a township board was backed by the Isolomuzi group, which included Selby Msimang, but opposed by traditional elements around chief Stephen Mini. Thornton's recommendation of a LHC funded by the province and supported by mandatory municipal co-operation was adopted: it had some powers akin to those of a town council and was inspired by the doctrine of social medicine. Known colloquially as KwaPoyinandi, at its establishment on 1 April 1942 it was the third largest urban authority in Natal. Steered by Thomas Wadley, who described Edendale in 1943 as 'a huge location for Maritzburg', its multiracial advisory board included Msimang and in 1948 its first African chairperson, P.J. Mazibuko.⁵⁸ Later, two African women were to join the board. One of Wadley's backers was Pietermaritzburg mayor Eleanor Russell and the City Council gave the LHC a £10 000 start-up grant.⁵⁹

The LHC's initial work included a health survey that confirmed extreme poverty; and the takeover of the clinic which specialised in ante-natal care, breastfeeding and nutrition based on practical vegetable gardening on the Pholela model pioneered by Sidney and Emily Kark. There was also an attempt to control construction of wattle and daub housing, the insanitary keeping of farm animals, and home brewing. A plan to set up a market hall came to naught. Piped water arrived from Henley, there was a drop in enteric deaths and ongoing construction of Ashdown, while Schoonplaas slum was razed in 1947. Building regulations and environmental controls were enforced. These efforts were, however, attacked by the Edendale Lot-Holders Association (ELHA), a movement dominated by women and the demagogue George Mtimkulu, who denounced black members of the advisory board as stooges and expressed anti-Asian sentiment. Their vision consisted of an entirely

African Edendale. Even the collection of health data around births was seen as threatening and suggestive of further official control.⁶⁰ While Wadley was open in his belief that the high rate of syphilis was a consequence of white neglect, low wages and the migrant labour system, black conservatives such as the ubiquitous A.W.G. Champion preferred to keep adverse public health data secret. The social medicine cause was ably supported by Victoria Mthimkulu, the clinic's founder, and the Edendale Child Welfare Society. The massive Edendale Hospital, which had the first intensive care unit for Africans in South Africa and became a significant employer in the area, was opened in 1957. Its eventual transfer to the administration of Pretoria, and ultimately KwaZulu, led to a series of corruption-laden problems.⁶¹

Yet, social medicine went into decline from the mid-1950s and with it other principled aspects of local government. One indicator was the level of kwashiorkor. The demise of the second Edendale experiment involved the conservative African elements already noted, apartheid policy, and ambivalence from LHC officials and the City Council. In 1959 there were only two nominations for ten board seats, a far cry from the immediate post-war years when the board was correctly seen as an opportunity to influence the future of the area. Epprecht also fingers the Basotho community that had arrived before World War II, settled at Machibisa and Schoonplaas, and was generally antipathetic to local administration. In 1957 the African population of 15 000 was augmented by 400 whites, 5 500 Asians and 550 coloured people. But by 1970 there were only 100 whites and 3 000 Asians left in Edendale; some of the latter, Tamils on smallholdings at Pata. The Asian community was well scattered throughout the area and involved in agriculture and commerce (stores, tearooms, the funeral business and a cinema); and the Chetty family ran a bus service. Workers were employed at Sutherlands tannery and at Edendale Hospital.⁶² In the 1950s there was still a small degree of African/Asian socialising at the Georgetown Y and Hotel DuSalle at Plessislaer. As late as 1958 the LHC was planning a low-key approach to group areas and its engineer privately advocated ignoring it altogether.⁶³

The fifties had been a time of extreme uncertainty, but also the calm before the storm of group areas removals during the next decade.

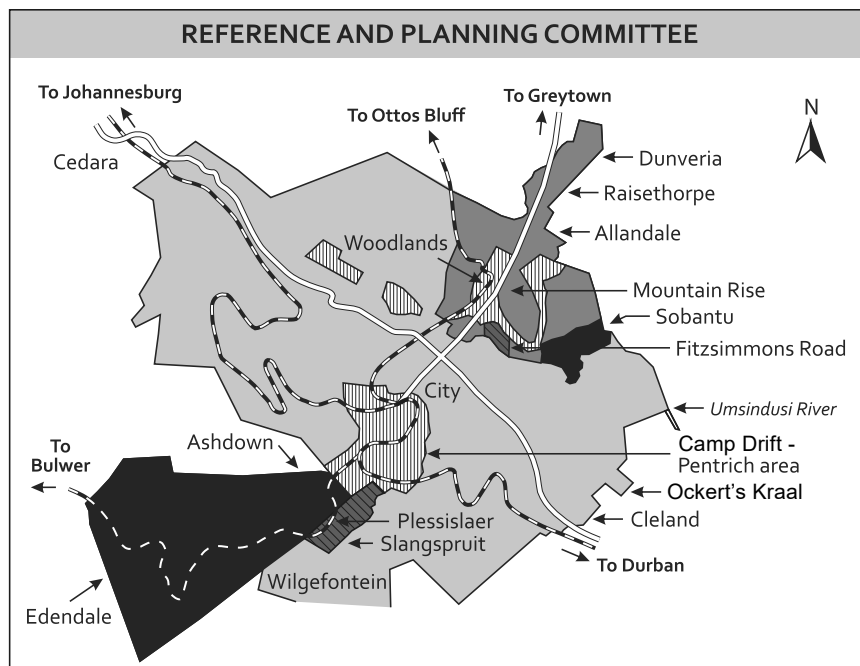
In a time of removal: group areas and African township development in the 1960s

The GAA had been promulgated as far back as 1950, together with a raft of supportive apartheid legislation. Its preamble was short, but nonetheless ambiguous: 'To provide for the establishment of group areas, for the control of the acquisition of immovable property and the occupation of land and premises, and for matters incidental thereto'. While the Governor-General was empowered to name further ethnic groups, the Act originally defined just three: white, aboriginal and coloured; and its reliance on appearance or 'general acceptance' allowed for a great deal of flexibility – and confusion. Up to a point the PRA closed down the grey areas. While the provisions of the GAA regarding occupation and acquisition of property (sections 4 and 5) were convoluted and subject to varying interpretation, their impact was widespread and devastating, resulting in ethnic cleansing of suburbs under the oversight of the Group Areas Board.⁶⁴

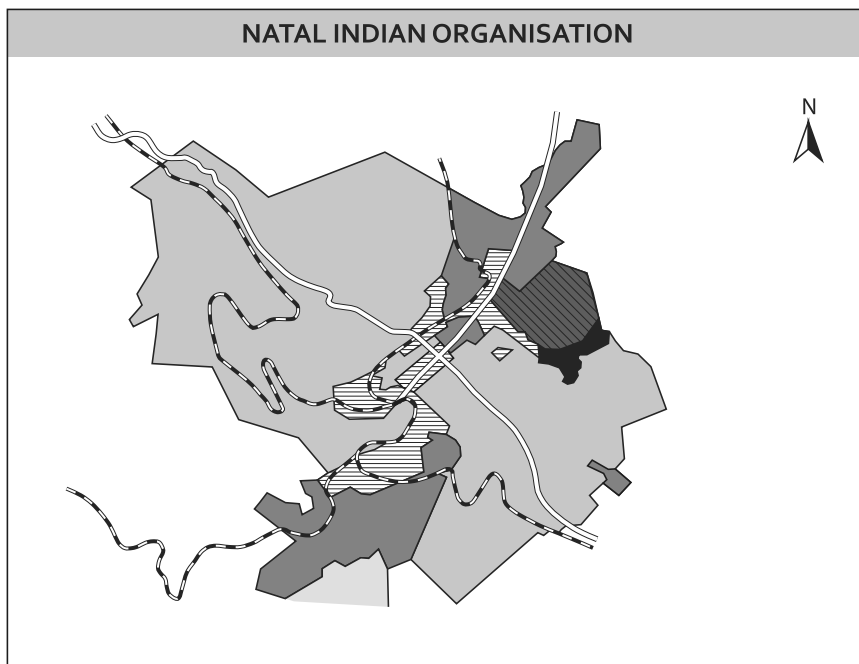
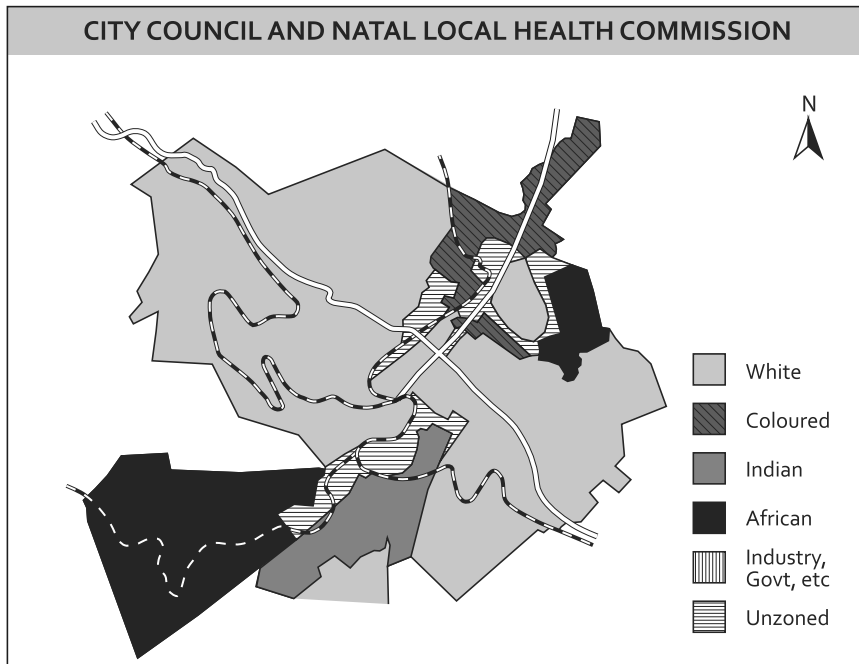
The ultimate objective was to establish satellite Asian and coloured administered areas independent of white municipalities. This ambition was to take on legal form in the late 1960s when the Indian Local Affairs Committee (ILAC) and Coloured Local Affairs Committee (CLAC) were established in Pietermaritzburg in December 1967 and June 1968 respectively – amid official propaganda about the fund of 'intimate' local knowledge they would release and confidence that they would exercise fiscal discipline. The hope was that with time they would become 'autonomous local authorities'.⁶⁵

The GAA had been consolidated in 1957, by which time sub-groups of the coloured population had been defined, together with Asian and Chinese groups.⁶⁶ For NP ideologues the GAA was the apotheosis of apartheid. The Pietermaritzburg-born writer, civil rights advocate and leader of the Liberal Party, Alan Paton, described it as an 'evil instrument, repugnant to all true religion and morality and contemptuous of human rights ... cruel and merciless to the Asian people of South Africa.'⁶⁷ In Durban, a proclamation of 1958 required the uprooting of 75 000 people of Asian descent, 80 000 Africans and 8–9 000 members of the coloured community. The value of affected Asian property was estimated at £20 million including mosques, temples, schools and a cemetery, some of them almost a century old. Losses to the coloured and African communities in Durban were estimated at £55 000 and £20 000 respectively, together with freehold rights. No wonder Alan Paton was to write, 'God save us all from the South Africa of the Group Areas Act, which knows no reason, justice, or mercy.'⁶⁸

During the 1950s various plans had been put forward for Pietermaritzburg: the common factor lies in their complexity and implications for social and economic upheaval. The Reference and Planning Committee envisaged an Asian suburb to the north-east of Pietermaritzburg plus Woodlands, Mountain Rise and lower Church Street; with the main coloured suburb centred on Plessislaer to the west of the city. Counter proposals by the Natal Indian Organisation (NIO) partly reversed this scenario with coloured suburbs at Mountain Rise and Eastwood; and an Asian south-western suburb encompassing Wilgefontein, Plessislaer, Pentrich and Camp Drift. The NIO also advocated a neutral area in the central business district to the west of Commercial Road between Longmarket and Loop streets.⁶⁹ A third proposal put forward by the City Council and Natal Local Health Commission involved coloured areas at Woodlands, Greyling Street and Fitzsimmons; with a truncated Northdale, lower Church Street, and a south-western township reserved for Asians. Predictably, it suggested that Mountain Rise remain white.⁷⁰ This third plan was the one that most closely resembled the eventual outcome even though there were significant discrepancies (see maps 1–3).



Maps 1–3: Proposals for the implementation of the Group Areas Act in Pietermaritzburg (for legend see map 2)



These varying proposals remained in the mix for some years and it was not until 1960 that the precise spatial consequences of the GAA were made public for Pietermaritzburg after proclamations were gazetted for nineteen areas on 1 April.⁷¹ The economic consequences, however, especially those relating to land value, were evident very much earlier; especially since speculative maps had been published and residents had reacted voluntarily in anticipation of enforced change.⁷² For Asian and coloured residents, whose relocation had long been anticipated, the compensation paid for their property was minimal while land values in the restricted areas into which they were required to move were driven upwards by short supply.

One of many pernicious effects of the GAA was to create a grossly skewed market in land because the State had, in practice, become a dominant actor in the property market.⁷³ This effectively subsidised white property values and disadvantaged the Asian middle class in particular as it did not qualify for state-subsidised accommodation and was frozen out of the private housing sector.⁷⁴ Once group areas were proclaimed, national government pressed for action; 'short evacuation periods' in the language of the municipality. The Group Areas Development Board (GADB) assessed values of affected properties and the National Housing Commission was instructed to work with the local authority.⁷⁵ The GADB was tasked with assessing appreciation and depreciation and taxing and compensating appropriately;⁷⁶ but the racist context within which this took place casts doubt on its equity.

The 1960s is a decade often regarded as a 'time of silence and defeat' in South Africa, although Graeme Bloch argues this is an untextured view and that in any case there was the clamour of 'massive social relocation'.⁷⁷ By 1960 the population of Pietermaritzburg was thought to be 108 580: 36.2% white, 29.7% Asian, 4.9% coloured and a surprising (given the slum clearance of the 1930s and post-war pass law enforcement) 28.8% African. The central business district was inevitably declared white, implying that 81 Asian properties (worth £226 000) together with 50 coloured (£75 000) would be lost. This would have particular impact on well-established Asian traders and also applied to upper Church Street with 42 shops and a market value of over £500 000. This area also had Pietermaritzburg's oldest mosque, a school and a library. In the words of Trevor Wills, 'a streetscape of modest, colourful, small family-owned shops was replaced by an anonymous amalgam of chain stores, with no longer needed and derelict flats, school and mosque a mute reminder of the past.'⁷⁸ While the Asian central business district of lower Church Street did survive, many commentators including Fatima Meer believed that one of

the main purposes of group areas was to cripple Asian commerce.⁷⁹ Suburban areas declared white and from which Asian and coloured, and a few remaining African, residents were to be evicted were Pentrich/Camp Drift, New Scotland (Africans had been residents there since 1865), Cleland, Mkondeni and Ockert's Kraal and Hollingwood (where Africans had lived since 1922).

Of those areas declared Asian, few involved whites. In spite of four churches, there were no white residents in Raisethorpe although 22 coloured properties were affected. In lower Church Street one white-owned property, a hotel, and six coloured properties were involved. There was a similar situation at Woodlands and Hathorn's Hill, declared coloured, where there was a sole white property and 38 Asian. Lower Greyling Street was also declared coloured affecting seven white properties and 151 Asian. Chota Motala summed up the situation as follows. The Asian community was set to lose 671 properties including 81 businesses, and 379 acres valued at £1.13 million, involving 7 000 people. The African community would lose 107 properties, 91 acres valued at £43 700, involving 1 175 people. The figures for the coloured community were 95 properties, 27 acres valued at £106 500, involving 1 000 people; and for whites nine properties (one business), under 5 acres valued at £22 000 and involvement of a negligible number of people. While whites were barely affected, the main burden fell on Asians, 30% of whom were scheduled to move with the loss of a significant number of businesses. In conclusion, Motala drew attention to the psychological trauma visited on all those affected.⁸⁰ There is, indeed, good reason, using the example of Pietermaritzburg, to suggest that the GAA was targeted at Asians in particular. Whites were allocated 22 000 acres, Asians 2 100 and the coloured community 436. Overall it was calculated that 882 properties, 502 acres and 9 175 people would be affected by forced relocation.

The new Asian suburb of Northdale was designed for 100–120 000 people; with Allandale and Newholme intended for private housing development. Greater Northdale and Dunveria were incorporated in August 1968. Significantly, the City Engineer described it as a 'new town' and it was lauded by further official comment as a place where Asians could live 'undisturbed'.⁸¹ However, even after the proclamation of 1960 progress was slow and as the City Engineer poetically put it, 'the bluegums on the land still wave in the breeze'.⁸² A determination for Mountain Rise had to wait until 25 October 1963 when the area was transferred from whites to Asians.⁸³

The majority of removals took place relatively quickly in the mid-1960s, by which time Northdale III and Woodlands III were complete. But the outcome, in

an official account, was 'chaotic, displacement under Group Areas legislation having aggravated the already acute position' with 1 534 Asian and coloured families on the housing list.⁸⁴ This was at a crucial point in the history of the city when it was turning into an industrial centre producing paper, plastics, pharmaceuticals, textiles and footwear, a result of municipal promotion and declaration from 1963 to 1970 as a border industrial area.⁸⁵ However, by 1967 the council claimed that it had 'discharged its duty to house families from lists provided by the Group Areas Board, formerly living in areas zoned for a race other than their own'.⁸⁶ In 1973 the tenth stage of Northdale was in its planning phase and by the middle of the decade 73% of municipal housing (4 508 dwellings) was in Asian group areas.⁸⁷ In 1975 municipal census figures showed the white and Asian populations to be equal (at about 43 000) for the first time in the city's history.⁸⁸ But for Nalini Naidoo, growing up in the 1960s, 'we never felt we belonged to Maritzburg. We were always the outsiders – visitors in our own city ... explorers in a foreign territory'. In the opinion of Nina Hassim, segregation was 'quiet and insidious'.⁸⁹

One of the areas from which Asian residents were required to move was Pentrich/Camp Drift, which had been settled in the early 1900s. Most of its inhabitants were working class and in spite of the fact that rates were levied, amenities were extremely poor. Nearly 25% of the city's Asian population lived there by the 1940s, although the municipality, in terms of the Slums Act, was already beginning to clear the area.⁹⁰ It suffered from poor drainage. There was no direct municipal representation, the last vestige of the Asian franchise having been removed in 1924, although the white councillor representing ward one was supposed to look after the area's interests.⁹¹ A delegation from the Indo-European Joint Committee (I-EJC) to the City Council had described the community as 'industrious and law-abiding' and urged that a determination should declare Camp Drift an Asian area.⁹² The Cape Town Agreement of 1927 had made the long-term future of the Asian community dependent upon the adoption of Western standards, yet in 1944 the City Council bizarrely disclaimed any direct responsibility for facilities, myopically arguing that the agreement was one between the national governments of India and South Africa.⁹³

Central government played a key role even in the minutiae of defining group areas. For instance, the Tatham sports ground and its pavilion, originally provided for African recreation, were allocated by permit to the Asian community. But when it was suggested by the City Council that the surrounding area be reproclaimed, it was announced that the 'Department of

Planning and Environment did not favour protuberances of this sort ... where the land immediately abutted another group area, the land to the south-western side of the Dorpspruit being within a proclaimed white area'.⁹⁴

There is a crucial lack of written evidence about removals in Pietermaritzburg, although memories were deeply buried in community consciousness. Even small groups were affected: Asian families were forced out of Sastri Square built before World War II; while coloured people were moved from Fitzsimmons to Woodlands to be replaced by Asians. By 1969 it would appear from municipal figures that half of the city's Asian population had been moved to Northdale.⁹⁵ The largest removal concerned Pentrich and Camp Drift. This close-knit community lost four schools teaching 1 000 children in Hindi, Tamil and English, a mosque and seven shops; and a network of social and sports organisations was dispersed. Former resident Rohitash (Roy) Bunwarie, interviewed over thirty years later, summed up the impact: 'The price that we paid socially, financially and psychologically cannot be calculated [or] accounted for in rands and cents'. His family had lived there since 1939 and its property at Glyn Road (10 500 m²) qualified for just R1 500 in compensation after they moved in 1963.⁹⁶ A thriving suburb, which had reputedly produced nine school principals and many entrepreneurs, literally disappeared as a result of the GAA, its streets and features obliterated by an industrial area. Municipal sources are largely silent about the details of mass removal and totally remiss in failing to record the consequent economic and emotional hardship. Without documentation, the details of this significant episode in the city's history reside largely in the memories of people now in the twilight of their lives and are likely soon to be lost.

Also moved out of Pentrich were 300 Africans, mainly tenants although 5% of property there was African-owned.⁹⁷ The Bantu Laws Amendment Act of 1963 increased the power of central government over Africans in urban areas and amended residential qualifications. The following year influx control was tightened.⁹⁸ By 1963, two thirds of the land required for the African township of Imbali had been acquired and it was expected that the first houses would be available by 1965. It was at this point that the concept of greater Edendale was first mooted, incorporating all the townships to the west of the city into the KwaZulu bantustan. Inevitably, the development of Imbali, five zones with 480 houses each and 800 hostel places, was delayed because of problems with land acquisition and tendering: stage I started only in November 1964. The final expropriation of land for the initial development took place in the late 1960s when lodgers from Sobantu were being moved to Imbali. Nevertheless,

in 1972 informal housing was still noted at Raisethorpe, Slangspruit and Belfort, and 150 Africans were removed from shacks in Allandale.⁹⁹

From the end of World War II white housing development had proceeded rapidly in several areas of the city and catered for all socio-economic classes. Upmarket properties were built in the Athlone, Wembley and Clarendon areas to the north. Conversely, housing was provided at Carey, Echo and Sanctuary roads for white municipal employees and factory workers in the mid-1960s. A significant number of the occupants were newcomers, half of them migrants from Europe, particularly Britain.¹⁰⁰ The suburbs of Grange, the largest housing estate for whites, and Bisley were approved in the late 1960s. Incorporation of Lincoln Meade, Hollingwood, Ockert's Kraal, Cleland and Shortts Retreat intended for white occupation took place on 1 August 1970, together with Belfort. Application was also lodged for the inclusion of all land south-east of the city as far as the Little Mpumali River for city planning development, but this was rejected.¹⁰¹ The former South African Defence Force camp at Hay Paddock was in 1970 released for the construction of private white housing and demolition of redundant buildings started in 1971. In the mid-1970s, 16% of municipal housing was occupied by whites.¹⁰²

By this time, the middle-class Asian group area at Mountain Rise was extended; and two new coloured group areas were established as K2 and K3, later to become Eastwood, incorporated on 1 August 1974 and intended for 20 000 people at a time when population increase for the coloured population was higher than for any other group.¹⁰³ Housing development had slowed down because of a dip in economic activity. This was one of the reasons for overcrowding in Northdale with an average of 6.62 persons per dwelling. The figure for Woodlands was 6.4.¹⁰⁴ The municipal medical officer commented on the 'debilitating effects of overcrowding ... poor disease resistance of many of our population which stems from malnutrition and undernutrition'. The predominant diseases were of the respiratory system and alimentary tract, although the same official commented on a 'lack of information concerning the African population' and the fact that their statistics were illusory – incomplete and totally inadequate.¹⁰⁵ By 1974 the Northdale figure had been reduced to 5.8 per dwelling, even though 13 291 people had been moved into the area over fifteen months. In Woodlands the housing crisis persisted with 20% of dwellings accommodating more than one family.¹⁰⁶

The sixties are regarded, not necessarily with the greatest accuracy, as a subdued period in South Africa's history following the banning of liberation organisations. It is true that there is a paucity of writing about this period,

of which Christopher Hope wrote: 'we knew that anything that looked even remotely interesting, or lively, or original was likely to be either unobtainable, illegal, or it would shortly be banned.'¹⁰⁷ So it is logical to look to fiction for a portrait of the city in the sixties and the crime writer James McClure obliges with his thinly veiled setting for Trekkersburg.

The main theme of his writing is the complex relationship between Lieutenant Tromp Kramer and Sergeant Mickey Zondi of the detective branch of the South African Police, but the backdrop is unmistakably Pietermaritzburg in the sixties and seventies. The city has suitably imperial-sounding street names and the flower stalls of Market Square. Its white suburbs in the mist belt display anodyne British connections and 'there had to be more square yards of good grass per head in Caledon than in the rest of the city put together'. There is the Country Club, a Wilderness Park and a bird sanctuary with egrets and a tortoise, as well as a Royal Hotel. It is a city of 'jacaranda avenues and corrugated iron roofs and orange brick'. The Albert (i.e., Victoria) Club 'looked over its half-moon spectacles' berating 'counter jumpers, Jews and Nationalist Party wallahs ... The whole world was going to hell'. The railway worker suburb predictably includes Schoeman and Retief roads and is a significant factor in elections. It consists of pairs of semi-detached, identical bungalows with corrugated iron roofs, three bedrooms and a khaya¹⁰⁸ on quarter acre plots with a vegetable patch for maize and pumpkins: as 'unremarkable as rows of passenger coaches in a marshalling yard'. By contrast, the fire and ambulance station is staffed by British immigrants.

In the city itself, Trichaard (Zeederberg) Street is the 'sole non-white zone which meant it did the job of ten streets elsewhere in the town'. Of Kwela Village (Sobantu) McClure describes two-roomed concrete houses the size of four table tennis tables with earth floors. The houses are identical, but Zondi's had a path defined by 'upturned condensed-milk cans'. Kwela is surrounded by a high fence with an entrance gate guarded by constables armed with kerries. There are no street signs. The Asian community is largely absent from McClure's Trekkersburg, although Zondi speaks disparagingly of 'Sammy', 'Coolie Mary', 'churras' and 'curry-guts'.

McClure's Edendale and its hospital are (ironically) Peacevale (or alternatively Peacehaven) through which there is a good road 'for the deployment of military vehicles in the event of civil disturbance'. The hospital is 'gigantic, larger than anything for whites in the Trekkersburg district' with thousands of beds. Ironically, in view of the city's post-apartheid history, there

is corruption over construction contracts for a new unnamed African township, presumably Imbali.¹⁰⁹

A time of ambivalence, 1973–1990

In 1971, apparently by chance, it was revealed that the whole of Edendale was earmarked as a township and all fixed property would be taken over by the South African Bantu Trust with the objective of transfer to the KwaZulu bantustan. This was entirely antipathetic to the Kholwa identity project of the first Edendale experiment and the multi-ethnic character of the area. Not only was there no consultation, requests for clarification from government were simply ignored and the advisory board system was re-imposed. Government continued to deny any local control of policy and expenditure, even to freehold property owners. In 1975 the conurbation of Imbali, Edendale and New Politique was projected to have a population of 350 000 by the turn of the century in a master plan sold to Pietermaritzburg ratepayers as a cost-saving device. But for Edendale landowners (as for those at Clermont in Durban) its significance lay in the fact that it continued to put their rights at risk. Selby Msimang summarised the history of Edendale from 1942 to 1975 as rule ‘without consent.’¹¹⁰

On 1 August 1973 the Drakensberg Bantu Administration Board (DBAB, later the Natalia Development Board) took control of most African areas in the vicinity of Pietermaritzburg: ‘all the functions and powers presently enjoyed by the City Council ... now fall under the jurisdiction of the [DBAB]’. The assets and liabilities of the municipal Bantu Revenue Account were accordingly handed over, heralding the beginning of much tighter control.¹¹¹ This situation had emerged from the Van Rensburg Commission of 1967, which had recommended a national system of labour boards. At this point the population of the rapidly expanding township of Imbali was 15 000, including the men’s hostel complement of nearly 3 500. The remaining city hostels housed 1 800 men and 250 women.¹¹² Imbali, together with Ashdown and Slangspruit (whose status was to remain ambiguous until the Department of Development Aid took responsibility in 1987), was excised from the municipality only on 1 April 1980 and transferred to the South African Development Trust, although services were supplied on an agency basis by the municipality.¹¹³

The administration boards were established under the Bantu Affairs Administration Board Act (1971), but were soon to become a Verwoerdian anachronism as policy towards African workers changed radically within the

decade: a certain number were to be regarded as permanent urban residents. The DBAB was financed from sorghum beer sales (dwindling because of a shift to liquor), employer levies (much resented), and rent and service charges (increasingly subject to politically charged protest and boycotts). Consequently, by 1983 the aggregated debt of administration boards had reached over R32 million. In the case of the DBAB, each year from 1979 to 1983 saw a deficit of between R2 million and R3 million. This highlighted the significant fact that despite outward parsimony, white municipalities like Pietermaritzburg had for decades effectively subsidised the Native Revenue Account and in the process dampened and deflected wage claims and political unrest. Thus, 'by 1982 [the boards'] finances had deteriorated alarmingly' and this vindicated long-standing warnings about the perils of segregated financing.¹¹⁴

It was at this point that Inkatha started to use strong-arm methods to exert control over the whole Edendale valley. Part of its campaign was the use of pejorative language, calling its opponents *amaKhula* and *amaIndiya* (coolies and Asians). Anti-Inkatha comrades labelled vigilantes Russians (after MaRashea, a Basotho criminal gang). This sounded the final death knell for multi-ethnic governance of the area, or indeed any administrative stability. From the 1980s Edendale increasingly became a place of refugees.¹¹⁵

In August 1973 the Finance, Traffic and General Purposes Committee of the City Council recommended that a sub-committee look at so-called petty apartheid. This was anything but petty for those who suffered under it; but the expression was used, with some justification, in contrast to grand apartheid. An objection by NP councillor A.E. Claassen was defeated by fourteen votes to one, with an assurance from the mayor that there was no intention to break the law.¹¹⁶ A number of suggestions were made regarding relaxation of segregation with the constant proviso that many whites would be angry and upset. In November and December the sub-committee recommended desegregation of benches in parks and gardens and at the end of 1975 bus terminus bench segregation was abolished. In the meantime there had been a vigorous debate about segregated counters at municipal offices. The city also featured a desegregated public and copyright library at Natal Society Library and in 1977 it was 'resolved by the City Council that a large multiracial [sports] complex be planned for Chatterton Road', but this was 'deferred' two years later. Multiracial football was played in 1977 at Jan Smuts Stadium for the first time.¹¹⁷

While these changes might be considered largely symbolic, they may be contrasted with practice just 35 years earlier when Asians were ejected from

unmarked benches by police.¹¹⁸ In the early 1970s the city of Pietermaritzburg adopted a number of policies that marked it out as the most liberal urban area of South Africa. While this hardly shook the foundations of apartheid, it was not entirely insignificant. In 1978 application was made for a mixed trading area in terms of s.19 of the GAA between Raven and West streets in the upper Church Street area, nominally white although there had not been much change since the 1960 proclamation. The mixed trading area was subsequently scuppered by the inappropriately named Department of Community Development.¹¹⁹

From 1975 the chairpersons of ILAC and CLAC became non-voting observers at City Council and standing committee meetings, but the bodies they represented were spectacularly unpopular. In the ILAC elections of 6 October 1976, D.H. Moosa was elected to represent ward 1 by 62 votes to 35.¹²⁰ This was indicative of the strength of the boycott that attracted fiercely committed support. Only 510 of a potential 5 500 CLAC voters bothered to register, although by 1979 registration was thought to be as high as 38%.¹²¹ But the overall situation did not improve. In 1986 a by-election caused by the death of E.V. Mahomed and contested by five candidates attracted a turnout of just 7.6%.¹²² ILAC and CLAC were not so much boycotted as largely ignored and treated with utter contempt. This climate of opinion had a major negative effect on usage of any community facilities and on bodies, such as sports associations, perceived to be racially defined. Significant numbers of dissenters actively involved themselves with non-racial, openly anti-apartheid organisations.

The African Liaison Committee (ALC) also had a seat on the City Council with speaking rights but no vote, its presence motivated by the economic links between Pietermaritzburg and the surrounding DBAB townships. The ALC's presence was noted with characteristic fulsome praise and over-optimism: 'The inception of this Committee has proved an undoubted success and has provided a valuable forum where problems faced by Africans living or working in this area can be discussed ... at least an atmosphere of understanding exists ... Nothing but good can come from this liaison and regular meetings are held.' The ALC consisted of nineteen African members and five white councillors.¹²³

Riots had occurred in Sobantu in mid-August 1959 with serious damage and two deaths as a result of a shortage of housing, unemployment, increases in rentals, school levies, an unpopular superintendent and insecurity created by threat of removal.¹²⁴ Sobantu stagnated in the 1960s and 1970s so that by 1980 there were no more than 1 092 houses. Backyard shacks (*imijondolo*) proliferated both there and in Imbali given the lack of housing near work

opportunities.¹²⁵ In the Edendale valley the townships of Imbali and Ashdown were growth points; but houses were occupied immediately, preventing removal of Sobantu. It was transferred from municipal control in 1973 to the DBAB. Government had for many years threatened physical removal of Sobantu into the Edendale valley, but ultimately it stayed put and Pretoria's plan was pursued administratively. The Sobantu Community Council, part of a nationwide initiative to establish local government in African areas, was installed on 18 January 1980 and proved just as unpopular as the LACs.

In September 1982 serious unrest led to police shooting dead a student, Graham Radebe. Attacks on DBAB offices, the beerhall and the houses of councillors followed. Attempts to establish a community council fell on stony ground and the unrest of 1982 led to its abolition in 1984. Instead, a Committee of Twelve constituted the legitimate leadership of Sobantu that liaised with the DBAB and municipality and organised the election of street representatives. In April 1985 the City Council agreed on the desirability of re-incorporating Sobantu and in December 1986, under a national State of Emergency, the mayor appointed an administrator after the province assumed control.¹²⁶ But the Committee of Twelve pushed for re-incorporation. As a compromise, Mayor Mark Cornell was appointed administrator assisted by an advisory council of six, equally drawn from the City Council and Committee of Twelve. By this time, Cornell and substantial opinion in Pietermaritzburg favoured administrative reabsorption of Sobantu and representation of its people as another suburb, an integral part of the city.¹²⁷

By late 1984 supporters of the United Democratic Front had already started moving out of Sobantu. There was similar resistance to authorities imposed upon townships in the Edendale valley where Inkatha went on a drive, backed by urban warlords and vigilante action, to take control against a background of unrest around schools, transport and rents. In Ashdown the community council was rejected outright; while only 248 votes were cast in three contests in six Imbali wards. In August 1984, a visit by Minister of Co-operation and Development Piet Koornhof attracted mass protests in which one demonstrator was shot dead. The following month the Edendale Advisory Board folded, leaving the Landowners Association as the only representative body. Civic associations were established in both Imbali and Ashdown and when a leading member of the former sheltered at the Federal Theological Seminary it was ordered to shut down by vigilantes led by well-known Inkatha warlords and councillors. Such antagonism would frame the conflict that followed during the emergency years, 1986–1990.¹²⁸ During that period 'structures of government

... collapsed under the pressure of the struggle between Inkatha and the UDF/ANC'.¹²⁹

President P.W. Botha's reformist government had by 1983 implemented the tricameral system in an attempt to tie Asian and coloured South Africans more closely to the apartheid state. Urban councils were planned for Africans, with a greater percentage of their number earmarked as insiders with a permanent stake in what was still seen as white South Africa. In terms of the Regional Services Council Act of 1985 a two-tier structure was proposed for urban areas in which clusters of racially defined local authorities would provide 'hard' bulk services. It had finally dawned on government planners that Asian and coloured local authorities were not only poorly supported, but had limited revenue-raising capacity because most commercial and industrial activity remained in white group areas. Funding for regional services councils (RSCs) would derive from two sources: levies and surcharges placed on businesses, a proposal naturally met with spectacular lack of enthusiasm from organised commerce and industry.

At one level this was an attempt to share resources more equitably at local government level, but it was also designed to shore up a reformed version of apartheid.¹³⁰ There is the intriguing possibility that RSCs were fed information by local joint management centres (JMCs), components of the National Security Management System that underpinned the rule of the securocrats in the 1980s.¹³¹ In Natal the co-operation of the KwaZulu bantustan authorities was imperative and the provincial version of the RSC was the metropolitan joint services board, of which in the Pietermaritzburg area, and like the local JMC, there seems to be no specific documented trace.

The concept of group areas, while still law and policy, was increasingly challenged by suggestions about free settlement (grey) areas and even open cities. On 7 November 1986 the central business district of Pietermaritzburg was proclaimed an open trading area.¹³² Douglas Irvine argues that it took nature, in the form of the severe drought at the beginning of the decade, to bring home to municipal officials the disastrous consequences of administrative chaos in the greater Pietermaritzburg region and a need for drastic reorganisation.¹³³ In 1986 a tricameral type of government was proposed for the city capped by a suggestion from a more radical group of councillors about a fully non-racial option. Further opinion pointed out that the functional region required an integrated approach, an issue looked into by the Pietermaritzburg 2000 project under the auspices of the City Engineer's Department.

This initiative received a setback when, for the first time, Pietermaritzburg elected two NP MPs. However, in 1987 the City Council proposed a non-racial council of 23 wards reflecting the realities of fast-changing political geography, even though such an imaginative departure required national legislation. The possibility of this was still several years away.¹³⁴ Nevertheless, on 26 October 1988 co-ordinated local government elections took place for the first time in 35 single councillor wards: fifteen white City Council, fifteen ILAC and five CLAC. This was intended to last until 1993 with one CLAC and three ILAC representatives sitting on Exco and council standing committees. The mayor, Mark Cornell, openly voiced his support for a non-racial council.¹³⁵ In December 1989 he announced that there would be a referendum the following month on the concept of the open city. But faced with NP advocacy of rejection, the City Council cancelled the poll.¹³⁶

Industrial development in the mid-1970s was described as 'steady', but over the decade as a whole it was slow and variable.¹³⁷ Bellevue was incorporated in 1979 and similar intentions were announced for part of Claridge. In spite of liberal gestures from the City Council and modest economic growth, apartheid planning continued to produce artificial, highly skewed housing economics. By the late eighties, for example, empty houses designated for lower-income whites at Westgate stood empty next to informal housing at Slangspruit.¹³⁸ The oversupply of white housing at Westgate had been identified as long ago as 1977 when its development was curtailed in favour of building at Northdale.¹³⁹ The situation is graphically illustrated by occupancy and overcrowding figures for 1980. Municipal housing for whites had a density per dwelling (2 710) of 3 people with only 2% multiple occupancy. The figures for Northdale Extension (16 900) were 5.4 and 10%; and those for Woodlands and Eastwood (8 080), 5 and 8%. The remaining municipal dwellings in the city centre occupied by the Asian and coloured communities (1 090) showed figures of 5.5 and 20%.¹⁴⁰ While disparities were narrowing, they remained considerable. After white municipal housing development largely ceased from the early 1980s, emphasis was eventually placed instead on self-help schemes for Asian and coloured residents earning R450–R1 000 per month, in particular at Copesville. In Edendale it was reckoned that in 1987 each three-bedroom unit housed five families.¹⁴¹ Levels of poverty and deprivation were illuminated by sporadic rent boycotts and retaliatory electricity disconnections; for example at the coloured settlement unsuitably named Happy Valley.

But 'demand for housing for the Asian community remain[ed] largely undiminished' in spite of the completion of Northdale stages IX and X,

2 266 units in all.¹⁴² The malign intent and consequences of apartheid spatial planning were not always evident, but it had long been noted that the design of Asian and coloured group areas incorporated a control mechanism reflected in the road system that provided limited ingress and egress. It was only twenty years after a first proposal in 1969 that the Manning Road extension project was put in motion, providing better linkage between greater Northdale and the city centre.¹⁴³

This relaxation of the stranglehold on the northern, Asian suburbs proved symbolic. In spite of the national State of Emergency, which was not lifted in Natal until October 1990, significant radical changes were taking place at local level.

Things fall apart

Changing political geography had been reflected in the setting up in 1983 of the Metropolitan Pietermaritzburg Consultative Committee that anticipated a broader regional approach to planning, governance and service delivery after the establishment of RSCs. But the enormity of its task was underlined by the fact that planning in greater Pietermaritzburg fell under no less than nine agencies, as well as the municipality, creating jurisdictional complexity of byzantine proportions and economic growth without sufficient planning.¹⁴⁴ The Free Settlement Areas Act (102 of 1988) allowed for exempted grey areas and by 1990 Bishopstowe was being investigated with this in mind.¹⁴⁵ Such was the national government's reaction to post-Soweto Uprising pressure on apartheid that saw P.W. Botha's government adopting a more flexible approach to the preservation of white power. This was characterised by encouragement of a black middle class within a system of largely urban insiders and predominately peri-urban and rural outsiders.

Pressure on accommodation and other economic factors meant that group areas had begun, imperceptibly at first, to weaken long before the government started to adapt to the march of history. From the early 1980s, middle-class black South Africans started to move into nominally white suburbs often under the cover of entities that were registered in the names of whites courtesy of an anomaly in the Closed Corporations Act (1984).¹⁴⁶ This was particularly true of lower middle-class areas in Pietermaritzburg such as Grange, Bisley and Lincoln Meade.

There were also instances of outright defiance. For example, the long saga that preceded the establishment of a Bachelor of Theology degree in



Four protests that signified an end to apartheid in Pietermaritzburg ... Defiance Campaign march, Longmarket Street, 21 September 1989



Anti-Labour Relations Amendment Act protest, upper Church Street, 14 October 1989



*Women's protest, Cathedral of the Holy Nativity,
21 October 1989*



*Pietermaritzburg Combined Residents and Ratepayers Association protest, City Hall,
30 October 1989*

the Department of Religious Studies at the University of Natal in February 1986 was complicated by group areas considerations. The Lutheran Church favoured applying for a blanket permit for black students to reside in a white area; while a number of neighbours in Golf Road, Scottsville objected. In the end black students simply moved in. At the same time it was another religious institution, the Federal Theological Seminary of Southern Africa at Imbali, that provided one of the few truly multiracial living spaces in the area from 1979: indeed, it was described as 'one of the islands of a fully integrated society in ... apartheid South Africa'; and, in the words of its historians, a 'world apart'.¹⁴⁷

But there was also organised mass struggle. The consequences of racially ordained land shortages for Asian and coloured residents had lasted for four decades. By 1989, whites, who constituted 40% of the population, occupied 81% of the land; the figures for Asian and coloured people were 60% of the population and just 19% of the land. The effect on land values and rates was inevitable and, indeed, the latter had at times declined for whites. The average rates revenue from Asian areas was four times that of white and this problem also affected rents for municipal housing, which had a rates component. During the 1980s the Pietermaritzburg Combined Residents and Ratepayers Association (PCRRA) grew in effectiveness and militancy welding ten local groups into a popular alliance opposed to group areas, the LACs and a segregated franchise. The nature of the apartheid city was seen as the culprit for a range of social ills centred on discriminatory rates. Matters reached crisis point in 1989, in particular a march on the City Hall of 10 000 people on 30 October that demanded a post-apartheid open city. In addition to a wide range of civil society groups, unions of teachers and leather workers were also involved. This march, and the accumulated protest it represented, heralded the end of the thoroughly discredited LACs.¹⁴⁸ Inexplicably, and flying in the face of reason and history, the City Council had in April 1989 rejected a blanket declaration of a free settlement area in spite of the advice of the City Engineer.¹⁴⁹

While much attention is afforded the very public overthrow and dismantlement of apartheid from late 1989 onwards, it had been crumbling from within for at least ten years as the political geography of the city of Pietermaritzburg shows. Superficially, the central area of Pietermaritzburg in the 1980s was not that dissimilar to its counterpart of 1948. It was still a white city, although not for much longer. The major difference was the growth of extensive suburban areas: greater Northdale, Woodlands and Eastwood as a

result of group areas dislocation; and greater Edendale as a consequence of push and pull factors – removal from the city and rural drought and poverty.

The irresistible lure of urban opportunities was illustrated by calculations made in 1979 by Jan Lange to show that a Ciskeian working without proper authorisation in Pietermaritzburg for nine months followed by a consequential three months in jail would be seven times better off than a worker who had not left the bantustan.¹⁵⁰ The wider region at the beginning of the new decade was embroiled in effective civil war although this made only a marginal impression on the municipality (see Chapter 2), an indication of the imprint and persistence of apartheid. But the city was dotted with small camps of refugees in backyards and on vacant ground. And in the Edendale valley the imprint of violence was all too obvious and would be visible for many years.

Perhaps the most surprising aspect of Pietermaritzburg's group areas was their brevity. Implemented in the early 1960s, by the early 1980s they were clearly breaking down. The period of upheaval and forced relocation, ironically at a time of industrial expansion, lasted only a handful of years. Yet their durability, visible even today, was due to other factors. First, there was the legacy of colonial segregation; and second, the decade of uncertainty in the 1950s when residential development was frozen and land values were warped. Group areas were part of a cumulative process that survives in the post-liberation era, but now under the guise of wealth and class.

Hopes that radical change at local level would begin to shape a new truly democratic South Africa were not to be realised.¹⁵¹ Instead, cliques and machinations within the African National Congress became the prevailing dynamic. In many ways municipal government was to become a mirror image of the cadre deployment, corruption and factionalism that characterised government at national and provincial level. The 'gross inequalities in the distribution of urban amenities' noted by Trevor Wills nearly 30 years ago persist to this day.¹⁵²

ENDNOTES

- 1 Trevor Wills, 'Pietermaritzburg' in *Homes Apart: South Africa's Segregated Cities*, ed. by Anthony Lemon (Cape Town: David Philip, 1991): 90.
- 2 Christopher Hope, 'A warning to others' *Index on Censorship* 5(4) 1976: 95.
- 3 Sobantu was named after John William Colenso (1814–1883), the first Anglican bishop of Natal. It is the only public memorial in Pietermaritzburg to a highly significant, but controversial, figure. See Heather Peel, 'Sobantu village' in *Pietermaritzburg 1838–1988: A New Portrait of an African City*, ed. by John Laband and Robert Haswell (Pietermaritzburg: University of Natal Press and Shuter & Shooter, 1988): 82–84.
- 4 Mabel Palmer, *The History of the Asians in Natal* (Westport, Conn: Greenwood Press, 1977): 113.

- 5 City Engineer memo, 12 June 1944; P.J. Newsom, Valuation Officer, 10 October 1945 (PMA 3/PMB C batch 304, file 141/8 The Asian Question).
- 6 F.N. Broome, Asian Penetration Committee to Town Clerk, 16 June 1941 (PMA 3/PMB C batch 302, file 141/4 Asian Penetration Commission).
- 7 NIC to Town Clerk, 21 March 1941 (PMA 3/PMB C batch 302, file 141/4). For an account of the three Broome commissions of 1941, 1943 and 1944 see Palmer, *The History of the Asians in Natal*: 117–130.
- 8 *Pietermaritzburg Corporation Yearbook (PCYB)* 1948: 55; 1951: 56.
- 9 Joe Alferts, “‘The barracks’: an urban slum” *Reality* 9(3) 1977: 10–13. By the mid-1970s it was a racially mixed area of unemployed and squatters, a slum for 120 people without any services except two taps and two toilets. However, in 1977 after representations by the church organisation Community Care, the municipality provided emergency finance and moved the inhabitants into tents within three days with a plan to relocate them first in prefabs and then sub-economic housing.
- 10 Trevor Wills, ‘The segregated city’ in *Pietermaritzburg 1838–1988: A New Portrait of an African City*, ed. by John Laband and Robert Haswell (Pietermaritzburg: University of Natal Press and Shuter & Shooter, 1988): 39.
- 11 Town Clerk to NIA, 31 January 1941 (PMA 3/PMB C batch 302, file 141/4 Asian Penetration Commission).
- 12 Various DJWC publications, including ‘The South African Asian problem and its solution’, 1945 (PMA 3/PMB C batch 304, file 141/8 The Asian Question).
- 13 Pietermaritzburg’s two parliamentary seats had 17 192 registered voters and a turnout of 77.5% in the 1948 election. The United Party (UP) took 80% of the votes, the NP 13.5% and the South African Party 6.4%. Only the UP contested both constituencies (Paul Thompson, ‘The Pietermaritzburg voter and parliamentary elections’ in *Pietermaritzburg 1838–1988: A New Portrait of an African City*, ed. by John Laband and Robert Haswell (Pietermaritzburg: University of Natal Press and Shuter & Shooter, 1988): 198).
- 14 For example, G. Hurworth of 46 Commercial Road to Town Clerk, 17 January 1946 (PMA 3/PMB 4/4/4/2/292, file 141/8(1)).
- 15 The mixed character of Raisethorpe is illustrated by the Black Consciousness and later Pan Africanist Congress leader, Henry Isaacs. Born in 1949, he had an Afrikaner grandfather, a Zulu grandmother and two Asian aunts.
- 16 Excell S.B. Msimang, ‘Unemployment in Edendale’ *Reality* 9(5) 1977: 5. These regulations can be traced back to the Natives (Urban Areas) Consolidation Act, 1945.
- 17 *PCYB* 1964: 131.
- 18 This phrase was used by Muriel Horrell of the South African Institute of Race Relations.
- 19 Anthony Lemon, ‘The apartheid city’ in *Homes Apart: South Africa’s Segregated Cities*, ed. by Anthony Lemon (Cape Town: David Philip, 1991): 4.
- 20 Paul Maylam, ‘Explaining the apartheid city: 20 years of South African urban historiography’ *Journal of Southern African Studies* 21(1) 1995: 27.
- 21 Lemon, ‘The apartheid city’: 6.
- 22 *PCYB* 1948: 81. Pass law legislation was extended to African women in 1956 and was the presumed target of critical comment – ‘unpleasant legislation’ – recorded by the Pietermaritzburg Corporation (*PCYB* 1957: 33).
- 23 Michael Savage, ‘The imposition of pass laws on the African population in South Africa, 1916–1984’ *African Affairs* 85(339) 1986: 195. Influx control was finally abolished in 1986.
- 24 Wills, ‘Pietermaritzburg’: 93.
- 25 D.S. van der Merwe (ed.), *Extract from Joint Report of the Asiatic Land Tenure Laws Amendment Committee and the Land Tenure Act Amendments Committee* (UG 49-’50): 5.
- 26 J. Western, *Outcast Cape Town* (Minneapolis: University of Minnesota Press, 1981): 85. K. Kirkwood, *The Group Areas Act* (Johannesburg: South African Institute of Race Relations, [1951]): 6.
- 27 Kirkwood, *The Group Areas Act*: 6.
- 28 Western, *Outcast Cape Town*: 80.
- 29 Maylam, ‘Explaining the apartheid city’: 28, 34, 36.
- 30 Uma S. Mesthrie, ‘Tinkering and tampering: a decade of the Group Areas Act (1950–1960)’ *South African Historical Journal* 28(1) 1993: 178, 188, 190, 191, 192, 200.

- 31 The Fen Sam Jackson case in the Eastern Cape resulted in a ruling that attendance at a cinema did not qualify as occupation. Subsequent legislation that defined occupation as public entertainment 'for a substantial period of time' failed to plug the gap where open air activity was concerned.
- 32 John Dugard, *Human Rights and the South African Legal Order* (Princeton: Princeton University Press, 1978): 81, 82, 83.
- 33 *PCYB* 1951: 45; 1955: 82.
- 34 *PCYB* 1952: 73.
- 35 *PCYB* 1953: 34, 68; 1956: 73. Africans had been ejected from this area in the 1930s under the cover of slum clearance.
- 36 *PCYB* 1957: 35, 95.
- 37 *PCYB* 1958: 25–26, 89.
- 38 *PCYB* 1959: 20, 36; 1960: 50.
- 39 Anne Truluck, *Pietermaritzburg 1990: The Fractured City* (Pietermaritzburg: Natal Midlands Black Sash, 1990): 36–37. Truluck notes that 'Pietermaritzburg remains the only major city in South Africa which does not utilise the rail link from its townships'.
- 40 *PCYB* 1950: 93; 1956: 76.
- 41 The manager of the municipal NAD was a (arguably, *the*) key official in the post-war municipal administration of Pietermaritzburg. Bang served from 1949 to 1963 before he moved to the University of Natal. He had succeeded R.E. Stevens and was followed by N.H.H. McCullough.
- 42 J.M.L. Fulford, chair Wembley District Ratepayers Association to Planning Officer, 7 February 1950; City Engineer to Town Clerk, 24 February 1950; B.A. Woods, secretary Chase and Town Bush Valleys Civic Association to Town Clerk, 28 June and 27 October 1950; manager, NAD to Town Clerk, 18 June and 5 November 1953 (PMA 3/PMB 4/4/2/137, file 242/17 Recreational Facilities for Non-Europeans ... Town Hill and Other Areas).
- 43 Simon Bekker and Richard Humphries, *From Control to Confusion: The Changing Role of Administration Boards in South Africa, 1971–1983* (Pietermaritzburg: Shuter & Shooter, 1985): 3, 5, 7.
- 44 *PCYB* 1963: 150.
- 45 *PCYB* 1955: 89.
- 46 *PCYB* 1967: 26.
- 47 City Engineer to Town Clerk, 21 June 1948; Housing, Estates and Post-War Planning Committee minutes, 1 November 1948 (PMA 3/PMB 4/4/2/137, file 242/11 Proposed New Coloured Sports Ground in the Chatterton Road Area).
- 48 Town Clerk to Department of Community Development, 26 March 1971 and 13 January 1975 (PMA 3/PMB 4/5/612, file 242/210 Soccer Bowl in the Chatterton Road Area).
- 49 Finance Committee to A.J. McLachlan, Eddels Holdings secretary, 18 June 1953; A.J. McLachlan to Estates Manager, 27 August and 15 September 1951 (PMA 3/PMB C batch 623, file 242/112 Eddels Holdings Ltd: Application for Land for Playing Fields for Non-European Workers).
- 50 MISA to Town Clerk, 1 September 1959 (PMA 3/PMB C batch, file 265/105 Maritzburg Indian Sports Association).
- 51 Manager, NAD to Town Clerk, 20 March 1950 (PMA 3/PMB 4/4/2/122, file 197/5 Congregation of Natives Within Five Miles of the Borough Boundary).
- 52 City Council, Native Administration, Etc. Committee minutes, 18 December 1951 (PMA 3/PMB 4/4/2/75, file 140/13 Suggested Provision of Housing for Better Class Natives).
- 53 See, for example, official comment on the stayaway call of 26 June 1950: 'Natives of Pietermaritzburg showed very good sense' (*PCYB* 1950: 91); *PCYB* 1956: 74.
- 54 *PCYB* 1957: 98.
- 55 *PCYB* 1958: 38; 1960: 33.
- 56 The first was the mid-nineteenth-century establishment of a freehold community of Kholwa (Christian believers) around the Wesleyan Edendale mission station that led to the founding of Georgetown, which at the time compared favourably with Pietermaritzburg, the latter regarded as a shabby and dirty town.
- 57 Sir Edward N. Thornton was chief health officer of the Union of South Africa.
- 58 Wadley was a former Durban mayor and South African Party MP for Point constituency. A technocrat, he was highly critical of Pietermaritzburg's attitude towards Edendale and advised the Secretary for Native Affairs to pressurise the City Council. Clermont in Durban followed the example of the

- Edendale LHC. In spite of its multiracial nature, elections to the board were race and quota based (for example, to maintain a balance between landowners and tenants).
- 59 Marc Epprecht, *Welcome to Greater Edendale: Histories of Environment, Health, and Gender in an African City* (Montreal: McGill-Queens University Press, 2016): 19, 78, 80, 146–149, 152, 171, 194.
 - 60 Msimang was in charge of data collection. Medical officer David Landau was another significant proponent of social medicine.
 - 61 Epprecht, *Welcome to Greater Edendale*: 152–156, 158, 159–166, 201.
 - 62 Jack Frost, ‘When Asians lived in Edendale’ *Natal Witness* (NW) 19 February 1998.
 - 63 Epprecht, *Welcome to Greater Edendale*: 164, 167, 171–173, 176, 183–184, 189, 192, 196, 211.
 - 64 The Group Areas Board replaced the Land Tenure Advisory Board in 1955. Its regional office was based in Pietermaritzburg.
 - 65 PCYB 1970: 17; 1972: 16; 1975: 19.
 - 66 For a short while a Cape Malay group area was envisaged for Pietermaritzburg, but this idea was rescinded in 1957 and Malays were redesignated coloured.
 - 67 Quoted in M.M. Motala, ‘The Group Areas Act and the effect of the proclamations made thereunder in Pietermaritzburg and environs’ (Paper delivered at the Group Areas Conference, Temple Hall, Pietermaritzburg, 28–29 January 1961): 2.
 - 68 Ibid: 4; Alan Paton, *The People Wept* (Kloof: the Author, [195?]): 44.
 - 69 Present-day Chief Albert Luthuli, Langa libalele and Jabu Ndlovu streets.
 - 70 These are summarised cartographically in Muriel Horrell, *The Group Areas Act: Its Effect on Human Beings* (Johannesburg: South African Institute of Race Relations, 1956). The originals are very poorly drawn and probably based on vague information, so the reproductions in this book must be regarded as largely indicative.
 - 71 Proclamation 81, *Government Gazette* (GG) 6395, 1 April 1960 in terms of s. 20 of the Group Areas Act of 1957.
 - 72 Mesthrie, ‘Tinkering and tampering’: 188.
 - 73 Ibid: 202.
 - 74 Wills, ‘Pietermaritzburg’: 94.
 - 75 PCYB 1960: 51.
 - 76 Mesthrie, ‘Tinkering and tampering’: 195, 197, 198.
 - 77 Graeme Bloch, ‘Sounds in the silence: painting a picture of the 1960s’ *Africa Perspective* 25 (1984): 3, 11.
 - 78 Wills, ‘Pietermaritzburg’: 96.
 - 79 Lemon, ‘The apartheid city’: 13.
 - 80 Motala, ‘The Group Areas Act and the effect of the proclamations made thereunder in Pietermaritzburg and environs’: 11. Chota Motala’s role in anti-GAA protest is covered in Goolam Vahed, *Chota Motala: A Biography of Political Resistance in the KwaZulu-Natal Midlands* (Pietermaritzburg: University of KwaZulu-Natal Press, 2018): 147–154.
 - 81 PCYB 1960: 58; 1964: 33.
 - 82 PCYB 1962: 48.
 - 83 Proclamation 286, GG 636, 25 October 1963.
 - 84 PCYB 1965: 125.
 - 85 PCYB 1966: 26, 39, 125; 1967: 28. Border industrial areas were concentrations of white-owned factories conveniently close to large reserves of African labour that could be defined as belonging to a bantustan, often by convenient manipulation of so-called borders. The 1963 proclamation of Pietermaritzburg effectively reduced the role of the LHC. Ultimately, it was not a success: Pietermaritzburg was too remote, its topography difficult to service, and there were shortages of managerial skills and housing.
 - 86 PCYB 1967: 130.
 - 87 PCYB 1975: 123.
 - 88 PCYB 1976: 36.
 - 89 Nalini Naidoo, ‘The forbidden city’ NW 15 June 2000; Nina Hassim, ‘City of closed doors’ NW 24 May 2000.
 - 90 Memo from the Pentrich and Camp Drift Residents Association (PCDRA) to the Natal Indian Judicial Committee (NIJC), 10 May 1944 (PMA 3/PMB C batch 304, file 141/8 The Asian Question).

- 91 Evidence before the NIJC sitting in Pietermaritzburg presented by the PCDDA represented by A.G. Pillay and D.R. Singh, 14 June 1944 (PMA 3/PMB 4/4/2/291, file 141/8 The Asian Question).
- 92 Finance, Etc. Committee minutes, 15 August 1951 (PMA 3/PMB 4/4/2/4. file 8/4 Asiatic Land Tenure Act: General).
- 93 NIJC minutes of proceedings, 6th public sitting, 15 June 1944 (PMA 3/PMB 4/4/2/291, file 141/8 aux. The Asian Question).
- 94 City Council, Housing and Town Planning Committee minutes, 17 January 1975 (PMA 3/PMB 4/4/2/210, file 242/2 Fitzsimmons Road Sports Ground).
- 95 PCYB 1969: 29, 35, 136. Census figures for black South Africans should, however, be treated with extreme caution.
- 96 J. Kincha, 'Pentrich families lay their claims' *NW* 23 December 1998.
- 97 Epprecht, *Welcome to Greater Edendale*: 96.
- 98 Graeme Bloch, 'Sounds in the silence: painting a picture of the 1960s' *Africa Perspective* 25 (1984): 10.
- 99 PCYB 1972: 78; 1973: 43.
- 100 PCYB 1966: 124.
- 101 PCYB 1970: 17; 1971: 17.
- 102 PCYB 1976: 126.
- 103 Proclamation 235, GG 3279, 8 October 1971. PCYB 1972: 17; 1974: 19, 131.
- 104 PCYB 1972: 151.
- 105 PCYB 1973: 102; 1973: 33; 1976: 107; 1978: 143.
- 106 PCYB 1974: 152.
- 107 Christopher Hope, *White Boy Running* (London: Abacus, 1988): 84.
- 108 A *khaya* (house in Zulu) was the term used to describe a domestic servant's quarters in the garden of a white-owned house.
- 109 James McClure, *The Steam Pig* (New York: Soho Press, 2010, originally published 1971): quotations from 59, 81, 82, 99, 100, 223, 227; *The Caterpillar Cop* (New York: Soho Press, 2010, originally published 1972): quotation from 66; *The Gooseberry Fool* (New York: Soho Press, 2011, originally published 1974): quotations from 79, 125. Peacehaven later became a real-life name for part of the white suburb of Lincoln Meade.
- 110 Selby Msimang, 'Edendale' *Reality* 7(3) 1975: 14–16; PCYB 1963: 58; 1964: 20; 1972: 46.
- 111 Maylam, 'Explaining the apartheid city': 36. There were originally 21 other administration boards.
- 112 PCYB 1973: 28, 127.
- 113 PCYB 1980: 27; Truluck, *Pietermaritzburg 1990*: 14–16.
- 114 Bekker and Humphries, *From Control to Confusion*: 8, 14, 130, 132, 134, 141, 144, 162, 165, 170, 176–177. From 1974, administration boards were redesignated development boards and Natal's two boards became one. In the early 1980s the DBAB was a category A board with 367 white (overwhelmingly Afrikaner) and 1 231 black staff; a black population of 813 000 of which 158 500 was urban (20%) only 47 485 (6%) of whom had s.10 rights; a registered work force of 290 000; and thirteen proclaimed townships containing 7 040 houses and 9 163 hostel beds.
- 115 Epprecht, *Welcome to Greater Edendale*: 189–190, 210.
- 116 City Council minutes, 30 August 1973.
- 117 PCYB 1977: 40, 181; 1979: 52.
- 118 Secretary, NIA to Town Clerk, 6 February 1941 (PMA 3/PMB C batch 364, file 215/9 (Seats in Town Gardens and Alexandra Park). Within a few years the benches in question were marked for whites only.
- 119 PCYB 1979: 53.
- 120 PCYB 1977: 19.
- 121 PCYB 1977: 153; 1979: 179.
- 122 PCYB 1986: 17.
- 123 PCYB 1978: 20.
- 124 Sibongiseni Mkhize, 'When Sobantu boiled over' *NW* 9 July 1998; Sibongiseni Mkhize, "'A setback to the harmonious race relations in this charming city of scented flowers': the August 1959 riots in Pietermaritzburg' *Natalia* 42 (2012): 65–79.
- 125 Wills, 'Pietermaritzburg': 94.
- 126 PCYB 1987: 12.

- 127 Peel, 'Sobantu Village': 82–84. The Committee of Twelve was opposed by the Sobantu Youth Organisation and other sections of the community that regarded it as too moderate; and it finally collapsed in mid-1987.
- 128 See Chapter 2 of this book.
- 129 Douglas Irvine, 'Beyond the apartheid city' *Reality* 22(4) 1990: 6.
- 130 A. Todes and V. Watson, 'Local government reform in South Africa: an interpretation of aspects of the State's current proposals' *South African Geographical Journal* 67(2) 1985: 201–211.
- 131 Annette Seegers, 'South Africa's National Security Management System, 1972–90' *Journal of Modern African Studies* 29(2) 1991: 263.
- 132 Truluck, *Pietermaritzburg 1990*: 20.
- 133 Irvine, 'Beyond the apartheid city': 6.
- 134 *PCYB* 1988: 12.
- 135 *PCYB* 1989: 1–5; 1990: 1–2, 33.
- 136 Irvine, 'Beyond the apartheid city': 7.
- 137 *PCYB* 1975: 130; 1979: 176–177.
- 138 Wills, 'The segregated city': 43.
- 139 *PCYB* 1977: 29.
- 140 *PCYB* 1980: 192–193.
- 141 Truluck, *Pietermaritzburg 1990*: 21–22.
- 142 *PCYB* 1981: 55, 186.
- 143 *PCYB* 1989: 56, 217.
- 144 Wills, 'Pietermaritzburg': 100; Epprecht, *Welcome to Greater Edendale*: 218, 219.
- 145 Truluck, *Pietermaritzburg 1990*: 20.
- 146 Wills, 'Pietermaritzburg': 98–99.
- 147 Philippe Denis and Graham Duncan, *The Native School that Caused all the Trouble: A History of the Federal Theological Seminary of Southern Africa* (Pietermaritzburg: Cluster Publications, 2011): 142, 158, 168. The main campaigner for the multiracial Bachelor of Theology course over many years and many obstacles was Gunther Wittenberg.
- 148 Cecil Seethal, 'The transformation of the local state in South Africa (1979–1991): group areas, property "super-taxation", and civic organizations' *Urban Geography* 13(6) 1992: 538–541, 545, 548, 551–553.
- 149 *NW* 21 April 1989.
- 150 Savage, 'The imposition of pass laws on the African population in South Africa, 1916–1984': 205.
- 151 Irvine, 'Beyond the apartheid city': 9.
- 152 Wills, 'Pietermaritzburg': 100.

2

A SMALL CIVIL WAR: POLITICAL CONFLICT IN THE PIETERMARITZBURG REGION IN THE 1980s AND EARLY 1990s¹

FOR ONE WEEK, from 25 to 31 March 1990, a small-scale war took place to the west of Pietermaritzburg. According to the Truth and Reconciliation Commission (TRC), 200 people died and 20 000 were displaced. They were mainly from Ashdown, Caluza, Mpumuza, Gezubuso, KwaShange and KwaMnyandu in the lower Vulindlela and Edendale areas. There are no precise figures for those injured or disabled.² Twenty years later, ruined and abandoned buildings were still to be found from what became known as the Seven Day War.³ At the same time, with far superior media coverage, the battle for East Beirut was taking place across the Green Line between Syrian forces and General Michel Aoun's Lebanese army: 300 people were killed and 1 200 injured before the Syrians and their local allies prevailed.⁴

Prelude

In the lead up to the Seven Day War, at least 1 810 people had died in political violence in the greater Pietermaritzburg region over three years.⁵ The origins of this conflict in a region previously known as relatively peaceful are complex – and much argued. They include:

- socio-economic factors such as housing shortages and rent increases, bus fare hikes and a growing private, largely unregulated minibuss taxi industry;
- administrative change involving the transfer of Pietermaritzburg townships and peri-urban areas to the KwaZulu bantustan and, from 1983 onwards, the establishment of black local authorities; and
- a schools crisis with demands for student representative councils, free textbooks and an end to corporal punishment.

But the underlying reason for conflict was the crisis within the apartheid state after the Soweto Uprising of 1976. The National Party (NP) government sought reform and adaptation to perpetuate the basic relationships within South African society. Consequent volatility and uncertainty provided opportunity for predominantly black, but rival, political groupings.

South Africa under President P.W. Botha was by the early 1980s increasingly run by the State Security Council (SSC), ‘effectively ... a secretive super-cabinet’ supervising a shadow administration without constitutional status, and a network of joint management centres, over 500 at various levels, that co-ordinated the work of the security forces, government, business and other interests. It pursued a supposedly counter-revolutionary ‘total’ strategy designed to take out activist leaders while winning the hearts and minds of the population at large through material benefits. Information about the government’s opponents was fed upwards to the SSC, which responded with policy decisions and specific instructions back to the riot, municipal and security police, kitskonstabel units and army, all of which had the ability and inclination to use powers, heightened under a State of Emergency (SoE), to ban, restrict and detain, monitor, harass, and ultimately assassinate. Such information was shared with vigilante groups and hit squads.⁶ It is one of the ironies of Botha’s administration that it carried the imprint of the military and involved its personnel in the hardening security state of the 1980s; yet it chose to double the size of the police and it was they who played the major role in security force action in the Pietermaritzburg region.⁷

Widespread vigilantism emerged in South Africa in the mid-1980s and was directed at anti-apartheid organisations and their members in African areas with the overt and covert support of the security system: ‘In the Pietermaritzburg area the warlords appear to come from both homeland functionaries and the members of ... an “embryonic middle class” ... with an interest in stability and a natural inclination to conservatism’. Covert support often took the form of simple inaction such as turning a blind eye to possession of unlicensed firearms.⁸ This amounted to the ‘privatisation of repressive forces’.⁹

The Edendale valley had traditionally been an area broadly sympathetic to the African National Congress (ANC). But in March 1975, Inkatha, a largely cultural grouping when founded in 1924, was revived under the leadership of Mangosuthu Buthelezi.¹⁰ It took on a significant role in the politics and administration of the KwaZulu bantustan, but consistently resisted the eventual quasi-independence intended by the South African government. Nonetheless, it used bantustan resources for political mobilisation and in late 1979 broke what had been cordial relations with the ANC. Inkatha was Zulu traditionalist, a major conservative force in black politics and it sided with the Pretoria government on certain issues such as opposition to economic sanctions.¹¹ It also wielded ‘considerable powers of coercion and patronage ... including control of its own police force and jurisdiction over education, health, and

social services.¹² Control of trading licences was also important and Inkatha studies were part of the school curriculum. From its links to 'patrimonial political institutions in the Zulu kingdom' it derived 'moral authority' and 'rearmament',¹³ although it is doubtful if it ever had the million members it claimed.

Its regional and later national aspirations were underpinned by populism and ethnic chauvinism that were overlooked or condoned in many white conservative circles.¹⁴ Buthelezi, harbouring fierce national political ambitions of his own as a power broker, invoked the contestable concept of the Zulu nation and in the late 1960s and early 1970s claimed to be part of both the ANC and the Black Consciousness movement.¹⁵ There is no escaping the fact that Buthelezi's personal aspirations and perceptions played a significant part in the Pietermaritzburg conflict. And his authoritarian inclinations, highlighted by a proclivity for intemperate statements and imagined enemies, backed by the trappings of a one-party bantustan based on traditionalism, proved a potent ingredient for the conflict and the political vacuum being contested in the region.¹⁶ For example, Buthelezi often referred to the 'people's anger' and the difficulty of containing it.¹⁷

The 1976 Soweto Uprising proved significant, however, ushering in an era of increasingly radical opposition politics with less room for Buthelezi. In 1983 a wide range of anti-apartheid organisations, reputed to number about 600, many of which supported the Freedom Charter, launched the United Democratic Front (UDF). The Natal branch was the first to be established nationally, on 14 May, and the most prominent Midlands leader was A.S. Chetty, although until 1985 there was no official regional body and the UDF was represented by a Committee of Concern. In February 1985 it would be 'reconstituted ... as a UDF sub-regional structure' with Chetty as chair and Skhumbuzo Ngwenya Mbatha and Martin Wittenberg as joint secretaries.¹⁸ Among its affiliates were radically inclined youth and community organisations in the Edendale valley as well as a number of human rights organisations based in Pietermaritzburg. By 1983 the political parameters within which future conflict would take place had been clearly delineated. Its specific location has been identified as the border area between Natal and the KwaZulu bantustan where rapid, but highly controlled, urbanisation was taking place.¹⁹

In April 1980, Imbali and Ashdown townships and the freehold area of Slangspruit became part of KwaZulu. The main focus of discontent was township schools where boycotts and sporadic violence were commonplace, although in Pietermaritzburg itself there were also boycotts at coloured and

Asian schools.²⁰ Significantly, in February 1980 a branch of the Inkatha Youth Brigade had been established at Mehlokazulu High School in Imbali. In August a Sobantu policeman was ambushed in an incident involving an AK-47, presumably an operation conducted by Umkhonto we Sizwe (MK); and in October youths were detained by police at the Lay Ecumenical Centre in Edendale for alleged ANC activity.²¹ In 1981, a vigilante group was founded in Ashdown under Reverend M. Majola and named Oqondo (straighteners). A pattern of youth activism and unrest countered by vigilantism had been established. Much of the former was part of a 'repertoire of protest' imitative of an established national pattern.²²

By early 1982, Oqondo was active in Imbali and Slangspruit with support from local councillors and the South African Police (SAP). Tensions heightened on Republic Day (31 May) and 43 students at the Federal Theological Seminary (FEDSEM) in Imbali were arrested on charges of illegal gathering. Further discontent was fuelled by Inkatha-aligned chiefs and indunas extorting money over the crucial matter of attaching the KwaZulu homeland stamp to pension applications. But serious violence was restricted to the municipal township of Sobantu where Graham Radebe, aged 17, was shot dead by police on 30 September 1982. His funeral on 9 October was the first in Pietermaritzburg to be restricted and this led to violence in Sobantu and at Mountain Rise cemetery.

Unrest over enforcement of influx control regulations and rent increases led to an attack on the offices of the Drakensberg Bantu Administration Board (DBAB) in October and the torching of the beerhall and attacks on firemen in November, while the homes of councillors were regularly stoned. Intervention by Pietermaritzburg mayor, Pamela Reid, led to a number of compromises. In mid-August 1983 rent increases were suspended and replaced by a system of earnings-related payments. Bus fare increases in January 1983 added fuel to the fire of discontent over housing and schools. It was at this time that a number of Sobantu residents left the country for military training.²³

Government attempts to establish township councils were met by boycotts. In Ashdown the council was rejected outright and in Imbali three contests in six wards attracted just 248 votes. In Sobantu a popular Committee of Twelve liaised with the DBAB and, unofficially, with the municipality. Then in September 1984 the Edendale Advisory Board collapsed, leaving the Edendale Landowners Association as the sole representative body.

In mid-1984 Zulu king Goodwill Zwelithini, in an oblique attack on the UDF, accused white sympathisers of the ANC of dividing the Zulu people. The South African government routinely blamed political unrest on the subversive

influence of left-wing whites. The nature of this red herring was immediately made evident in June 1984 by the sentencing to ten years imprisonment of Ben Dikobe Martins, leader of the D.C.O. Matiwane Youth League in Edendale for ANC activity. Jabulani Sithole records that there were a 'handful of [ANC] units in the Natal Midlands' that were largely self-reliant.²⁴ The State's dirty tricks apparatus was already at work in the area, illustrated by the assassination of Ben Langa on 20 May 1984 at his Edendale home by two MK operatives incited by misinformation that Langa had been a state witness in the Mahlobo trial. The ANC in Lusaka later put out a categorical denial of its involvement.²⁵ When Minister of Co-operation and Development Piet Koornhof visited Imbali on 21 August 1984 to install the community council under Patrick Pakkies and Austin Kweyama, 1 500 youths protested and at least one was shot dead by police. In an ominous sign of events to come, fearing for their safety UDF supporters started moving out of Sobantu.

During July 1985 a partial SoE was declared in South Africa, but Natal was unaffected. In the Pietermaritzburg area there were widespread school boycotts and at Mehlokazulu High School police teargassed pupils. Most significant, the government's vision of black local government was directly challenged by the election of fifty street representatives in Sobantu, which the relatively progressive Pietermaritzburg City Council resolved to reincorporate in August 1985; and foundation of the Imbali and Ashdown civic associations. Opposition to the apartheid state was also demonstrated in more robust ways: in Imbali by the petrol bombing of the houses of mayor Patrick Pakkies and Inkatha official Abdul Awetha, both urban warlords.²⁶ There was also an arson attack on a clinic and attacks on the beerhall. On Soweto Day, 16 June 1985 a gathering at St Mark's Church, Imbali was dispersed by police using teargas and rubber bullets. Further into the Edendale valley, stores and the beerhall in the area of Chief Mini's homestead were attacked.

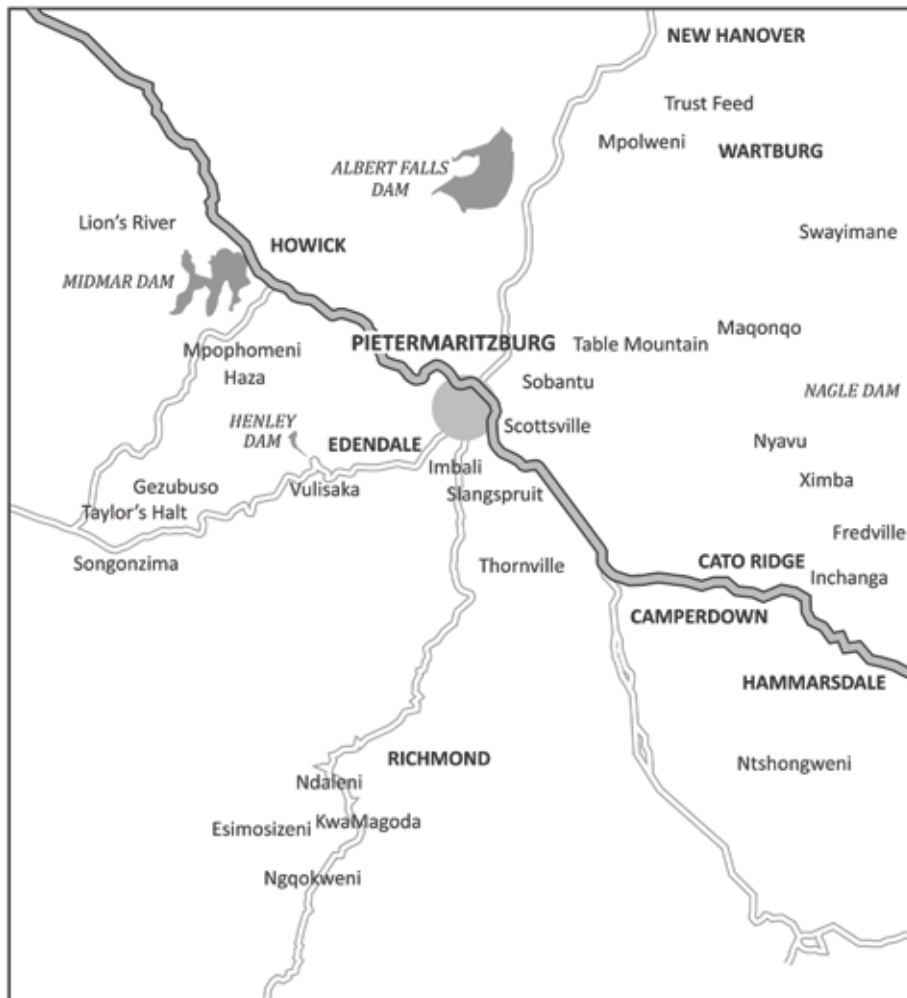
This was the year when 'a new stratum of Inkatha leadership came to public prominence in some Natal townships – vigilante leaders using a new confrontational style'.²⁷ On 24 August, Inkatha officials Pakkies, Velaphi Ndlovu and Ben Jele led a march on FEDSEM giving the occupants warning to leave.²⁸ The seminary, shared by Anglicans, Methodists, Presbyterians and Congregationalists, had experienced a chequered history, moved from Alice in the Eastern Cape to Umtata in Transkei and then to Edendale and Imbali. In 1985, among other activity, FEDSEM was sheltering Robert Duma of the Imbali Civic Association. Exactly why the seminary was targeted in an intra-community conflict between conservatives and the youth is not clear. Inkatha,

typically, distanced itself as an organisation, but police Security Branch (SB) involvement was strongly suspected.²⁹ The seminary was granted an injunction, the first of four. By September there were reports of vigilantes searching for members of the civic association, other UDF-aligned organisations and the Black Consciousness Azanian Peoples Organisation (AZAPO). It is generally agreed that 1985 marked the start of widespread vigilantism in South Africa and the Pietermaritzburg area bears witness to this: it emerged in townships where anti-apartheid organisation was strongest and was peddled by the regime as black-on-black violence.³⁰ As Haysom points out, in a country in which black citizens found it 'nearly impossible' to acquire a gun legally, vigilantes found access remarkably easy. Although the origins of vigilantism are complex, one clear factor was concerted UDF opposition to the system of township community councils: vigilantes were a cheap option in both political and financial senses.³¹

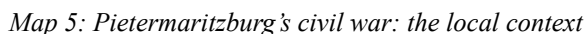
At the beginning of 1986, the year in which a four-year national SoE would be declared, the landscape of future conflict had been clearly mapped out, although at this stage it was localised, personal and involved relatively few guns. On the one hand was a loose coalition of anti-apartheid youth organisations and civic associations affiliated to the UDF in what Allan Boesak described as the 'politics of refusal'. Oratory and charismatic leaders played a greater role than systematic programmes, although the UDF did promote mass campaigns. The Pietermaritzburg area was one of few in which it was truly non-racial and it functioned at an important symbolic level with a 'collective iconography', and a sense of national purpose and committed endeavour.³² Allied with the UDF to various degrees were human rights and faith-based organisations. The most important ally was the Congress of South African Trade Unions (COSATU), founded in November 1985 with linkage between the shopfloor and community struggles one of its objectives. This was in contrast to its forerunner the Federation of South African Trade Unions (FOSATU) with an agenda more inclined to shopfloor issues and suspicious of political alignment (see Chapter 4).

Opposing them was the bantustan authority and its dominant political party, Inkatha, with a penchant for vigilantism and traditionalism that operated along patriarchal, authoritarian lines. In May 1986 Inkatha was joined by a trade union wing, the United Workers Union of South Africa (UWUSA). Perversely, UWUSA's founder was a businessman.³³ Largely absent from this scenario was MK, although forty or fifty soldiers were thought to have been recruited from the Pietermaritzburg area. There were a number of sporadic attacks in the

late 1980s, most notably those organised by the group led by Gordon Webster and Robert McBride that included the highly spectacular rescue of the former from Edendale Hospital on 4 May 1986. And on 13 August there were two MK attacks in Sobantu, led by Zenzele Dlamini, on the mobile police station and a military base. All those involved were subsequently arrested.³⁴ This backs up Tom Lodge's point that MK activity was designed to enhance its popularity and burnish its image. The ANC people's war declaration of 1985 was highly premature and the survival time of infiltrating guerrillas was a mere six months. Very shortly, by the late 1980s the emphasis of the ANC would be



Map 4: Pietermaritzburg's civil war: the regional context



So successful was apartheid in setting up boundaries between different ethnic groups that Pietermaritzburg, particularly its suburbs, was largely immune from this unrest. Areas of incipient conflict were clearly visible from the city, but in some senses were effectively taking place in another country. Non-governmental organisations (NGOs), enlightened elements of some churches and professional bodies, and certain parts of the city council and municipality were concerned about the worsening situation and put varying amounts of energy into remedies.

The national SoE was declared on 12 June 1986. Regulations gazetted in terms of the Public Safety Act (3 of 1953) seriously enhanced the powers of the police over security, the media and educational institutions. In terms of security, police powers over arrest and detention, warrantless entry, search and seizure, restriction of persons, organisations and gatherings, prohibition of activities

and campaigns, limitation of access, imposition of curfews, and control of funerals became virtually endless; and were covered by immunity from prosecution. Media regulations controlled the presence of journalists, forbade coverage of certain topics including the use of blank spaces, and prohibited photography of unrest or security force action. Education regulations applied to schools affected access, deviations from the syllabus, boycotts, outside influence, the conduct of campaigns, and movement and activity in general.³⁶

Over the preceding six months the Pietermaritzburg area was affected by low-key, persistent unrest and the occasional violent death, but it was quiet relative to many other parts of the country. It is a measure of the myopia and desperation of the government that it invoked an Emergency in order to suppress peaceful if highly vocal and critical opposition – it already had sufficient powers, legal and logistical, to crush violence.³⁷ The impact of the SoE was initially notable for the detention of relatively small numbers of high-profile community leaders and anti-apartheid activists.

However, in December 1986 at Mpophomeni (near Howick), three trade union shop stewards involved with the long-term BTR-Sarmcol strike and a volunteer at the local co-operative were abducted after armed Inkatha members invaded the township (see Chapter 5). Three of them were murdered in a rehearsal of violence to come.³⁸ From early 1987 onwards the situation deteriorated with the rise of warlords whose names were attached to numerous violent incidents that accounted for an average of fourteen deaths per month from January to August. An exacerbating factor was a two-day stayaway in May against the whites-only general election strongly supported by the bus drivers of the Transport and General Workers Union. In November 1987 Brigadier Jacobus Büchner took over command of the police SB in Pietermaritzburg. Regarded as an expert on the ANC, Büchner had served in Rhodesia with the SAP contingent, had headed section C2 of the SB responsible for intelligence gathering, and was by repute a founder member of the hit squad operating from Vlakplaas in the Transvaal. All these factors have a bearing on the development of the conflict around Pietermaritzburg: penetration of the local community and the use of dirty tricks were well learned by the SAP in Rhodesia in the 1970s. Büchner later became head of the KwaZulu Police (KZP).³⁹

September 1987 marked the beginning of an intensified struggle for the Edendale valley and an eventual wider war in the Natal Midlands. A number of contributory factors brought the situation to boiling point. The corrosive effect of low-level conflict and associated death, injury and damage to property was the symptom of an increasingly aggressive Inkatha recruitment drive

supported by vigilantism and backed by acts of omission and commission on the part of the SAP.⁴⁰ Its version of law and order at its most benign was to support traditional authority in the form of Inkatha.⁴¹ This was opposed by self-defence units (SDUs) set up by youths with various degrees of commitment to the UDF. The precise influence of local MK units on these SDUs has yet to be determined, possibly because the ANC engaged in a politics of denial around them, although in relation to the Richmond conflict the TRC records that MK was responsible for arming and training and that their actions went beyond defence.⁴² In some cases SDUs deteriorated into essentially criminal gangs.⁴³ In early September there were heavy rains and flooding in the area and corruption in the distribution of aid may have been the last straw.

One particularly violent incident on 25 September 1987 at KwaShange in which thirteen youths died was in fact the action of a renegade member of the SAP, but it fuelled the tension. Constable Hlengwa received a twelve-year sentence for leading the attack, which he justified as pre-emptive.⁴⁴ An attempt by the Pietermaritzburg Chamber of Commerce to facilitate peace talks foundered when the UDF negotiators were detained. In October fatalities numbered 83. From this point onwards Edendale became known as the valley of death; or, in COSATU's apt and evocative description, the valley of widows.⁴⁵ Haysom points out that in the seven months from September 1987 to March 1988, nearly two thirds of those killed in South Africa as a whole in unrest-related incidents perished in the Pietermaritzburg area. Hundreds went into hiding as a result. It is no coincidence that Inkatha gave the inhabitants of Vulindlela (upper Edendale valley) until October 1987 to join up; an ultimatum that followed the successful UDF/COSATU Pietermaritzburg stayaway of 5–6 May.⁴⁶ It was under these circumstances that areas west of Pietermaritzburg were converted into what Jacklyn Cock terms 'zones of terror' within which the security forces were granted wide, indemnified powers to 'atomize and disorganize the opposition forces.'⁴⁷ People did indeed 'walk through the valley of the shadow of death' and in more senses than one.⁴⁸

In general the rural reaches (*ngaPhezulu*) of the Edendale valley at its head and on the higher slopes, especially the area of Vulindlela, tended to be under the control of traditional authorities and therefore Inkatha-aligned. However, there were pockets of non-Inkatha territory along the main road further into the valley. The initial struggle over newly established authorities in the townships close to Pietermaritzburg and in the old centre of Edendale (Georgetown, where Inkatha's patronage was limited because land, housing and trading licences for historic reasons did not fall under the KwaZulu government) saw

the UDF predominate and the violence moved further west into the valley. UDF members gave names such as Moscow, Cuba, Luanda and Angola to liberated zones under its control. Ashdown was Zambia.⁴⁹ Inkatha's reaction, through its spokesperson Vitus Mvelase, was to deny involvement in violence and call for peace. COSATU's tactic was to collect evidence against known warlords and apply for restraining interdicts, but applicants and witnesses were highly vulnerable. Consider, for example, the Mthembu family of Imbali. After an interdict was lodged in January 1988 following the death of one son, two more were killed and the survivors became refugees.⁵⁰

By the end of 1987 Vulindlela was in administrative and economic disarray. But the most striking example of conflict at this point occurred in January 1988 at the township of Ashdown when in an incident known as Operation Doom (or Cleanup) heavily armed Inkatha members, incited by David Ntombela, the KwaMncane induna, who brazenly said that 'anyone who did not want to belong to Inkatha should be killed', invaded from the surrounding hills of Mpumuza. They were overtly supported by SAP officers who fired on residents and handed over *amaqabane* (comrades) to vigilantes.⁵¹ It was at this time that a new unit known as kitskonstabels (instant police) armed with pump-action shotguns made its appearance. Hastily trained, a criterion for selection in Natal was endorsement by Inkatha officials and indunas including the warlord Ntombela. Some recruits had criminal records and they were consequently known as 'vigilantes in uniform'. Three hundred of them appeared in the Pietermaritzburg area as part of riot police unit 8 under the command of Major Deon Terblanche.⁵²

Striking evidence of partisanship was delivered by Adriaan Vlok, the minister of police himself, when he delivered a notorious speech at Town Hill Police Station in February 1988: 'radicals ... will not be tolerated. We will fight them. We have put our foot in that direction and we will eventually win the Pietermaritzburg area'. The Liberal Democratic Alliance asked a crucial question: what business did a police force have 'to fight anyone?' A *Natal Witness* editorial in the local paper expanded on this theme, describing Vlok's statement as outrageous: 'the mere holding of opinions is not illegal, nor is it the job of the police to engage in any kind of thought control'.⁵³ Vlok's intentions were made clear by a mass round-up of UDF supporters and detention of UDF negotiators. That same month COSATU, the UDF and other Charterist organisations, including a number of human rights bodies, were restricted by the government.

They were not, as is commonly believed and recorded, banned. They remained legal, but were effectively prevented from political work.⁵⁴ Affiliates of the UDF were largely able to carry on with their tasks while the national umbrella organisation was immobilised, although local leadership was severely weakened by general repression, detention in particular.⁵⁵ By this time there were estimated to be 60 000 displaced persons in the greater Pietermaritzburg area. This had a devastating effect on school attendance and shifted some violence into the city centre with incidents at bus stations, where targets could be easily identified.⁵⁶ Transport nodes of all types, from semi-rural dropping off points to urban bus stations, were particular points of vulnerability. These early months of 1988 represented the peak of the violence during the Emergency years.

The average number of monthly deaths declined to 44 by November 1988. However, the conflict became more widespread and moved into rural areas outside the Edendale valley. This was thought to be the result of the politicisation of factionalism. COSATU and the National Council of Trade Unions (NACTU) organised a stayaway with a 65% success rate in June in protest at labour law changes and there was even greater support for the Soweto Day boycott. The Complaints Adjudication Board (CAB) set up to address the violence managed to obtain agreement about an end to forced recruitment, but Inkatha warlords like Shayabantu Zondi refused to acknowledge it (in the Zulu language, Shayabantu appropriately means 'hit the people'). In Imbali, Abdul Awetha and the kitskonstabels were incited by elements of the SB and pursued vigilante action to the extent that women residents appealed for deployment of the army.⁵⁷ At Taylor's Halt, deep in the Edendale valley, a Shaka Day rally on 25 September attracted 15 000 Inkatha supporters who were treated by Buthelezi to a verbal attack on white radicals. By contrast at Table Mountain (Maqongqo) to the south-east of Pietermaritzburg, Chief Mhlabunzima Maphumulo declared an effective neutral zone that sheltered five hundred families.

On 3 December 1988 the massacre of eleven people at Trust Feed provided one of the best-known episodes of the conflict. This was a police operation under the command of Captain Brian Mitchell from New Hanover police station in collusion with Inkatha's Ntombela, using kitskonstabels from Terblanche's riot police unit. The accepted version is that the intention was to eliminate UDF sympathisers, but instead the wrong house was targeted and the victims turned out to be Inkatha supporters, mainly elderly women and two children. There is, however, another interpretation: that the Sithole household

was targeted as an act of provocation to elicit an extreme reaction from Inkatha supporters opposed to the Trust Feed Crisis Committee. In April 1992 Mitchell was sentenced to death, but this was commuted to thirty years in prison. The kitskonstabels received fifteen years each.⁵⁸

By 1989 the pattern of violence was well established. Further attacks were made on Ashdown and Caluza from Mpumuza with police support. The latter was also obvious in Imbali while Vlok brazenly claimed that only persons of violent disposition were held in detention. Inkatha *impis* violently suppressed real and imagined dissent in Vulindlela, especially at KwaMnyandu, Haza and Mgwagwa. Refugees from these areas subsequently attacked buses travelling from Vulindlela into the city. And, spasmodically, the violence spilled over onto the streets of Pietermaritzburg.

While the average monthly death toll declined to 30, serious violence persisted and became more widespread affecting Richmond, Camperdown and Wartburg. The murder at Imbali of a witness in a case before the CAB led to the withdrawal of COSATU. On the other hand, a church peace initiative backed by COSATU and the UDF was rejected by Inkatha, supported by Vlok who somewhere detected the hidden hands of the banned ANC and South African Communist Party. The churches made strenuous efforts to bring the two sides together encouraged by the fact of Buthelezi's Anglicanism. But church leaders were hampered by their prophetic duty to the truth, which made them appear partisan.⁵⁹ Inkatha was also unnerved at this time by the formation of the Congress of Traditional Leaders of South Africa (CONTRALESA) by chiefs sympathetic to the UDF. On 25 February 1991 the president of CONTRALESA, Mhlabunzima Maphumulo, would be assassinated in Havelock Road, Pietermaritzburg while engaged in peace talks. The inquest a year later concluded that the hit had been planned and committed by persons unknown, although police SB, Inkatha and military police were all implicated in various statements (see Chapter 7).⁶⁰

The government in May rejected a Church request for a commission of inquiry into the violence, blaming revolutionaries and comtsotsis (criminals, many of them refugees, masquerading as comrades). Vlok's defence of Inkatha was called into question by the murder in May of the Imbali community leader Jabu Ndlovu and members of her family. Ndlovu was a National Union of Metalworkers of South Africa (NUMSA) senior shop steward at Prestige and died after her house in Mkhamba Street, Imbali Stage 1, was firebombed on 22 May 1989. She was close to youth structures, had visited Britain in 1988 with a NUMSA delegation and the play *Sisters of the Long March*, and was

associated with COSATU's legal actions and the naming of warlords. A three-day stayaway ensued from 5 to 7 June, Ndlovu's funeral was first banned then restricted to 200 people, and mourners were attacked by police and vigilantes. An Inkatha Youth organiser, Jerome Mncwabe, and three others from Imbali were charged, but Mncwabe was shot dead in May 1990. Loop Street in Pietermaritzburg was later renamed Jabu Ndlovu Street.⁶¹

An upsurge of violence at Imbali in August 1989 was linked to renewed Inkatha recruitment drives and the suspected involvement of a special police unit. Evictions from corner houses were followed by occupation by kitskonstabels who turned them into command posts. The situation in Imbali became so acute that a number of human rights activists from Pietermaritzburg, the Imbali Support Group, spent their nights in particularly vulnerable households to afford protection and be available as potential witnesses. At the head of the valley at Elandskop a Roman Catholic priest, Tim Smith, warned of the emergence of death squads. Increased violence may be linked to national mass defiance with stayaways, invasion of whites-only facilities and marches: Pietermaritzburg's march took place on 21 September and involved a memorable demonstration outside the main police station. Apartheid was about to fall apart with the Pietermaritzburg region in the grip of what Jabulani Sithole perceptively describes as a 'violent equilibrium'.⁶²

From 1987 to 1989 violence monitors recorded over 4 000 incidents that resulted in hundreds of deaths and injuries and extensive property damage in the greater Pietermaritzburg area.⁶³ It was estimated that approximately 1 100 houses had been destroyed and many others damaged by stoning and arson, devastating for an area already suffering from poverty and the consequences of apartheid. One resident succinctly described the situation: 'There's always darkness'.⁶⁴ More gunshot wounds were recorded in Natal at this time than in the two decades of the South African border war. Edendale Hospital was regarded as highly vulnerable and casualties were treated at Northdale Hospital in the Asian group area of Pietermaritzburg. There is, however, disagreement about the role of Edendale Hospital. Jeffery describes it as a 'war hospital' so well patronised that another male surgical ward had to be opened. It is also said to have been inundated with burn cases.⁶⁵ Many young people avoided hospitals altogether and sought help at the Pietermaritzburg Agency for Christian Social Awareness (PACSA), which 'looked like a First Aid Station'.⁶⁶ Some incidents of rape were reported and a number of abductions led to murder. Many young men were permanently on the run and refugees had a significant effect on

the social stability and economy of the region. There were also public health consequences; for example, an increase in rabies.⁶⁷

During the period 1987–1989, 82% of all deaths in political violence nationally occurred in Natal, with the Midlands making a major contribution.⁶⁸ But apart from street violence in the vicinity of transport nodes and the influx of refugees, the city of Pietermaritzburg was left relatively unscathed by the surrounding mayhem. The exception was the cemetery at Mountain Rise where funerals sometimes became volatile as a result of police intervention: ‘The unrest situation prevalent in Natal is still affecting the Cemetery, where the situation still necessitates the presence of Municipal Security personnel and the South African Police Riot Squad.’⁶⁹

A war of seven days, 1990

The culmination of the violence occurred during the Seven Day War. On 23 March 1990 a meeting of *amakhosi* was held at Ulundi at which King Zwelithini made a number of threatening allusions to the historical treatment of opponents. How and why the war was ignited is not in dispute: retaliation for the stoning on the Edendale Road by UDF supporters of buses returning from a poorly attended Inkatha rally in Durban on Sunday 25 March, which it later transpired had been funded by the government to the tune of R152 000.⁷⁰ This attack led to several deaths among Inkatha members and eventually cut the upper valley off from Pietermaritzburg. The main unanswered question is why the security forces with their considerable firepower did not create a safe corridor through the valley. This situation could not have taken the authorities by surprise: control of the main road through Edendale by anti-Inkatha forces had frequently been used to impose a stranglehold over the people and economy of the upper valley.⁷¹

The response appeared to be well planned and in the opinion of Paddy Kearney may have been fuelled by disappointment at the relative success of a Durban rally addressed by the newly released Nelson Mandela two weeks earlier.⁷² Attacks by up to 3 000 well-armed men from the upper valley started on the Tuesday at Caluza and Ashdown. Houses were torched and looted and there was little resistance except for a small counter-attack by the UDF at Phayipini. Defensive action by Caluza and Ashdown residents was obstructed by police. By Wednesday the Edendale valley was a war zone. After a meeting at David Ntombela’s house at Mncane, Elandskop attended by other Inkatha heavyweights, a KwaZulu government (KZG) official from Ulundi, the SAP Riot Unit and kitskonstabels, at which the men were sprinkled with

war medicine (*intelezi*), an army of 12 000 swept down the valley. It was accompanied by KZG trucks with obscured number plates, some of them carrying petrol for arsonists.

The TRC report records Ntombela, an induna described by Tim Smith as possessing 'extraordinary power ... in the community [instilling] ... awe and fear' and festooned with ammunition belts, directing attacks and instructing the riot squad not to intervene. Looted goods were taken to his house in police vehicles together with stolen cattle. Riot Unit member William Harrington later confirmed police and kitskonstabel involvement.⁷³ Radley Keys of the Progressive Federal Party (PFP) and two *Natal Witness* journalists observed the area from the air and noted the police involvement, together with least 25 vehicles, *impis* hundreds strong and general destruction, particularly at Gezubuso, Vulisaka, KwaShange and KwaMnyandu. A police helicopter ordered the aircraft out of the area, but the occupants refused to leave.⁷⁴ On police orders South African Defence Force (SADF) armoured vehicles were held back on the outskirts of Pietermaritzburg when a major attack could have been prevented by the presence of just one of them at a bridge over the flooded Msundusi River.⁷⁵

Attacks continued on the Thursday. One involved the burning of four homesteads at Songonzima, a non-Inkatha area, and the deaths of two women. Tim Smith records the probable involvement of kitskonstabels and the presence of Ntombela with two white riot police at Elandskop mission.⁷⁶ Conversely, the police teargassed a peaceful protest march by women.⁷⁷ The violence petered out over the weekend and this may have been the result of the intervention on 28 March of an MK unit under Dumezweni Zimu, which fired three shots from an AK-47 into the air to prevent a further attack on Caluza from Mpumuzu.⁷⁸ Whatever the provocation suffered by Inkatha members, the response was disproportionate and clearly planned. Various descriptions have been used, such as armed invasion and licensed massacre. Murder, arson, wilful damage to property, theft, intimidation and assault were widespread. Attacks were specifically directed at houses while public buildings were largely ignored. Ironically, the only high-profile assassination of this period, that of the Anglican priest at St Mark's, Imbali, Victor Africander, who had ministered to people on all sides of the conflict, happened on 4 May 1990 once the violence had tailed off.⁷⁹

The government failed in its most important duty: to protect ordinary, law-abiding people. Although Vulindlela fell under the KwaZulu bantustan, the SAP still operated there with the KZP used as bodyguards.⁸⁰ The army

was deployed in sufficient numbers seven days after the violence had abated. Among its units was the largely Portuguese-speaking 32 Battalion, populated in the main by former FNLA soldiers used by the South African government on the Namibian border and in Angola. Its founder was Jan Breytenbach, brother of the Afrikaner author and dissident Breyten Breytenbach, and it was known in Namibia as *Os Terríveis* (the terrible ones). Suddenly moved from Namibia where unrestrained force was the norm, they found themselves in the Edendale valley where sophisticated policing was desperately required. However, the 32 Battalion troops deployed from late April in Operation Eardrum were promoted as the 'only black troops with no tribal or political affiliation to the warring factions'. This was in a sense a red herring: the extreme violence was spent, the army had arrived far too late, and the media opposition to deployment of foreign mercenaries was a diversion. The battalion's chronicler suggests that it was later begged to stay on as it was 'clearly neutral and meted out the same treatment to both warring factions.' The battalion later moved to Enhlalakahle (Greytown, Operation Firefly) and the Richards Bay area (Operation Expose) before it was disbanded in 1993.⁸¹

Evidence of the time, including the commissions and omissions of the riot squad that appeared to be acting under orders from Inkatha, and the findings of the TRC, suggest that delay had the deliberate intention of allowing Inkatha free rein. The authorities offered no assistance in the aftermath of the massacre and help came only from churches, human rights organisations and NGOs. Inexplicably, Edendale was not declared a disaster area. Indeed, this general neglect had been a characteristic of the area for the previous four years: the government had made no attempt to implement its winning hearts and minds strategy through infrastructure improvement and material benefits as in other parts of the country. The small war had been left to simmer and then boil over.

The TRC found that there had been gross human rights violations during the Seven Day War. It held Ntombela accountable, but named no one else of prominence and referred simply to persons unknown. Inkatha was assigned overwhelming responsibility together with the SAP. The KwaZulu bantustan government and its police force were also blamed. Apart from the TRC and the research of NGOs there was no further investigation of a devastating event that deserved a judicial commission of inquiry.⁸² And aside from a few minor cases there were no prosecutions for serious criminal acts; nor ultimate justice.⁸³

This was a systematic and well-organised act of political cleansing aided and abetted by the government of the day after years of unrest and low-intensity conflict. Clues for this are contained in an analysis of the refugee population.



Seven Day War: Edendale women's peace march, 29 March 1990



Seven Day War: graves of victims at Azalea Cemetery, March 1990



Seven Day War: damage to property, March 1990



Inkatha-UDF conflict: victim at PACSA offices, late 1980s

Whereas in earlier conflict it had consisted largely of young men, the refugees of March 1990 were demographically representative, showing that 'entire communities were attacked'.⁸⁴

The evidence of these events has been interpreted in a number of different ways.

Analysing the evidence

The casualty rate among UDF members was over twice as high as Inkatha's. The latter were more aggressive, better armed, and actively and passively assisted by the SAP and KZP. Indeed, the latter were described by Jenny Irish and Howard Varney as 'inextricably interwoven into the conflict'.⁸⁵ The geography of conflict showed that it had spread from relatively new townships near Pietermaritzburg up the valley through Edendale to Vulindlela and tended to reflect Inkatha recruitment drives and resistance to them. It also followed refugees as in the case of Sobantu where UDF members fought Black Consciousness affiliated youth. Imbali remained in constant conflict.⁸⁶ Violence flared spasmodically in Edendale, but Vulindlela was the main locus. From 1989 conflict spread more broadly, and with great rapidity, through the Natal Midlands to Richmond, Swayimane, Ehlanzeni and Fredville.

The security forces produced ineffective and partisan policing. Initially they denied there was a major problem and under-reported the death rate, but once there was massive police deployment at the beginning of 1988 the bias was clearly evident. The pattern of detention without trial that evolved under the SoE provides one example.⁸⁷ Most detainees fell into two categories, both linked to the UDF: leaders of civic and human rights organisations and trade unions, often detained as peace initiatives were about to start; and *amaqabane* from anti-Inkatha SDUs. The object was to diminish the numbers resisting Inkatha domination and the quality of their leadership. There is reason to believe that some *amaqabane* became comtsotsis in the absence of their leaders and that acts of sheer criminality were misrepresented as political protest. At the height of the conflict in January 1988, 1 000 detainees were held, but by the time of the Seven Day War the authorities had abandoned detention without trial.⁸⁸ This was in part the result of a successful hunger strike among detainees in early 1989.⁸⁹

Notorious killers remained at large; warnings such as that given by a delegation of women prior to the Slangspruit killings of late June 1988 were ignored; and where court cases did result, key witnesses were not produced. Inkatha-backed marches and gatherings featuring paramilitary personnel

were tolerated even though illegal under the SoE; and many kitskonstabels had questionable backgrounds and loyalties. It is significant that elsewhere in South Africa the SoE dampened violence, but in the Pietermaritzburg area it provided a catalyst: Natal in general was a 'crucial battleground'.⁹⁰ Both the law and conservative judgments in court provided the security forces with indemnified power and without this the activities of warlords, basically gang leaders exploiting the political situation, would not have been possible. Yet the police propaganda machine blandly insisted that it played a neutral role.⁹¹ In many cases violence flourished as a result of deliberate police inactivity.⁹² Furthermore, there were 38 incidents of alleged active security force collusion. The majority involved the SAP with 25% blamed on the SADF and KZP.⁹³

Inkatha blamed the violence on poverty, arguing that the conflict between *amaqabane* and *thelweni* was otherwise irrational (*thelweni* was a derogatory term equating Inkatha members with men of Shaka's regiments who threw enemies off cliffs in the nineteenth century; and the uncomplimentary term *klova*, or country bumpkins, was also applied to Inkatha); an ANC campaign directed from its external mission to render the area ungovernable; and local left-wing antagonists in the white and Asian communities. In emphasising its traditional and ethnic roots and defending the positions of the king and chiefs, it became intemperate in its language: Indian (*amaIndiya*) and, worse, coolie (*amaKula*), for example, became terms of political abuse. Buthelezi called peace talks a trap and Velaphi Ndlovu criticised the involvement in them of Asians and whites.⁹⁴ Fifteen thousand people at an Mpumuza prayer meeting on 31 January 1988 were treated to anti-Asian speeches by Vitus Mvelase and threats of forced relocation and killing of township opponents seen as supporters of Mandela. The anti-Asian sentiment was echoed in calls to turn UDF areas into sugarcane fields. Fundamentally this was an attempt to deny Zulu identity to those opposing Inkatha and emphasise their otherness. Spokespersons for the State chose to see the conflict in terms of moderates (Inkatha) versus radicals (UDF). Brigadier Büchner put forward a common official viewpoint when he stated that his aim was to bolster the power of traditional structures.⁹⁵ It has been suggested that contemporary attempts at controlled transition in Namibia were regarded as a relevant model.⁹⁶

The UDF saw its affiliates as victims of Inkatha aggression, although it did not deny violence on the part of its supporters. Its ideological ally, the ANC, blamed the government for fomenting black-on-black violence as a means of weakening opposition to apartheid; while COSATU accused the State of specifically targeting community organisations and unions. However, the

ANC produced its own warlords, one of them being the veteran Harry Gwala who was uncompromisingly aggressive and incited violence after his release from Robben Island in 1988.⁹⁷ The non-aligned (*asilutho*) accused both sides, but were particularly critical of Inkatha recruitment drives.⁹⁸ For thousands of people caught in the middle of conflict both sides were responsible to significant degrees.⁹⁹ However, an old man whose wife had been a victim at Swayimane suggested that Inkatha should be restricted to territory north of the Thukela River, a fascinating evocation of geopolitics prior to the Anglo-Zulu War of 1879.¹⁰⁰

Both sides paraded conspiracy theories: the government its view of exiles promoting ungovernability and pursuing a total onslaught on South Africa; its opponents blaming the State for a third force destabilising the progressive movement. However, there were only five incidents in the area linked to MK in the period 1987–1989, no hard evidence of effective orchestration from external radio, and no overall radical conspiracy. Similarly, sweeping statements about a third force are unsustainable in the area and the very concept of a covert violent group acting on behalf of the government and its allies is increasingly contested, although Nelson Mandela himself reputedly placed the Pietermaritzburg area at the epicentre of all third force activity.¹⁰¹ Counter-insurgency (COIN) theory led to opportunistic use of vigilantes and any other conservative group, many of which had violent tendencies; although Inkatha Caprivi trainees, some of them askaris (turned cadres of the ANC) were later identified by the TRC as operating in Imbali. They made a first appearance in 1987 and by June 1989 had been redeployed within the KZP.¹⁰²

Government propaganda about black-on-black violence was an essentially racist and hypocritical view of the conflict. However, it was given encouragement by the generally high murder rate in the area (300 per annum prior to the political conflict), which was in turn a consequence of poor or non-existent policing. There were eight police stations in the Pietermaritzburg area, only one of which (at Plessislaer) served the Edendale Valley. It was supported by a mobile station at Imbali upgraded during the SoE.¹⁰³ In rural areas such as Maqongqo, faction fighting added to the climate of conflict. And those, ranging from left-wing commentators to the SAP, who put forward a theory based on socio-economic factors failed to answer the question why poverty induced violence. Gavin Woods of Inkatha argued, for instance, that violence would not decline until unemployment, running at 37–39% in Edendale and Vulindlela with disproportionate numbers among those under 35 and a strong structural component, was reduced by a growing economy. In

these two areas most people lived without running water, water-borne sewage, electricity, refuse removal or a reliable road network.¹⁰⁴ The weakness in this socio-economic argument was that the upheaval in people's lives created by violence caused further unemployment and poverty.¹⁰⁵ There was an element of criminality, territorial and generational competition, and a struggle for resources involved. But while hopelessness might have induced a degree of despairing aggression there was no underlying pattern. The focus of persistent conflict, Imbali, was relatively prosperous.

The most plausible explanation involves competing political interests, although elements of all the factors addressed above played a part. Michael Nuttall puts it well: 'a struggle for political turf, indeed for the political soul of the people'.¹⁰⁶ Steven Collins describes this as the establishment through violence of a 'false hegemony'.¹⁰⁷ A study of an anti-Inkatha enclave at Nxamalala, Vulindlela bears this out. People, regardless of their political allegiance, or none at all, were defined by their place of residence.¹⁰⁸ This has an echo of apartheid-era race classification in which individuals were often categorised according to the area in which they lived and their neighbours.¹⁰⁹ In a self-sustaining cycle of violence, of attack and retaliation, everyone was a target – especially at the bus stop. Policing was limited to the collection of dead bodies, although the authors of the Nxamalala study accused the police of inciting both sides. This chaotic situation, also fuelled by criminality, seems finally to have come to an end through collective exhaustion.¹¹⁰

This was indeed a small-scale civil war, fought out by relatively lightly armed protagonists, in which politicians always exercised the greatest influence.¹¹¹ By the mid-1980s influential sections of government recognised that political accommodation in a post-apartheid society was inevitable. Their priority was to create an alliance with conservative black groups.¹¹² Inkatha was the perfect fit in Natal: a high political profile, charismatic leadership, ethnic basis and links to the business community.¹¹³ The government was not averse to low-intensity conflict and a good measure of state-sponsored lawlessness to achieve its aims. Inkatha for its part aspired to a national role in the imminent new dispensation, but knew that even its local presence was not as strong as it claimed, while its national imprint was fading. It had control of tribal structures co-opted by the government, but was challenged by urbanisation and modernisation and the fractures they represented in Zulu society between educated and uneducated, urban and rural, young and old, and formally employed and subsistence-based. The coincidence of interests between the government and Inkatha led to accusations that the latter was the

equivalent of Angola's UNITA.¹¹⁴ While it is possible to argue that the conflict around Pietermaritzburg was a delayed reaction to government policy against which other parts of the country had revolted in 1984, the evidence shows that its dynamics were of a different nature.¹¹⁵

Overall, Natal had been marginalised as a region under the apartheid regime and assumed a distinctive political dynamic. The violence had complex causes even when considered simply through a political prism. Peace initiatives collapsed because they did not serve the interests of all parties simultaneously. Organised business failed to appreciate its potential to influence the government while the UDF was hamstrung by the detention of leaders. COSATU was the most effective and honest peace broker. The actions of Inkatha and the State plainly suggested lack of commitment.

Indeed, the conflict served the long-term objectives of no one except the State, which had long used violence to maintain its power. It was obviously not in the interests of any organisation aspiring to a democratic outcome, nor was it ultimately in the interests of Inkatha. In the 1970s its credentials had been considerable and it was widely accepted that it would use the bantustan system against its cynical creators. But the events of the late 1980s, during which it clearly sought to 'control political space for [its] own ends'¹¹⁶ seriously damaged its image and it came to be seen as a surrogate of government, a position that bore little benefit for its largely poor supporters. Years later under a democratic dispensation it failed to fulfill its electoral potential partly because of its compromised reputation. But this was a situation that suited the destabilisation theorists of a government run by securocrats.¹¹⁷ The conflict tied down Inkatha, posed major problems for the political left and deflected attention from the chronic weakness of the government; although such conclusions are diametrically opposed by certain writers who maintain that the catalyst for the conflict was an externally orchestrated ANC campaign to render South Africa ungovernable and ripe for revolutionary takeover.¹¹⁸ But, as Collins notes, there emerged 'an ethos where violence is the first rather than the last option chosen in resolving any conflict.'¹¹⁹ Of all the legacies of the apartheid era, this is one of the most toxic.

Endgame

Persistent conflict affected the area during the period of negotiations leading up to the elections of 1994, but it tended to be overshadowed by violence on the Reef. The Natal conflict, it was popularly assumed, was transposed to the economic heartland of the country where its intensity and the number

of deaths were far greater. There is some validity to this view in the sense that Inkatha members fought opponents now clearly identified with the ANC. And in the view of one commentator, the alliance between Inkatha and the police was ‘forged in the war in the Natal Midlands’.¹²⁰ Indeed ‘in KwaZulu and on the Reef, the security forces transported, escorted and joined Inkatha offences or remained inactive during Inkatha attacks – failing to disarm the protagonists, often with the excuse that Inkatha weapons were “cultural” or that the security forces were “waiting for orders”’.¹²¹ Thousands were killed in random routine terror that had more in common with a strategy of general destabilisation, in particular of a negotiated political future, than the struggles over specific geopolitical turf around Pietermaritzburg that had more clearly defined objectives.

While attacks on and from migrant worker hostels had features in common with the Natal Midlands war, assaults on commuter trains and beerhalls were distinctive to the Reef and suggested a different motivation. Similarly, the participants were more complex. Clearly MK was now involved on the side of the ANC and there was the alleged involvement of a third force, neither of which had featured in and around Pietermaritzburg. Whether this was a continuation of local acts of commission and omission by the security forces that supported the cause of Inkatha, or organised state strategy resulting from decision making at the highest levels of government, remains a debatable point. Theories abounded that the violence was turned off and on according to the state of negotiations. Wisely, the TRC took an agnostic view, although some regarded this as politically convenient.¹²²

Killings continued on an intermittent basis in the Natal Midlands. For example in 1991 three people were killed at an ANC home at Mpophomeni (3 July); Muntu Gasa, former Imbali kitskonstabel and Inkatha member who had joined the ANC, was shot in the head in Pietermaritzburg (21 July); and Thomas Mshoki Gcabashe, an IFP official at Table Mountain, was shot 45 times (17 December). In 1992 three children were killed when sixteen gunmen attacked the car of Abdul Awetha in Pietermaritzburg (5 February); and the chair of the Imbali Inkatha Youth Brigade was shot dead at home (5 December).¹²³

A particularly noteworthy incident was the Table Mountain massacre of 2 March 1993 in which a truck carrying schoolchildren was ambushed by AK-47 and rifle-wielding gunmen. Six died, including three sons of a prominent Inkatha official, and seven others injured. Inkatha blamed the ANC; the ANC blamed the third force. Ten IFP supporters were killed and six injured in a botched revenge attack.¹²⁴ Two ANC members subsequently appeared in court

and four other culprits were thought to be in Transkei. The massacre site was visited by Desmond Tutu and Frank Chikane, but a cycle of retaliation ensued. A few kilometres away a commuter minibus was attacked and ten people killed, for which two Inkatha members were later convicted. Then at Wartburg a vehicle carrying ANC members on their way to the massacre hearing was ambushed and four people died. This particular sequence of violence had the effect of concentrating minds in high places in both Inkatha and the ANC/SACP on the dire consequences of ongoing anarchic violence.

However, a persistent hotspot was the town of Richmond, an unrest area in 1991 and focus of conflict between ANC and supporters of the expelled warlord Sifiso Nkabinde in the late 1990s in which well over 100 people were to die, including at least four town councillors. There were other dimensions, too: on 23 August 1992, IFP-supporting headman Fana Nzimande, his wife and four children were all killed at home by five gunmen; and another IFP headman, Washington Duke Sosibo, was shot dead as he left a supermarket on 28 August. For most of the decade Richmond and surrounding areas periodically resembled the Wild West and the violence would come to a head with the Bharvic Tavern massacre of 3 July 1998 in which eight people were killed, including the town's deputy mayor. Nkabinde was assassinated in Richmond on 23 January 1999, after which the violence subsided.¹²⁵

Although the first decade of the twenty-first century saw only sporadic incidents of political violence in the Pietermaritzburg region, there was considerable symbolism in 2011 when the four remaining wards held by Inkatha in Vulindlela fell to the ANC in the local government elections for Msunduzi Municipality. The ANC had finally achieved total political control over the area.¹²⁶

How did the TRC see the conflict?

To what extent did the TRC's report, which runs to five volumes, over 2 700 pages and takes up 19 centimetres of shelf space, add to what was already known about the Midlands war?¹²⁷ The report is badly presented, typographically poor and prone to error. There is a wealth of information, but it is hard to locate as there is no index, although the document is searchable on the Internet. Widely regarded as one of the most important South African publications of the past twenty years, its significance is not, however, always obvious.

From the late 1970s, Pietermaritzburg was served by an increasingly comprehensive system of human rights oversight and documentation. Reporters for the local daily newspaper, the *Natal Witness*, were committed observers

while the PFP developed an efficient information network. The establishment of NGOs such as PACSA and the Association for Rural Advancement (AFRA), alongside specific-interest bodies such as the Detainees Support Committee (DESCOM) and Dependants Conference (DC, a project of the South African Council of Churches), added to the coverage; and when the SoE was declared on 12 June 1986, a small number of University of Natal staff provided an academic research dimension. The Centre for Adult Education at the University of Natal (Pietermaritzburg) between 1988 and 1993 produced an avalanche of revealing data and papers in the name of the Unrest Monitoring Project that chronicled the local conflict.¹²⁸ By the early 1990s, the Pietermaritzburg region, although it had experienced a period of extreme intra-communal violence, could boast as sophisticated a system of human rights monitoring as anywhere in the world.¹²⁹

When the TRC was established in 1995, its remit included the compilation of as complete a picture as possible of human rights violations committed between 1960 and 1994. For those involved in monitoring and the dissemination of information from Pietermaritzburg over the previous fifteen years, the question involved what the TRC would be able to add to the overall picture and how it would treat the analyses already made public.¹³⁰ The violence around the long-running BTR-Sarmcol strike at Howick and Mpophomeni,¹³¹ SoE detentions,¹³² the low-level civil war that started in September 1987 at KwaShange and culminated in the Seven Day War,¹³³ the Trust Feed massacre,¹³⁴ a string of high-profile assassinations in the early 1990s (for example, Chief Mhlabunzima Maphumulo,¹³⁵ Skhumbuzo Ngwenya Mbatha¹³⁶ and Reggie Hadebe¹³⁷) and the beginnings of the Richmond conflict were thoroughly documented, sometimes as a result of prosecutions and court cases.

During the first half of the 1980s the Pietermaritzburg region was relatively quiet by national standards; albeit constantly disturbed by simmering unrest in the schools, bus boycotts, reaction to the State's planned introduction of township councils, and forceful politicking by Inkatha heavyweights.¹³⁸ The deaths associated with the BTR-Sarmcol strike, especially those of three union members killed by Inkatha near Lion's River on 5 December 1986,¹³⁹ were a precursor to the widespread regional violence that enveloped the region after the deployment of kitskonstabels in 1988.

The TRC is particularly illuminating about these 'instant police', and provides revealing insider testimony: part of the strategy 'was to remove white faces from the front line of public order policing'. It found that Inkatha membership 'appeared to be a criterion' for recruitment with application forms endorsed by

induna and warlord David Ntombela. One of the instructors was a well-known and notorious Warrant Officer, Rolf Warber, of the Pietermaritzburg SB, who not only incited kitskonstabels to harass and intimidate non-Inkatha supporters in Imbali, but purchased firearms on behalf of prominent Inkatha figures that were subsequently identified in murder cases. Many kitskonstabels deserted their posts or were dismissed after criminal charges were laid against them. The TRC report records an admission by Jac Büchner that auxiliaries had contributed to the political violence. In the words of Riot Unit officer Daniel Meyer, they were 'one of the single biggest mistakes made by the police in KwaZulu-Natal'.¹⁴⁰

Also deployed in the Pietermaritzburg area were Operation Marion special forces trainees from Caprivi assigned as bodyguards to *amakhosi* (chiefs), indunas (headmen) and councillors. Part of their role was to train Inkatha youth in weapons handling and combat. Carole Cooper describes Inkatha Youth Brigade members playing a 'stormtrooper role' in Natal townships.¹⁴¹ The TRC report identifies a number of attacks on UDF supporters at Imbali in which Caprivi trainees, bodyguards of Councillor Jerome Mncwabe, for instance, were the perpetrators.

Further revelations were made about the local equivalent of Vlakplaas, an SB C1/C10 unit farm at Elandskop used as an interrogation centre, most notably during the rolling up of MK's operation to infiltrate Natal directed from Swaziland in the late 1980s.¹⁴² Phila Portia Ndwandwe (MK Zandile) and Emmanuel Mzimela (MK Dion Cele) were abducted from Swaziland, while Bhekayena Mkhwanazi (MK Tekere) was arrested en route to Durban. All were murdered at Elandskop and their bodies exhumed on 12 March 1997. Ndwandwe, a former University of Durban-Westville student, was abducted from Swaziland in October 1988. Contrary to popular myth she did succumb to torture, but refused to become a collaborator. With neither charge nor release an option for the police, Ndwandwe was forced into a grave and shot. Five SB officers received amnesty for her murder in 2001.¹⁴³ At Camperdown there was a second SB farm housing askaris and a third at Bulwer, leased under false names.¹⁴⁴ These Natal death squad and interrogation centres were under the command of Andy Taylor as outposts of Vlakplaas near Pretoria, whose most infamous employee, Eugene de Kock, operated in Swaziland.¹⁴⁵ The three deaths were representative of about one hundred persons abducted and murdered by security forces nationally. The practicality and symbolism of the farm site are striking: far away from possible exposure at places notorious

for institutionalised violence and symbolically embedded in a part of the white psyche.¹⁴⁶

Testimony before the TRC revealed that another MK cadre, Mxolisi Khumalo (MK Mubhi), was killed by police on 30 July 1988, probably at Magogo football ground, Sobantu to which he had been lured. A false name (Thembilile Sithole) and inquest number (that related to a road accident in Edendale) concealed the burial of his body in a pauper's grave at Mountain Rise cemetery on 8 August. When it was exhumed ten years later the remains showed a gunshot wound to the head, but no evidence that Khumalo's grenade had exploded as police claimed.¹⁴⁷

A reign of terror around Pietermaritzburg in the name of Inkatha is clearly recorded in the TRC report. In the upper Edendale valley induna David Ntombela's strategy was to drive UDF supporters and COSATU members out of the area: he incited his followers to kill and had a particularly close relationship with the police. While Ntombela's inflammatory rhetoric had been documented in the press, the TRC report records testimony of his direct involvement in murder.¹⁴⁸ His urban equivalent Abdul Awetha (and his family) commanded strongmen and ran a patronage system around housing and trading licences, particularly in Imbali. Both Ntombela and Awetha were found responsible for human rights violations.¹⁴⁹

This climate of pervasive targeted violence provided the backdrop for a series of high-profile assassinations. Chairperson of the Pietermaritzburg Council of Churches, Victor Africander, was shot dead on 4 May 1990 and Imbali councillor Jerome Mncwabe, subsequently named as a perpetrator by witnesses before the TRC, was killed twelve days later probably in retaliation. The TRC clearly establishes a chain reaction of killing: Imbali residents Baveni Ngcobo and Ndleleni Dlungwane were subsequently murdered as a consequence of Mncwabe's death. The Inkatha supporter, Toti Zulu, convicted of Africander's murder was acquitted on appeal.¹⁵⁰

While the details of the Seven Day War of March 1990 were well known from reliable eyewitness accounts before publication of the TRC report, it highlighted trends that were obscure or unproven at the time and provided a fresh perspective. Intriguingly, this included debate about its very definition. There was objection to the use of the term war, which implies a struggle of equals: witnesses were insistent on describing it as 'an armed invasion [the term used by the TRC in its finding], a political cleansing.'¹⁵¹ The TRC report highlights the scale of looting (including cattle), the destruction of private property, the use made of disguised KZG vehicles, and the key and commanding

role played by Ntombela. The inexplicable non-intervention by the army is also partially illuminated. Six vehicles and 100 troops were made available to keep the Edendale Road open for workers commuting to Pietermaritzburg in March 1990; but police authorisation, without which the defence force could proceed no further, was not forthcoming. The role of the police was found by the TRC to be blatantly partisan. The army was reinforced by four companies and moved into the conflict area only in mid-April. Twenty thousand people had been displaced, but no disaster relief was provided by government.

The ANC did not escape censure for warlordism. Its most prominent advocate, although his incitement had been prominently reported in the press, emerges from the TRC report as the enigmatic figure of Harry Gwala himself who was found to have encouraged supporters to commit 'gross violations of human rights'. Sifiso Nkabinde, who established ANC-backed SDUs in the Richmond area in the early 1990s, and played a freelance warlord role before he was expelled from the party in 1997, was shown to have been an agent for the SB since 1988. Like Gwala, Nkabinde was found responsible for gross violations of human rights. The ANC had condoned his reign of terror, which extended well beyond Richmond and, according to R.W. Johnson, included bank robbery.¹⁵²

Emerging from the poorly presented pages of the TRC report is a picture of the extent to which the SB behind its protective metal door on the top floor of Loop Street police station in Pietermaritzburg ran an effective control room from which the city's conflict was managed and manipulated. Conversely, there are telling absences from the TRC report. It supports the findings of contemporary monitors that MK's role in the area was minimal up to 1990, contradicting the preferred versions of both the ANC and conservative critics of local analysts.¹⁵³ There is similarly no extensive evidence of a third force, just the State and its surrogates, which upsets another ANC version of history. In short, the TRC report disposes of grand theory and confines itself to the basic trends that local monitors had identified at the time: a popular revolt against imposed policies of the State and its agents.

For documentalists and researchers the importance of the statistics and grey literature produced during the eighties, together with early analyses, becomes clear. The TRC report confirms much of it and adds a great deal more by way of corroboration. Exactly which documents were used by the TRC is unknown because its report is bibliographically wayward particularly in its Natal section, neglecting to record sources.¹⁵⁴ Nevertheless, the truth commission process provides an object lesson in the value of the immediacy of on-the-spot

monitoring and a subsequent and considered retrospective view. In this case, the conclusions of both, in the absence of further unknown information and evidence yet to be publicly disclosed, provide a clear insight into government strategy in the years immediately prior to the collapse of apartheid.

Yet it almost certainly does not contain the complete story of the Pietermaritzburg conflict, although the full extent of information remains uncertain. Tons of SB documents were shredded. Perhaps more disturbing was the combined effort under a democratic dispensation, and citing security concerns, of the National Archives, Department of Justice and National Intelligence Agency to obstruct public access to the undisclosed documentary evidence that the TRC lacked the opportunity to analyse. Charles Villa-Vicencio, head of the TRC's research department, expressed the hope in 1998 that the published report would stimulate further investigation by academics and journalists, but there is little evidence that this has happened.¹⁵⁵ Instead, fifteen years after completion of the TRC process there was a poorly supported demand that it should be re-opened.

ENDNOTES

- 1 Basic sources on Pietermaritzburg during this period are: John Aitchison, *Numbering the Dead: The Course and Pattern of Political Violence in the Natal Midlands, 1987–1989* (Pietermaritzburg: Natal Society Foundation Trust, 2015); John Aitchison (ed.), *The Seven Days War, 25–31 March 1990: The Victims' Narrative* (Pietermaritzburg: Centre for Adult Education, University of Natal, 1991); and Paul Forsyth, *Pietermaritzburg Conflict Chronology: Political Developments in Pietermaritzburg, 1980–1986* (Pietermaritzburg: Department of Historical Studies, University of Natal, 1991).
- 2 Truth and Reconciliation Commission of South Africa (TRC), *Report Volume 3* (Cape Town: TRC, 1998): 259.
- 3 T. Magubane, 'Scarred survivors tell their stories' *Weekend Witness* 20 March 2010.
- 4 *Keesing's Review of World Events* 1990: 3660.
- 5 Aitchison, *Numbering the Dead*: 87–88.
- 6 Max Coleman (ed.), *A Crime Against Humanity: Analysing the Repression of the Apartheid State* (Johannesburg: Human Rights Committee; Bellville: Mayibuye Books; and Cape Town: David Philip, 1998): 7, 21, 108.
- 7 Annette Seegers, 'South Africa's National Security Management System, 1972–90' *Journal of Modern African Studies* 29(2) 1991: 265–266.
- 8 Coleman (ed.), *A Crime Against Humanity*: 112–115. For a general description of the emergence of vigilantism see Nicholas Haysom, *Mabangalala: The Rise of Right-Wing Vigilantes in South Africa* (Johannesburg: Centre for Applied Legal Studies, University of the Witwatersrand, 1985).
- 9 Tom Lodge, 'Resistance and reform, 1973–1994' in *The Cambridge History of South Africa, Volume 2, 1885–1994*, ed. by Robert Ross, Anne Kelk Mager and Bill Nasson (Cambridge: Cambridge University Press, 2012): 473.
- 10 Ben Temkin, *Gatsha Buthelezi: Zulu Statesman: A Biography* (Cape Town: Purnell, 1976): 197–198.
- 11 Gerhard Maré and Georgina Hamilton, *An Appetite for Power: Buthelezi's Inkatha and South Africa* (Johannesburg: Ravan Press, 1987); C. McCaul, 'The wild card: Inkatha and contemporary black politics' in *State, Resistance and Change in South Africa*, ed. by Philip Frankel, Noam Pines and Mark Swilling (Johannesburg: Southern, 1988): 146–173. The Human Rights Committee described Inkatha as 'tribalist in ideology' (HRC, *Human Rights and Repression in South Africa: The Apartheid Machine*

- Grinds On* (Johannesburg: HRC, South African Council of Churches and the Southern African Catholic Bishops Conference, 1989): 25).
- 12 Tom Lodge and Bill Nasson, *All, Here, and Now: Black Politics in South Africa in the 1980s* (Cape Town: David Philip and Ford Foundation, 1991): 247.
 - 13 Lodge, 'Resistance and reform, 1973–1994': 485.
 - 14 Maré and Hamilton, *An Appetite for Power*: 219, 222.
 - 15 Paul Forsyth, 'The past in the service of the present: the political use of history by Chief A.N.M.G. Buthelezi 1951–1991' *South African Historical Journal* 26 (1992): 74–92.
 - 16 Thomas G. Karis and Gail M. Gerhart, *From Protest to Challenge: A Documentary History of African Politics in South Africa, 1882–1990: Volume 5, Nadir and Resurgence, 1964–1979* (Johannesburg: Jacana, 2013): 258–280.
 - 17 Thomas G. Karis and Gail M. Gerhart, *From Protest to Challenge: A Documentary History of African Politics in South Africa, 1882–1990: Volume 6, Challenge and Victory, 1980–1990* (Johannesburg: Jacana, 2013): 28.
 - 18 Jeremy Seekings, *The UDF: A History of the United Democratic Front in South Africa, 1983–1991* (Cape Town: David Philip, 2000): 77, 156. A third secretary, representing the coloured community, withdrew.
 - 19 Rupert Taylor and Mark Shaw, 'The dying days of apartheid' in *South Africa in Transition: New Theoretical Perspectives*, ed. by David Howarth and Aletta Norval (Basingstoke: Macmillan, 1988): 14.
 - 20 The relative quiescence of Natal schools from 1976 to 1980 is explained in Lodge, 'Resistance and reform, 1973–1994': 422.
 - 21 *Natal Witness* (NW) 27 October 1980. Although an ANC revival had been in progress since 1971, its structures were still rudimentary in the early 1980s (Lodge, 'Resistance and reform, 1973–1994': 426–436).
 - 22 Jonathan Hyslop, 'Food, authority and politics: student riots in South African schools, 1945–1976' *Africa Perspective* NS 1(3–4) 1987: 6.
 - 23 Jabulani Sithole, 'The ANC underground, armed actions and popular resistance in Pietermaritzburg and the surrounding Natal Midlands townships' in *The Road to Democracy in South Africa, Volume 4 (1980–1990)* (Pretoria: UNISA Press, 2010): 236–237.
 - 24 Ibid: 224.
 - 25 Ben Langa (1944–1984) was originally a Black Consciousness supporter, activist in the South African Students Organisation and a former banned person and detainee who had become part of the ANC underground in Pietermaritzburg. He was a noted poet and involved in cultural affairs. His assassins were Sipho Xulu, from Sobantu, and Lucky Payi, who were directed by an MK commander in Swaziland, Edward (Fear) Lawrence, later killed by the ANC in Angola. The charges against Xulu and Payi also alleged that together with George Martins and Dennis Hadebe they had intended to murder Faith Matlaopane, a detainee and recalcitrant witness in the Mahlobo/Martins/Gqubule trial. David Beresford, *Truth is a Strange Fruit: A Personal Journey through the Apartheid War* (Johannesburg: Jacana, 2010): 262–267; TRC, *Report Volume 3*: 231; *Work in Progress (WIP)* 35 (1985): 36; *WIP* 36 (1985): 40–41; NW 5 March 1985; *Echo* 15 August 1984.
 - 26 Matthew Krentz, *An Unofficial War: Inside the Conflict in Pietermaritzburg* (Cape Town: David Philip, 1990): 183. On Abdul Awetha see Nalini Naidoo, 'Casualties of war' *Witness* 1 August 2012: 6.
 - 27 Maré and Hamilton, *An Appetite for Power*: 203, 204–205.
 - 28 Philippe Denis, "'Men of the cloth": the Federal Theological Seminary of Southern Africa, Inkatha and the struggle against apartheid' *Journal of Southern African Studies* 34(2) 2008: 305–306.
 - 29 Philippe Denis and Graham Duncan, *The Native School that Caused all the Trouble: A History of the Federal Theological Seminary of Southern Africa* (Pietermaritzburg: Cluster Publications, 2011): 179–184.
 - 30 Laurie Nathan, 'Troops in the townships, 1984–1987' in *War and Society: The Militarisation of South Africa*, ed. by Jacklyn Cock and Laurie Nathan (Cape Town: David Philip, 1989): 76.
 - 31 Nicholas Haysom, 'Vigilantes and the militarisation of South Africa' in *War and Society: The Militarisation of South Africa*, ed. by Jacklyn Cock and Laurie Nathan (Cape Town: David Philip, 1989): 191–192, 193, 195.
 - 32 Lodge, 'Resistance and reform, 1973–1994': 438–444.

- 33 Mzala [Jabulani Nxumalo], *Gatsha Buthelezi: Chief With a Double Agenda* (London: Zed, 1988): 178–180; Lodge and Nasson, *All, Here, and Now*: 248.
- 34 Sithole, 'The ANC underground, armed actions and popular resistance in Pietermaritzburg and the surrounding Natal Midlands townships': 252–258.
- 35 Lodge, 'Resistance and reform, 1973–1994': 436, 463, 464.
- 36 Coleman (ed.), *A Crime Against Humanity*: 41–42.
- 37 Stephen Zunes, 'The role of non-violent action in the downfall of apartheid' *Journal of Modern African Studies* 37(1) 1999: 155.
- 38 Mzala, *Gatsha Buthelezi*, 181–183; TRC, *Report Volume 3*: 238–239.
- 39 Terry Bell with Dumisa B. Ntsebeza, *Unfinished Business: South Africa, Apartheid and Truth* (Observatory: RedWorks, 2001): 254; Kevin O'Brien, 'Counter-intelligence for counter-revolutionary warfare: the South African Police Security Branch, 1979–1990' *Intelligence and National Security* 16(3) 2001: 30, 38.
- 40 *Now Everyone Is Afraid ... The Changing Face of Policing in South Africa* (London: Catholic Institute for International Relations, 1988): 189–191.
- 41 Kentridge, *An Unofficial War*: 208.
- 42 Jabulani Sithole suggests that it was greater than previously thought (Sithole, 'The ANC underground, armed actions and popular resistance in Pietermaritzburg and the surrounding Natal Midlands townships': 262); TRC, *Report Volume 3*: 299. Self-protection units (SPUs) likewise belied their name and were little more than Inkatha anti-ANC offensive units designed to wreck the 1994 elections. They did not emerge until September 1993 after training at Mlaba camp under Philip Powell of the SB with the assistance of the KZP, SAP, SADF, Caprivi trainees and Vlakplaas askaris (TRC, *Report Volume 3*: 303); Rupert Taylor, 'Justice denied: political violence in KwaZulu-Natal after 1994' *African Affairs* 101(403) 2002: 504.
- 43 Stuart J. Kaufman, 'South Africa's civil war, 1985–1995' *South African Journal of International Affairs* 24(4) 2017: 515.
- 44 Anthea Jeffery, *People's War: New Light on the Struggle for South Africa* (Johannesburg: Jonathan Ball, 2009): 172, 185.
- 45 Radley Keys, 'March 27th and 28th 1990: Edendale/Vulindlela Valley, Pietermaritzburg' in *Faith in Turmoil: The Seven Days War*, ed. by Lou Levine (Pietermaritzburg: PACSA, 1999): 93; Coleman, *A Crime Against Humanity*: 112.
- 46 Haysom, 'Vigilantes and the militarisation of South Africa': 196–197; Kaufman, 'South Africa's civil war, 1985–1995': 510.
- 47 Jacklyn Cock, 'The role of violence in current state security strategies' in *Views on the South African State*, ed. by Mark Swilling (Pretoria: Human Sciences Research Council, 1990): 91, 92.
- 48 Psalm 23 verse 4.
- 49 Nkosinathi Gwala, 'Political violence and the struggle for control in Pietermaritzburg' *Journal of Southern African Studies* 15(3) 1989: 519, 520.
- 50 Haysom, 'Vigilantes and the militarisation of South Africa': 197.
- 51 Lou Levine (ed.), *Faith in Turmoil: The Seven Days War* (Pietermaritzburg: PACSA, 1999): 59; Tim Smith, 'The warlord and the police' in *Patterns of Violence: Case Studies of Conflict in Natal*, ed. by Anthony Minnaar (Pretoria: Human Sciences Research Council, 1992): 58; TRC, *Report Volume 3*: 218. Ntombela, unlike many of his Edendale Valley neighbours, died peacefully – on 24 August 2018 at the age of 93.
- 52 *Kitskonstabels in Crisis: A Closer Look at Black on Black Policing* (Cape Town: Institute of Criminology, University of Cape Town, 1990): 12; Coleman, *A Crime Against Humanity*: 21; TRC, *Report Volume 3*: 194, 196.
- 53 *NW* 27 February 1988 and 9 April 1988; *Echo* 3 March 1988.
- 54 Government notice 334 *Government Gazette (GG)* 11157, 24 February 1988 in terms of Proclamation R23 of the same date (*GG* 11156). See also: 'Lest we forget: what the 17 organisations did' *Weekly Mail* 26 February 1988.
- 55 Seekings, *The UDF*: 249.
- 56 Kentridge, *An Unofficial War*: 90–93.
- 57 TRC, *Report Volume 3*: 240.

- 58 For a full account see TRC, *Report Volume 3*: 198–202. See also D. Coombe, ‘Of murder and deceit: the Trust Feed killings’ in *Patterns of Violence: Case Studies of Conflict in Natal*, ed. by Anthony Minnaar (Pretoria: Human Sciences Research Council, 1992): 232.
- 59 Michael Nuttall, ‘Mediation efforts in turbulent times’ *Natalia* 30 (2000): 27; Michael Mbona, ‘On embassy to Ulundi: the Natal Church Leaders Group’s mediation attempts in war-torn Natal (1987–1990)’ *Studia Historiae Ecclesiasticae* 36(1) 2010: 161.
- 60 Catharine Payze, ‘The elimination of political opponents: the Maphumulo assassination’ in *Patterns of Violence: Case Studies of Conflict in Natal*, ed. by Anthony Minnaar (Pretoria: Human Sciences Research Council, 1992): 247–255; Patrick Stilwell, ‘Mhlabunzima Joseph Maphumulo (1950–1991)’ *Natalia* 21 (1991): 71–72. His step-father, Dinzy Maphumulo, was shot dead at home at Table Mountain on 24 March; and his chauffeur, witness at Maphumulo’s inquest, was killed on 14 August. See also Chapter 7 of this book.
- 61 Jean Fairbairn, *Flashes in her Soul: The Life of Jabu Ndlovu* (Cape Town: Buchu Books, 1991): 53, 54, 55, 58, 63, 64, 69, 71–74, 75, 77, 78, 80, 83. It subsequently transpired that her family were not consulted about the street renaming and less than happy.
- 62 Sithole, ‘The ANC underground, armed actions and popular resistance in Pietermaritzburg and the surrounding Natal Midlands townships’: 261.
- 63 This work was undertaken primarily at the Centre for Adult Education at the University of Natal (Pietermaritzburg) and recorded in Aitchison, *Numbering the Dead*.
- 64 B.B. Ndlovu, ‘What’s happening in Maritzburg?’ *Echo* 18 February 1988.
- 65 Aitchison, *Numbering the Dead*: 71; Jeffery, *People’s War*: 178.
- 66 Monika Wittenberg, ‘PACSA as refuge and first aid station’ in *Hope beyond Apartheid: The Peter Kerchhoff Years of PACSA, 1979–1999*, ed. by Lou Levine (Pietermaritzburg: PACSA, 2002): 154.
- 67 Julie Dyer, *Health in Pietermaritzburg (1838–2008): A History of Urbanisation and Disease in an African City* (Pietermaritzburg: Natal Society Foundation Trust, 2012): 187.
- 68 Kaufman, ‘South Africa’s civil war, 1985–1995’: 508. In the first half decade of the twenty-first century the figure was still as high as 50%.
- 69 *Pietermaritzburg Corporation Yearbook* 1989: 426.
- 70 Brian Morrow, ‘To Serve and Protect’: *The Inkathagate Scandal* (Pretoria: UNISA Press, 2010): x. The story broke in the *Guardian* (London) and *Weekly Mail* (Johannesburg) and showed that the government had funded other conservative organisations including Inkatha’s trade union wing, UWUSA.
- 71 Jeffery, *People’s War*: 241–242.
- 72 Paddy Kearney, *Guardian of the Light: Denis Hurley: Renewing the Church, Opposing Apartheid* (Pietermaritzburg: University of KwaZulu-Natal Press, 2009): 284.
- 73 TRC, *Report Volume 3*: 249, 264; Smith, ‘The warlord and police’: 57. It is clear from TRC evidence that Riot Unit 8 was simply a functional extension of Inkatha.
- 74 Keys, ‘March 27th and 28th 1990’: 100.
- 75 John Aitchison, ‘The Seven Days War (25 to 31 March 1990): background, course and questions’ in *Faith in Turmoil: The Seven Days War*, ed. by Lou Levine (Pietermaritzburg: PACSA, 1999): 123, 124.
- 76 Tim Smith, ‘Trust Feed wasn’t a one-off massacre’ in *Patterns of Violence: Case Studies of Conflict in Natal*, ed. by Anthony Minnaar (Pretoria: Human Sciences Research Council, 1992): 245.
- 77 Clare Kerchhoff, ‘Women’s march, 29 March 1990’ in *Faith in Turmoil: The Seven Days War*, ed. by Lou Levine (Pietermaritzburg: PACSA, 1999): 20–21.
- 78 Sithole, ‘The ANC underground, armed actions and popular resistance in Pietermaritzburg and the surrounding Natal Midlands townships’: 271–273.
- 79 Ruth Lundie, *Victor* (Howick: Brevitas, 1995): 24–28.
- 80 Aitchison, ‘The Seven Days War (25 to 31 March 1990)’: 111. The KZP had been under the control of the KwaZulu Legislative Authority since 1980 and fell directly under Buthelezi. But it was not deployed to all parts of the bantustan.
- 81 Piet Nortje, *32 Battalion: The Inside Story of South Africa’s Elite Fighting Unit* (Cape Town: Zebra, 2003): 256–257, 258, 261–263, 269–270.
- 82 For details about unresolved issues see Peter Kerchhoff, ‘The Seven Days War (25 to 31 March 1990): some comments on the aftermath of the “war”: submission to the Truth and Reconciliation Commission, Pietermaritzburg, 21 March 1996’ in *Hope beyond Apartheid: The Peter Kerchhoff Years of PACSA, 1979–1999*, ed. by Lou Levine (Pietermaritzburg: PACSA, 2002): 158–163.

- 83 Tim Smith, 'The Seven Days War 1990' in *Faith in Turmoil: The Seven Days War*, ed. by Lou Levine (Pietermaritzburg: PACSA, 1999): 108.
- 84 Vaughn John, 'Pietermaritzburg's refugees: a profile' in John Aitchison, Wendy Leeb and Vaughn John, *Political Violence in the Natal Midlands: The Unrest Monitoring Project Papers, 1988–1994* (Pietermaritzburg: Centre for Adult Education, University of KwaZulu-Natal, 2010): 161.
- 85 Jenny Irish and Howard Varney, 'The Kwazulu Police: obstacle to peace?' in *Patterns of Violence: Case Studies of Conflict in Natal*, ed. by Anthony Minnaar (Pretoria: Human Sciences Research Council, 1992): 55.
- 86 Mark Butler and Anne Harley with John Aitchison, *Imbali* (Pietermaritzburg: Centre for Adult Education, University of Natal, 1993): 158–171.
- 87 The SoE was declared under the Public Safety Act of 1953 (Proclamation R108, GG 10279, 12 June 1986). Emergency regulations (Proclamation R109, GG 10280, 12 June 1986) provided for preventive detention for the remaining lifespan of any particular emergency, which could last up to a year and was infinitely renewable. Although the powers generally replicated those of the Internal Security Act, they were more flexible. Any member of the security forces could detain without warrant in the name of public order.
- 88 Christopher Merrett, 'Emergency of the state: detention without trial in Pietermaritzburg and the Natal Midlands, 1986–90' *Natalia* 41 (2011): 25. See also Christopher Merrett, *Detention under Three Emergencies* (Pietermaritzburg: Detainees Aid Committee, 1989).
- 89 Christopher Merrett, *Sidla Ekhyaya: We Shall Eat at Home: The Detainees' Hunger Strike in Pietermaritzburg, 1989* (Pietermaritzburg: Detainees Aid Committee, 1990).
- 90 McCaul, 'The wild card': 170.
- 91 Don Foster, Dennis Davis and Diane Sandler, *Detention and Torture in South Africa: Psychological, Legal and Historical Studies* (Cape Town: David Philip, 1987): 154–155; Kentridge, *An Unofficial War*: 197–198; Anne Truluck, 'No Blood on our Hands': *Political Violence in the Natal Midlands 1987–Mid-1992 and the Role of the State, 'White' Political Parties and Business* (Pietermaritzburg: Natal Midlands Black Sash, 1992): 22–23; Anthony Minnaar, "'Undisputed kings": warlordism in Natal' in *Patterns of Violence: Case Studies of Conflict in Natal*, ed. by Anthony Minnaar (Pretoria: Human Sciences Research Council, 1992): 87–88.
- 92 International Defence and Aid Fund, *The Natal Violence: South Africa's Killing Fields* (London: IDAF, 1990): 3–4.
- 93 Vaughn John, 'Security force collusion in the Midlands conflict' in John Aitchison, Wendy Leeb and Vaughn John, *Political Violence in the Natal Midlands: The Unrest Monitoring Project Papers, 1988–1994* (Pietermaritzburg: Centre for Adult Education, University of KwaZulu-Natal, 2010): 272.
- 94 *NW* 17 December 1987.
- 95 Kentridge, *An Unofficial War*: 207, 208–209.
- 96 Richard A. Wilson, *The Politics of Truth and Reconciliation in South Africa: Legitimizing the Post-Apartheid State* (Cambridge: Cambridge University Press, 2001): 77.
- 97 TRC, *Report Volume 3*: 214.
- 98 *Echo* 3 December 1987. *Asilutho* can also, perhaps unfairly, be translated as fence-sitters.
- 99 Lodge and Nasson, *All, Here, and Now*: 108, 249.
- 100 *NW* 30 January 1990.
- 101 R.W. Johnson, *South Africa's Brave New World: The Beloved Country since the End of Apartheid* (London: Allen Lane, 2009): 118.
- 102 Karis and Gerhart, *From Protest to Challenge: Volume 6*: 113, 114.
- 103 Verne Harris and Kerry Harris, *Pietermaritzburg in Profile, 1987* (Pietermaritzburg: Natal Midlands Region of the Black Sash and the Pietermaritzburg Agency for Christian Social Awareness, 1987): 16.
- 104 Gavin Woods, 'Natal violence: a contemporary analysis of underlying dynamics' in *Patterns of Violence: Case Studies of Conflict in Natal*, ed. by Anthony Minnaar (Pretoria: Human Sciences Research Council, 1992): 48; Gwala, 'Political violence and the struggle for control in Pietermaritzburg': 507.
- 105 Peter Kerchhoff, 'People in crisis' in *Hope beyond Apartheid: The Peter Kerchhoff Years of PACSA, 1979–1999*, ed. by Lou Levine (Pietermaritzburg: PACSA, 2002): 151.
- 106 Michael Nuttall, *Number Two to Tutu: A Memoir* (Pietermaritzburg: Cluster Publications, 2003): 55.

- 107 Steven Collins, “‘Things fall apart’: the culture of violence becomes entrenched” in *Patterns of Violence: Case Studies of Conflict in Natal*, ed. by Anthony Minnaar (Pretoria: Human Sciences Research Council, 1992): 95.
- 108 Philippe Denis, Radikobo Ntsimane and Thomas Cannell, *Indians versus Russians: An Oral History of Political Violence at Nxamalala (1987–1993)* (Pietermaritzburg: Cluster Publications, 2010): 18.
- 109 John Western, *Outcast Cape Town* (Minneapolis: University of Minnesota Press, 1981).
- 110 Denis, Ntsimane and Cannell, *Indians versus Russians*: 20, 37–38, 57.
- 111 Lodge, ‘Resistance and reform, 1973–1994’: 486.
- 112 Nico Basson, ‘De Klerk’s double agenda’ *WIP* 79 (1991): 12.
- 113 John Aitchison, ‘Can the Inkatha gate be closed?’ *WIP* 77 (1991): 6, 8.
- 114 David Niddrie, ‘Into the valley of death’ *WIP* 52 (1988): 15; McCaul, ‘The wild card’: 146, 169.
- 115 John Aitchison, ‘Natal’s wastelands: why the war won’t stop’ in John Aitchison, Wendy Leeb and Vaughn John, *Political Violence in the Natal Midlands: The Unrest Monitoring Project Papers, 1988–1994* (Pietermaritzburg: Centre for Adult Education, University of KwaZulu-Natal, 2010): 172.
- 116 Collins, ‘Things fall apart’: 101.
- 117 For details of the security state of the 1980s see HRC, *Human Rights and Repression in South Africa*: 30–34.
- 118 See, for instance, Jeffery, *People’s War*: Her theory that the ANC was following a blueprint based on the Vietnamese people’s war was shared by the SB under Büchner (Kentrige, *An Unofficial War*: 211).
- 119 Collins, ‘Things fall apart’: 95.
- 120 Wilson, *The Politics of Truth and Reconciliation in South Africa*: 75.
- 121 Taylor and Shaw, ‘The dying days of apartheid’: 21–22.
- 122 Wilson, *The Politics of Truth and Reconciliation in South Africa*: 71–73.
- 123 Coleman (ed.), *A Crime Against Humanity*: appendix 2B.
- 124 Jeffery, *People’s War*: 375–377; TRC, *Report Volume 3*: 311–312.
- 125 Andrew Ragavaloo, *Richmond: Living in the Shadow of Death* (Johannesburg: STE, 2008): 229–236, 264–271 in particular; Haydn Osborn, ‘The Richmond war: a struggle for supremacy’ and ‘Richmond: the war continues’ in *Patterns of Violence: Case Studies of Conflict in Natal*, ed. by Anthony Minnaar (Pretoria: Human Sciences Research Council, 1992): 163–186, 187–201; Coleman (ed.), *A Crime Against Humanity*: appendix 2B. Nkabinde had been an SB asset since 1988 as source SR 4252 (TRC, *Report Volume 3*: 298).
- 126 Nalini Naidoo and Christopher Merrett, ‘A quiet, historic moment: a conflict that started 20 years ago has finally been put to rest by votes cast in a ballot box’ *Witness* 25 May 2011. The IFP, having won no wards, now relied on its share of the popular vote for representation on the municipal council, a remarkable tale of political decline.
- 127 This section is based on Christopher Merrett, ‘Pietermaritzburg’s dirty war and the Truth and Reconciliation Commission report’ *Bulletin of the National Library of South Africa* 68(2) 2014: 219–228.
- 128 Retrospectively published as Aitchison, Leeb and John, *Political Violence in the Natal Midlands*.
- 129 A bibliographic review of conflict in Natal and KwaZulu is provided by Christopher Merrett, *The Emergency of the State: A Source Guide to South African Political Issues, 1985–1990* (Pietermaritzburg: University Library, University of Natal, 1993).
- 130 For example, Maré and Hamilton, *An Appetite for Power*; Anthony de V. Minnaar, *Conflict and Violence in Natal/KwaZulu: Historical Perspectives* (Pretoria: Human Sciences Research Council, 1990); John Aitchison, *Interpreting Violence: The Struggle to Understand the Natal Conflict* (Pietermaritzburg: Centre for Adult Education, University of Natal, 1990); *The Killings in South Africa: The Role of the Security Forces and the Response of the State* (New York: Africa Watch, 1991); *Now Everyone Is Afraid*; Clive Napier and Phil Mtinkulu, *Pietermaritzburg’s Sobantu Village: A Case Study of Control and Violence in a Natal Township* (Pretoria: Department of Development Administration and Politics, UNISA, 1989); and *States of Terror: Death Squads or Development?* (London: Catholic Institute for International Relations, 1989). Journal literature included *Human Rights Update* (Braamfontein: Human Rights Committee); *Indicator South Africa: Barometer of Social Trends* (Durban: Centre for Social and Development Studies, University of Natal); *Repression Monitoring Group Bulletin* (Durban: Black Sash Natal Coastal Region); and *SA Barometer* (Johannesburg: KSB Publications).

- 131 Labour Monitoring Group (Natal), 'Monitoring the Sarmcol struggle' *South African Labour Bulletin* 11(2) 1985: 89–112.
- 132 Merrett, *Detention under Three Emergencies*.
- 133 Kentridge, *An Unofficial War*; Tim Smith, *They Have Killed My Children: One Community in Conflict, 1983–90* (Pietermaritzburg: PACSA, 1990).
- 134 Smith, 'Trust Feed wasn't a one-off massacre': 243–246.
- 135 Payze, 'The elimination of political opponents': 247–258; Stilwell, 'Mhlabunzima Joseph Maphumulo (1950–1991) [obituary]': 71–72.
- 136 Karen Allsopp, *Comrade Lost: A Life to Inspire Us* (Pietermaritzburg: PACSA, 1992). He was shot dead after leaving a restaurant in the centre of Pietermaritzburg on 9 February 1992. Abdul Awetha was prosecuted for his murder after ballistics tests on his gun. It was one of 24 supplied by the SB to Imbali councillors (four of the guns being connected with seventeen deaths). However, the switching of gun parts managed to obscure definite identification and given conflicting expert testimony Judge Combrink acquitted the accused. The guns were returned to their owners (Richard L. Abel, *Politics by other Means: Law in the Struggle Against Apartheid* (New York: Routledge, 1995): 202).
- 137 Hadebe, ANC Natal Midlands deputy chair, was caught in an ambush near Richmond on 27 October 1992.
- 138 Forsyth, *Pietermaritzburg Conflict Chronology*; Gwala, 'Political violence and the struggle for control in Pietermaritzburg: 506–524.
- 139 Mzala, *Gatsha Buthelezi*: 181–183.
- 140 TRC, *Report Volume 3*: 194–196, 240–241. The auxiliary police had already been scrutinised in *Kitskonstabels in Crisis*.
- 141 Carole Cooper, 'The militarisation of the bantustans: control and contradictions' in *War and Society: The Militarisation of South Africa*, ed. by Jacklyn Cock and Laurie Nathan (Cape Town: David Philip, 1989): 181.
- 142 For an explanation of the significance of Swaziland to the ANC's Eastern Front see Thula Simpson, 'The bay and the ocean: a history of the ANC in Swaziland, 1960–1979' *African Historical Review* 41(1) 2009: 109, 112.
- 143 Jacob Dlamini, *Askari: A Story of Collaboration and Betrayal in the Anti-Apartheid Struggle* (Johannesburg: Jacana, 2014): 225–228; TRC, *Report Volume 3*: 203–204, 205.
- 144 Coleman (ed.), *A Crime Against Humanity*: 127; SAPA, 'KwaZulu-Natal had four Vlakplaas-type security bases', 13 March 1997.
- 145 Anemari Jansen, *Eugene De Kock: Assassin for the State* (Cape Town: Tafelberg, 2015): 177–180, 195; O'Brien, 'Counter-intelligence for counter-revolutionary warfare': 46.
- 146 See Nicky Rousseau, 'The farm, the river and the picnic spot: topographies of terror' *African Studies* 68(3) 2009: 351–360.
- 147 TRC, *Report Volume 3*: 206–207.
- 148 Ibid: 218; Smith, 'The warlord and the police': 57–60.
- 149 TRC, *Report Volume 3*: 218–219.
- 150 Lundie, *Victor*: 29–30; TRC, *Report Volume 3*: 280–281.
- 151 Ibid: 266.
- 152 Ibid: 215; Johnson, *South Africa's Brave New World*: 167.
- 153 Jeffery, *People's War*.
- 154 For instance, the source of the list of names of June 1986 detainees is not given (TRC, *Report Volume 3*: 192).
- 155 Piers Pigou, 'Accessing the records of the Truth and Reconciliation Commission' in *Paper Wars: Access to Information in South Africa*, ed. by Kate Allan (Johannesburg: Wits University Press, 2009): 17–55. The Pietermaritzburg SB in fact failed to comply with the archival destruction order (Jacob Dlamini, *The Terrorist Album: Apartheid's Insurgents, Collaborators and the Security Police* (Cambridge, Mass: Harvard University Press, 2020): 15).

3

EMERGENCY OF THE STATE: DETENTION WITHOUT TRIAL IN PIETERMARITZBURG AND THE NATAL MIDLANDS, 1986–1990

No one shall be imprisoned, deported or restricted without fair trial.¹

The reason why personal liberty is ultimate will be obvious on a moment's reflection ... Though a state has not interfered directly with the freedom of expression and of association, it destroys the foundations of these rights when it attacks personal liberty.²

Detention is unquestionably a political strategy, designed to quell, contain and eradicate democratic political opposition which could threaten the white minority South African regime.³

IN THE EARLY HOURS of Thursday 12 June 1986, in an uncanny replay of the events of late March 1960, a State of Emergency (SoE) was announced by police raids on houses in Pietermaritzburg.⁴ Once again police action proved premature and the authorities failed to produce a copy of the gazetted regulations to validate detentions under the Public Safety Act (PSA);⁵ but for the meantime they simply fell back on s.50 of the Internal Security Act (ISA). These arrests threw the anti-apartheid opposition in Pietermaritzburg into considerable disarray – 91 people were detained in June.

Background

Detention without trial is firmly associated with the Emergency of 1986–1990 but in Pietermaritzburg, as in the country at large, it was nothing new. Indeed, perceptive historians have noted that apartheid South Africa was effectively in the grip of a permanent Emergency.⁶ Activists from the city were detained in Durban after night-time raids in 1946 during the Natal Indian Congress (NIC) passive resistance campaign. In the 1960 Emergency, nineteen prominent city residents, including A.S. Chetty, Archie Gumede, Vasu Chetty, D.C.O. Matiwane, Peter Brown, Omar Essack, Derick Marsh and Hans Meidner, were held in premature detention early in the morning of 29 March. They were to spend up to three months in prison. It was a defining moment, the point at

which South Africa became everyone's police state regardless of race. The arrests were premature because a copy of the relevant *Government Gazette* was not yet available in Pietermaritzburg. The three whites were released when a court order was obtained by lawyers Leslie Weinberg and Simon Roberts, but detained a day later after the *Gazette* had been flown up from Cape Town by military aircraft.⁷

Over the next 25 years opponents of the regime were routinely detained without charge under security legislation, although some later stood trial. As Graeme Bloch has observed it was during the 1960s that the last vestiges of the rule of law disappeared in South Africa.⁸ The nationwide figure for detentions under security legislation from 1963 to 1986 was nearly 21 000. That doughty critic of security legislation, Raymond Wacks, would describe the ISA (1982), the summation of a long sequence of repressive law, as a 'ferocious statute' characterised by 'inhumanity ... arbitrary power and its abuse.'⁹ Its purpose was to 'instil fear in the hearts of ordinary persons who might otherwise feel constrained to voice their opposition.'¹⁰ Nevertheless, after the death in detention of Ahmed Timol in 1971 five hundred staff and students of the University of Natal (Durban and Pietermaritzburg) signed a resolution calling on Minister of Justice P.C. Pelser to charge or release detainees and appoint a commission of inquiry to look into their treatment.¹¹

In the autumn of 1971, Nina Hassim was detained for 78 days under the Terrorism Act at Hilton police station, although she had two small children. Almost 30 years later she paid tribute to the compassion and professionalism of the station commander, Dick Rust, and his wife who effectively protected her against the police Security Branch (SB).¹² Her husband, Kader, had already been detained on 17 February and was held in Greytown until 16 June 1971 when he was charged under the Terrorism Act for activities involving the Unity Movement. Kader Hassim received concurrent sentences that amounted to eight years on Robben Island where he famously brought a case in 1973 against the commanding officer. He won the point in the Supreme Court that solitary confinement could not be imposed without due process.¹³

An apparent defector to Sweden, Alexander Lambert, who claimed to have worked for the Bureau for State Security (BOSS) described a Pietermaritzburg detention centre where near drowning and electric shock treatment was administered, but its location has never been identified.¹⁴ Anton Xaba, who had served ten years on Robben Island for Umkhonto we Sizwe (MK) activity, was detained in November 1975 with members of his family. On the top floor of Loop Street police station he was 'systematically assaulted, tortured and

interrogated for two days'. This included being hung out of the window by his feet and 'swung backwards and forwards . . . his head bang[ing] against the wall. His arm was broken in the process.'¹⁵ Four years later he was named by the minister of police as a Terrorism Act s.6 detainee.¹⁶

Two deaths in detention occurred in Pietermaritzburg in rapid succession: Samuel Malinga (age 45) died in Edendale Hospital on 22 February 1977, officially of heart disease and pneumonia after 22 days detention. On 26 March 1977, Aaron Khoza (35) was found dead in Pietermaritzburg Old Prison of suicide by hanging. He had been held for 306 days.¹⁷ One detainee who survived prolonged torture was the Black Consciousness (BC) cleric from northern Transvaal, Tshenuwani Simon Farisani, suspected of assisting illegal exit from the country and held at Howick for 93 days from March 1977. Most detentions, abuse in prison and police cells and subsequent trials prior to 1986 related to African National Congress (ANC) activity in Natal orchestrated from Swaziland where Jacob Zuma was a senior operative. Some of those detained were held as state witnesses: their refusal to testify led to prison sentences of three to five years.¹⁸ An unusual incident took place on 10 June 1982 when nineteen youths, including Duma Gqubule, were detained under section 22 of the General Laws Amendment Act. Two were subsequently charged 'with furthering the aims of the ANC.'¹⁹

During the early and mid-1980s, the Pietermaritzburg area was characterised by sporadic unrest around schools, rent and bus fares; and attempts by Inkatha to establish a dominant presence through recruitment drives.²⁰ This was accompanied by the collapse of official structures in Edendale, Ashdown and Sobantu, and their effective replacement by civic associations and youth organisations. In 1983 the government tried to impose a community council on Imbali and Inkatha's attempt to control it was a catalyst for unrest and violence.²¹ A move to establish a civic association in Imbali in 1985 resulted in the firebombing of Robert Duma's house. Several weeks later on 25 August, a march on the Federal Theological Seminary demanded its closure.²² A retaliatory petrol bombing of the house of Inkatha leader and Imbali councillor Patrick Pakkies followed. The names of certain councillors came up with monotonous regularity in connection with acts of intimidation and violence and by 1986 Inkatha was operating a paramilitary group of unemployed men and youth in Imbali and Ashdown. Vigilante groups like those abetted by Inkatha were known as contra-type organisations after the right-wing insurgents of Nicaragua. Unsympathetic residents were forced out of the area. In the background was the Indaba, a scheme backed by big

business to establish a regional power base for Mangosuthu Buthelezi, who needed significant demonstrable support among Zulu speakers to improve his credentials. Inkatha's objective was an enhanced profile that would earn it an unchallenged seat at national negotiations.²³

During 1985 the province of Natal was considered relatively quiet compared to the rest of the country with only 13% of unrest deaths.²⁴ During the first half of 1986, as had been the case since 1980, school boycotts continued in Mpophomeni, Sobantu and Edendale in protest at overcrowding, promotion between standards and food;²⁵ and coincided with a bus boycott over fare increases. In February buses were burned on the Edendale Road and there were also attacks on taxis and other vehicles.

Inkatha representatives were ejected from a Nucleus of Twenty meeting at the Lay Ecumenical Centre in Edendale to discuss the bus crisis and the area's underlying politics soon escalated into violent conflict. In March, Congress of South African Trade Union (COSATU) and Inkatha members clashed at Ashdown over buses, followed by armed Inkatha marches at Sobantu in opposition to the popular Committee of Twelve. A grenade attack at Amakholwa High School in Edendale was followed by closure of seven Department of Education and Training schools. A ban on outdoor meetings, except for sport, from 28 March seems to have brought this situation under partial control.

On 5 February Skhumbuzo Ngwenya Mbatha, United Democratic Front (UDF) joint secretary, was abducted in Imbali, assaulted and taken to Plessislaer police station, then admitted to Edendale Hospital in a critical state before being released on bail two days later. On 18 May his home and a vehicle parked outside were petrol bombed. In April Fanozi Mathonsi was held by police and assaulted at Imbali; and the Sobantu home of Committee of Twelve member Thami Mthalande was torched. A month later, Nkosinathi Mchunu was murdered by Inkatha members masquerading as police. The Pietermaritzburg Agency for Christian Social Awareness (PACSA) accused Inkatha and the Imbali Community Council of co-ordinating vigilante groups.²⁶ At the time of the declaration of a SoE, Pietermaritzburg's townships were on a very short fuse.

The security laws of South Africa were already far-reaching in their scope. Since the early 1960s a series of statutes had turned the country into a harsh police state in which the authorities, by manipulating meaningless phrases, exercised extraordinary power over individuals. A senior police officer simply had to state he 'had reason to believe' that someone was a threat to the security

of the State or had relevant information in order to circumvent what would normally be regarded as the justice system or the rule of law. In 1984 detentions nationally under the ISA numbered 1 149, but only half of them (586 persons) resulted in charges with a derisory sixteen (1.4%) convictions. It was only in the case of Hurley versus the Minister of Law and Order in September 1985 that Judge Ramon Leon curbed these draconian powers by ruling that ‘belief’ of the police must be based on provable fact. In the opinion of Tony Mathews it was a significant break ‘with the tradition of judicial submissiveness to executive authority’.²⁷ This slight fracture in the edifice of the police state might have been part of the reason for declaration of a national SoE in June 1986.

It was useful to the authorities for three reasons. First, all members of the security forces were granted arrest and detention powers allowing for operations on a mass scale. Second, they were indemnified unless *male fides* could be shown. And third, strict media controls were provided. Powers over persons, gatherings, organisations, the media, political activity and schools were draconian.²⁸ Furthermore, repeat declarations of the Emergency were possible. Some commentators argued that the government would have preferred to avoid a full-scale Emergency given that the 1985 partial version had led to flight of foreign capital. But the alternative, declaration of short-term unrest areas, was dependent on the Public Safety Amendment Bill delayed by the Houses of Delegates and Representatives of the tricameral parliament.²⁹ Under the PSA, four sets of Emergency regulations were issued: security, prison, media, and educational institutions; and with amendments they remained in force for four years. The prison regulations provided for the segregation of security detainees, their medical treatment and exercise; and for those detained in police cells of whom there were significant numbers in the Pietermaritzburg area.³⁰

The limited protection afforded political prisoners compared with common criminals had long been a subject of concern with no independent body empowered to monitor the police, a situation now exacerbated by the Emergency.³¹ In the early 1980s, Johannesburg attorney Raymond Tucker had concluded that ‘there is very little in the system which provides any degree of protection for the detainee. Pages of legislation have created a valueless apparatus of review’.³² His Natal-based colleague, Tony Mathews, concurred: ‘detention laws have been notoriously free from legal controls’.³³ The very term ‘detention’ he noted as euphemistic, pointing out that ‘locked up’ would be a better description.³⁴ This was indeed the purpose. As Sorchá Gunne points

out, prison was a place of surveillance and information gathering; but above all of deactivation where activists were rendered invisible.³⁵

First Emergency, 1986–1987

The events of this Emergency³⁶ are indicative of the region's relatively low profile at the time. Records show that at least 255 persons were involved in 268 separate detentions (nationally 10 000 people were held in the first two weeks and 25 000 in all by June 1987). They joined two ISA detainees already held on 12 June 1986. The targets were mainly high-profile figures in organisations linked to the UDF, but also included grassroots activists.³⁷ Of those who could be categorised, students, scholars and teachers accounted for about 40% of all detainees, community group members about 15%, clergy and church workers about 10% and trade unionists 3%. Organisations affected were the NIC; civil rights organisations aligned to varying degrees with the Freedom Charter;³⁸ and student congresses, civic associations and youth organisations from the surrounding townships. Detainees from the Azanian Students Movement (AZASM) and Forward Youth were also recorded, but none from Inkatha. Some personal details of the detainees were known: at least 12% were under the age of 18, only 8% were female and 80% were African. Most would have experienced some form of police harassment prior to detention and to begin with arrests generally happened at night at home.³⁹

The pattern of detention appeared somewhat arbitrary. This can be explained by the fact that the SB were instructed to clear up their backyards and probably inserted a degree of personal animus into the exercise.⁴⁰ Then, in incidents typical of police states, some people simply happened to be in the wrong place at the wrong time. Whatever the action, the police were indemnified from the consequences. A group of twenty St Joseph's Scholasticate (Cedara) students decided to march from the university's Pietermaritzburg campus into town on 12 June to protest against Emergency detention without trial. They did not get far (about a kilometre) and three of their lecturers trying to communicate with them at Howick police station were also taken in. At first it was not clear how many seminarians had been detained, but the number soon became evident: Howick police sent a message to St Joseph's for twenty sets of cutlery. Four days later on Soweto Day, a domestic worker exuberantly announcing to the street that she was on holiday was reportedly detained and held for six days. And a member of the Progressive Federal Party (PFP) who had advertised a challenge to President P.W. Botha to lift the SoE, allow all meetings, free all

political prisoners and announce a general election was held for five days.⁴¹ From time to time there were rumours of mass short-term arrests, probably the result of police or army activity in townships. One such incident was reported from the New Hanover area with up to 250 people held.

Ten per cent of the detentions fell under sections 29 and 31 of the ISA; and the remainder under section 3 of the Emergency regulations. These were sufficiently vague to leave room for legal challenge and in the case of Peter Kerchhoff on 25 July in the Natal Supreme Court (NSC) it was argued that he had not been properly arrested. This followed the Durban Supreme Court (DSC) ruling of 12 July in which part of section 3 of the Emergency regulations had been set aside allowing for the release of Lechesa Tsenoli.⁴² The Kerchhoff case was, however, dismissed on 14 August, thwarting an application on behalf of six more detainees made a day before.⁴³ It did, however, provide some relief. Evidence of the psychological damage (depression and disorientation) caused to Kerchhoff by isolation was sufficient to persuade a full bench of the NSC that he should not be held on his own: after 32 days he was joined by two other detainees. On 10 September appeals against both the Tsenoli and Kerchhoff judgments were heard in Bloemfontein, although Kerchhoff was released on 16 September two weeks before the outcome was announced. The Appeal Court overturned the DSC ruling thus revalidating sections 3(1) and 3(3) of the Emergency regulations. This marked an end to legal challenges and showed that the courts held little potential for the efforts of human rights lawyers, although the Metal and Allied Workers Union case in the DSC (15 July 1986) established the right of detainees to access to lawyers. As Denis Davis was later to put it, as a result of 'the wide empowering provisions of the Public Safety Act and judicial acquiescence, almost all individual and organisational freedoms are regulated by the executive operating outside any form of judicial control.'⁴⁴

By concentrating detainees at New Prison, Pietermaritzburg the SB ironically replicated the very non-racial society they were determined to prevent outside. Most detainees were interrogated, some in prolonged and persistent fashion. Peter Kerchhoff, for instance, was thought by the SB to belong to 46 organisations, which may well have been true, so detainees like him were regarded as useful potential sources of information. The main purpose was collection of information about the ANC, but military police were also involved and they were primarily interested in the End Conscription Campaign (ECC). At both the New and Women's prisons food, general conditions and exercise facilities were as prescribed by regulation. Detainees

were visited by the inspecting judge, although by early 1987 there is evidence that the panel of judges had stopped their visits and prisons service medical staff were also absent.⁴⁵ It can be assumed that the standard health problems were those common to detainees the world over and related to sleeping and psychological conditions.⁴⁶

But detainees were also dispersed to various police stations where procedures could be lax. A female detainee reportedly arrested in July remained without shoes and a change of clothing for eight weeks in the middle of winter. Most of the initial batch of high-profile detainees had been released by mid-July, leaving in prison numbers of grassroots activists. By September accounts of physical assault had begun to filter out of New Prison and, more seriously, from police stations. A UDF activist from Mpophomeni held at Alexandra Road police station from 16 September 1986 was severely assaulted and suffered impaired hearing in the left ear, a damaged jaw and salivary glands, and headaches. An interim restraining order was issued by the NSC on 19 September.

It is unclear whether the situation at police stations was a matter of omission or commission. Conditions were sometimes primitive and amounted to solitary confinement. This and a spare diet were listed as punishment for behaviour in detention,⁴⁷ yet together with a lack of exercise were experienced by detainees at some police stations. One detainee was held at Camperdown in isolation from 26 June until 7 August when a lawyer gained access. The SB argued that a mistake had been made and moved two detainees from Thornville. The practice of placing detainees in scattered police stations and moving them about was thought to be an attempt to obstruct monitoring by family, friends, lawyers and the Detainees Support Committee (DESCOM); and a way of disorientating detainees and exerting psychological pressure. Some detainees reported being held at four locations over twelve weeks. Police stations used were Bishopstowe, Camperdown, Dalton, Howick, New Hanover, Richmond and Thornville; together with Alexandra Road, Mountain Rise and Plessislaer in Pietermaritzburg.

Conditions at New Prison, according to a detainee held in June 1986 and again in mid-1987, gradually declined. The food deteriorated and opportunities to voice complaints dwindled as visits by nurses, the district surgeon and judges fell away, although as lawyers pointed out the roles of all these officials were severely compromised by the provisions of the SoE.⁴⁸ Detainees were not allowed access to the ordinary prison regulations and although they had use of the library, newspapers were not permitted. Questions were also raised about management of detainees' accounts and letter rights. Petty officialdom

exceeded the regulations, for example cancellation of food orders for a week after an altercation.⁴⁹ On the other hand, exercise was provided together with board games. However, lights were turned out unreasonably early especially at weekends when supper appeared at 2.30 pm. Ironically, there was no racial segregation among political prisoners and by the end of the first Emergency interrogation had become infrequent. In the Western Cape, Mansoor Jaffer felt that 'they were chasing after so many people that, unlike in 1980 ... or in 1960 ... I think we were in a position of relatively more security. They didn't really know much about everyone who was there. So they were fishing a lot.'⁵⁰ The same was true of Pietermaritzburg and the purpose, it seemed, was largely that of neutralising individuals and organisations.

Early in the Emergency, Deputy Minister of Information Louis Nel claimed that all next-of-kin were informed of detentions. Local evidence showed this to be totally untrue. People simply disappeared without trace, especially if they were African. For instance, DESCOM informed a mother about the detention of her son ten days after the event. The situation was clouded by the fact that many activists went into hiding; and complicated in September 1986 when visitors were subjected to unexplained delays in gaining access to detainees at New Prison. Some had travelled fruitlessly from as far away as Empangeni.

There was also orchestrated harassment, directed at family and friends of detainees. This was particularly marked on Soweto Day 1986 when the families of two detainees (Joe Vawda and Peter Kerchhoff) received hoax phone calls claiming they had been admitted to hospital with heart attacks. On the night of 15 June a bogus pamphlet on a fake letterhead purportedly from the UDF and COSATU called for a stayaway and gave the details of five payout points, with the addresses of five anti-apartheid activists, two of whom were in detention. These pamphlets were distributed in Sobantu, the centre of Pietermaritzburg and at Ezakheni near Ladysmith. Some of those named received threatening phone calls and visits from the SB. In November the mother of a detainee received a hoax call to say that her detained son had hanged himself. These cases bear the unmistakable hallmark of the dirty tricks department of the SB.

Other detainees were harassed on release by the military police if they had links with the ECC. By 20 July 1986 four had been detained at army camps, usually for just a day, where they were questioned. On at least one occasion the detaining officer refused to identify himself, so the incident amounted to abduction. Foreign passport holders active in anti-apartheid circles were targeted and relatives of detainees from the black community were known

to have been picked up and held for a day as part of a general pattern of intimidation.

About half of the detainees of 12 June 1986 were released within a fortnight compared with the national average of 10%. But the last of their number was freed only on 22 May 1987 after 341 days and there were two other cases involving more than 300 days. Four detainees were deported, among them Theo Kneifel of St Joseph's Scholasticate at Cedara and a German visitor, Walter Hattig. Kneifel was involved in work on liberation theology and active on the Pietermaritzburg campus of the University of Natal. He had also been part of the setting up of trade unions in Namibia. One detainee, C.D. Moodley of the NIC, released after 55 days (some of them spent in isolation at Mountain Rise police station sleeping on a cold stone floor) was effectively banned and required to acknowledge his retirement from active politics. Two ex-detainees were subsequently murdered, and four others assaulted, by vigilantes. In a notorious incident in Sobantu on 11 June 1987 Frans Ngcamu was killed and Sifiso Bhengu injured after an attack by AZASM members.⁵¹ Six people were subsequently convicted of murder. With the passage of time the level of informal violence increased and one father commented that he felt his son was safer in prison than at the mercy of vigilantes. As far as is known, only 48 detentions (about one in six) resulted in charges: mainly unlawful assembly, public violence and possession of banned literature. The number of convictions is unknown. All detainees bar the Hammarsdale nine detained on 15 May 1987 and seventeen ISA prisoners were released on 11 June 1987.

The general level of unrest during this period was low. In October 1986 there was a grenade attack on the home of Imbali community councillor Austin Kweyama in which his daughter was killed. United Workers Union of South Africa (UWUSA) members were attacked at Dambuza and Sobantu in October. These incidents can be interpreted as anti-Inkatha violence, but the motive for a grenade attack on the house of Elliott Madondo in Sobantu is hard to categorise.⁵²

Second Emergency, 1987–1988

During this period, in particular from November 1987 onwards, the character of the Emergency in the Natal Midlands changed radically. In all, 1 292 detentions were recorded; but 56% of them occurred from November 1987 to January 1988 during a period of anarchy in the townships surrounding Pietermaritzburg. Indeed, from January 1987 to March 1988 the Centre for

Adult Education monitoring group recorded 655 deaths linked to political violence in which the largest group of victims belonged to Charterist-inclined organisations.⁵³ By the same token the partiality of the State is evident in the use of detention without trial at particular times. Clearly the police used the SoE regulations as a massive dragnet and as a means of avoiding bail procedures. These were particularly handy tactics in a campaign designed to assist in the imposition of Inkatha's control over the Edendale valley. Recently appointed head of the local SB, Brigadier Jac Büchner,⁵⁴ greeted riot squad reinforcements in October 1987 with the opinion that they were reaction units. Indeed, they were used to contain fighting within townships, intervening when Inkatha was at a disadvantage.⁵⁵ Later revelations were to show that 'the security police had an intimate relationship with Inkatha and Uwusa' and encouraged 'a destructive ethnicism'⁵⁶ in opposition to universal democratic values. In a memorandum to Büchner in mid-January 1988, DESCOM put the view that detention without trial was fuelling the unrest by targeting township youth from informal anti-Inkatha groupings that styled themselves as self-defence units (SDUs).⁵⁷ One of their antagonists from March 1987 consisted of 300 rapidly and poorly trained police auxiliaries popularly known as kitskonstabels (instant police). Many had Inkatha or vigilante backgrounds. Their role was pacification rather than policing and one of their specialities was the mass round-up of young men taken in for questioning at Plessislaer and Mountain Rise police stations where personal information was recorded and photographs taken. In Parliament on 19 April, Minister of Law and Order Adriaan Vlok announced that 259 had been taken from Ashdown and 218 from Sobantu of whom four and eight had been detained respectively.⁵⁸

From September 1987 there was a spectacular increase in the number of incidents reported. This began to subside only in February 1988. Some commentators locate the source in the two-day national stayaway in May 1987 against whites-only elections: opposed by Mangosuthu Buthelezi's Inkatha, it was supported by 90% absenteeism in the Pietermaritzburg area. The tipping point was the KwaShange massacre of thirteen Inkatha youths in an attack led by a policeman. He claimed he was under threat from arsonists released on bail, but was convicted and jailed for twelve years. A key feature was violence orchestrated by Inkatha warlords that involved a threatening recruitment drive and later a counter-attack against dissenters. To this the authorities at best turned a blind eye while detaining large numbers of anti-Inkatha people. The only restraint was provided by interdicts brought by lawyers acting on behalf of COSATU.

On 31 January 1988 there was an effective invasion of Ashdown from Mpumaza by Inkatha supporters escorted by South African and KwaZulu police. At the preceding rally the UDF and COSATU were denigrated as Asian-dominated organisations and threats were made to kill, expel and burn the houses of those who opposed Inkatha.⁵⁹ Eleven people died in this exercise in political cleansing. Two further attacks, led by Mamfana Majola, took place with police assaulting resisters. A witness later described the scene: 'I saw two police vans drop off ammunition at the mobile police station and drive to Mpumaza to back the IFP in their attack. The police were in front ... shooting at people.'⁶⁰ This was the start of Operation Doom: attacks on COSATU-aligned bus drivers and an incursion into Pietermaritzburg itself were to follow (43 Inkatha members were charged with public violence in Retief Street). Kentridge argues that this displacement of violence into the urban area happened because township territory was now so tightly demarcated; and because anti-Inkatha refugees could more easily be spotted around the bus station. As a surrogate battleground it proved fertile territory for abductions that usually ended in murder.⁶¹

Police numbers had been reinforced at the turn of the year and the Truth and Reconciliation Commission (TRC) records the involvement of Inkatha paramilitaries known as Caprivi trainees under Daluxolo Luthuli. He was previously an ANC operative involved in the Wankie Campaign and an accused in the 1969 ANC trial.⁶² The TRC named Warrant Officer Rolf Warber of the SB as having incited kitskonstabels to attack and kill members of the UDF. Among Warber's allies was Imbali councillor, Abdul Awetha.⁶³ The number of people dying in unrest-related violence during this period, mainly young people, was indicative of civil war: 'the most vicious and sustained regional conflict in South Africa's recent history.'⁶⁴ The scale of the violence can be gauged from contemporary reports that more people were dying in Edendale than Beirut and trade unionists called it the valley of widows. Parallels were drawn with low-intensity conflict in El Salvador and the Philippines where apparently spontaneous violence was used to promote a conservative agenda in opposition to popular causes.⁶⁵ Geographically the violence started in Imbali and Ashdown and migrated up the valley through Edendale to Vulindlela, which until this point had been politically peaceful. A flood of Imbali refugees migrated to Sobantu and this triggered conflict between UDF and BC supporters, although a peace agreement was later agreed.⁶⁶ The violence of this period effectively divided the Edendale valley into two zones: the upper area from Taylor's Halt to Elandskop was Inkatha; the lower from Gezibuso towards Pietermaritzburg was UDF.⁶⁷ The effect on bus transport from the

upper valley to Pietermaritzburg was one of the catalysts for the Seven Day War of early 1990.

Chamber of Commerce backed local peace talks were severely affected when thirteen UDF activists including joint secretaries Martin Wittenberg and Skhumbuzo Ngwenya Mbatha, meeting to discuss negotiations, were detained on 13 November 1987.⁶⁸ Five days later Kam Chetty of the Pietermaritzburg Combined Residents and Ratepayers Association was detained. This suggested that there was a deliberate attempt to take out the leadership of anti-Inkatha organisations: 'police netted the leadership of the sub-regional youth co-ordinating structure as well as UDF co-secretaries ... By the end of 1987 almost all the UDF leaders from African areas were in detention.'⁶⁹ Local businessmen and foreign embassies successfully put pressure on the authorities for the release of Wittenberg and Ngwenya, but restrictions were imposed. These involved a ban on participation in twelve organisations (including the UDF and a fictitious body) except for peace negotiations under the auspices of the Chamber of Commerce; confinement to the magisterial district of Pietermaritzburg; and a ban on attendance at anti-government gatherings.⁷⁰ Others detained were held until the following July. The peace talks were effectively ended by the February 1988 restrictions placed on the UDF and other Charterist organisations whose office bearers were detained again in March. Among those affected were the Natal Students Congress (NASCO), National Education Union of South Africa (NEUSA) and youth organisations from Edendale, Sweetwaters, Dindi, Mvelweni and Taylor's Halt. The other target involved affiliates of COSATU such as the Transport and General Workers Union (TGWU), the National Union of Metalworkers (NUMSA) and the Post and Telecommunications Workers Association (POTWA).

The detainee population consequently grew rapidly to a peak of over 700 in January 1988 declining to about 100 by mid-year, although it had been rumoured just before Christmas 1987 that it was well over 1 000, with 800 at New Prison alone. One source believed that a third of all South African detainees were held in Pietermaritzburg in early 1988 and although this was probably exaggerated, for a brief period Pietermaritzburg was at the epicentre of detention without trial.⁷¹ Most of these detainees were members of informal anti-Inkatha groupings. Police spin doctor Brigadier Leon Mellet made the absurd claim in January 1988 that all those detained had committed crimes, ignoring the question why most were never charged after long periods of incarceration. To add to this he stated that political affiliation had nothing to do with these detentions.⁷² Of those whose personal details were known, at

least 114 were under the age of 18 (one as young as thirteen) and all except three were African. At least 49 were female, of whom two were detained with babies and a third was pregnant. There are several instances on record of several members of the same family in detention and at least ten detainees had been inside during the previous Emergency. Except for four detentions under section 29 of the ISA, all took place under section 3 of the Emergency regulations. It is possible that in the intense general unrest members of Inkatha were detained. In February 1988 well-informed sources revealed that one such detainee was at New Prison; and in June 1988 there were unsubstantiated claims of twenty held briefly. No names have ever been recorded and when the identities of Inkatha members were revealed in court interdicts, the attorney-general's office claimed they had gone into hiding.⁷³

Inevitably, the scale of detention led to overcrowding and a deterioration of conditions at New Prison: poor food; sloppy administration of detainees' accounts; lack of outdoor exercise and indoor games; rudimentary medical treatment; denial of the right to study; and too few church services (detainees were not allowed to organise their own) were listed in a memorandum compiled by lawyer Rishi Thakurdin. Warders were often aggressive and abusive and summary punishment was handed out without explanation contrary to the principle of *audi alteram partem*. Lawyers again used the argument that this amounted to a punishment regime in contravention of both Emergency regulations and the Prisons Act.⁷⁴

The Thakurdin memorandum also recorded an incident on 27 December 1987 in C section of New Prison where a detainee was assaulted. Returning from lunch, other detainees smelt teargas, refused to enter their cells and were sjambokked. A prison official reportedly told the detainees that the only language they understood was violence. Detainees then set up committees to make representations, but these were not recognised. The situation was alleviated in early 1988 by transferring 150 detainees to Westville Prison. Conditions were reported to be better, but family visits were made more difficult. Pressure from lawyers led to the award of study rights, more of a problem than in other parts of the country, for detainees at the beginning of April 1988. On 2 May 1988 some form of protest, probably singing, took place at New Prison in connection with the sentencing of Gordon Webster. It led to the loss of visiting rights for a short while and further protest by 25 families.⁷⁵

Pressure on cell space led to extensive use of police stations such as Thornville, Plessislaer, Boston, Wartburg, Dalton, Richmond, Cramond, Hilton, Impendle and Howick. Towards the end of this Emergency improved

conditions were noted at some stations where relations with detainees were cordial: open air exercise was provided and the food and access to reading material were superior. Several long-term detainees successfully appealed not to be transferred from police stations back to New Prison, suggesting an honourable role for some officers of the South African Police. However, at New Prison the inconsistent policy of the authorities regarding visits angered and confused detainees and their families and punished them financially and psychologically. Permission was given for one fortnightly visit and it had to be conducted in English, Afrikaans or through an interpreter. No physical contact was permitted.

At the end of this Emergency, 104 detainees were redetained, 100 under the PSA and four under the ISA. In the meantime hundreds had been released back into the community, three by their own efforts as escapees. Some of them were charged with offences ranging from public violence, arson, possession of firearms and intimidation to murder. Twenty charges, including eighteen of the 60 for murder, were dropped and there were four acquittals, but there is no comprehensive record of the court experience of detainees.

Other detainees were released under restriction. Those placed on the joint secretaries of the UDF have already been mentioned. At the end of this Emergency a further group of ten detainees was prohibited from taking part in activity on behalf of the UDF or its affiliates, attendance at gatherings critical of national and local government or the municipal elections, and advocacy of election boycotts.

The numbers of detainees being released were so large that from March 1988 a further problem emerged: families had no knowledge of persons the authorities claimed to have let go. They became lost people and enquirers were sent from police station to police station. Some detainees discovered that they had lost their jobs and this was particularly marked in the construction industry. The problem of vigilantes remained a constant fear for released detainees, two of whom were killed in December 1988. This was indeed an Emergency marked by anarchy compared with the comparatively decorous procedures affecting detainees during the previous year. Those monitoring the situation believed that uncertainty surrounding detentions and the refusal of the police to share accurate lists of releases exacerbated the township crisis.

Third Emergency, 1988–1989

Consideration of this Emergency reverts from sheer numbers to conditions. In addition to the 104 persons redetained on 11 June 1988, a further 299 detentions (including four multiple detentions) were recorded, a situation not dissimilar to the 1986–1987 Emergency. This does not include a continuing pattern of short-term mass detention, for example at Dambuza and Machibisa, for the standard routine of interview and photograph. Other short-term detentions of less than 24 hours took place at Ashdown in early February 1989 and the press reported a round-up of 230 people at Haza near Mpophomeni over the weekend of 18–19 March 1989.

Towards the end of 1988 many of the detainees held in Pietermaritzburg were from Richmond and New Hanover and areas outside the Midlands such as Hammarsdale, Ntshongweni and Inchanga (125 in all). Durban detainees were also held, but from December 1988 the focus shifted back to the Pietermaritzburg area, particularly Imbali. In January 1989 the detainee population was 191 but by mid-April the figure had dropped to only seven, the lowest for three years. This was due to the hunger strike described below.

Of those redetained, four were transferred from SoE regulations to s.31 of the ISA as state witnesses. The same happened to two s.29 detainees (long-term preventive detention) indicating that the State was gearing up for trials. Subsequently, all new detentions in 1988–1989 took place under the Emergency. The regulations were used as a means of avoiding bail applications. On 7 July, 35 Gezubuso residents were arrested on public violence charges but transferred to SoE detention and released without charge between 19 and 22 August. Similarly, on 28 April 1989 six people were detained under the Emergency as they left court having been granted bail.

One in six of those detained during this period had trade union connections, in particular with the National Education, Health and Allied Workers Union (NEHAWU) and Amalgamated Clothing and Textile Workers Union (ACTWUSA). Nearly half of all detainees were scholars and community group members from the Edendale Valley (Imbali, Ashdown and Wilgefontein) and the Hammarsdale area (including Ntshongweni and Inchanga). Only three detainees were female; 37 were minors, although at least ten were over 40 years old and one was as old as 57; and all were Africans except six from the Asian community.

Even with relatively low numbers of detainees the authorities continued to spread them around, for example to police cells at Thornville, Hilton, Howick,

Bishopstowe and Impendle. In July 1988 the Detainees Aid Committee (DACOM, successor to the restricted DESCOM) and PACSA complained through the Attorney-General about the thin sleeping mats provided in winter and the situation improved after investigation by the visiting judge. Diet was a major problem. It consisted of white porridge, samp without salt and mealie rice sometimes with boiled beans, carrots and pork fat. Supper at 4.00 pm (earlier at weekends) meant many hours without food and detainees were not permitted to keep utensils in their cells. Medical care was rudimentary (Panado dispensed for all ills), treatment was often delayed and doctors were sometimes hostile. The regulation hour of exercise was sometimes cut to 15 minutes that did not include exposure to the sun. Punishment was regarded as arbitrary, failed to follow the prescribed guidelines, and was often imposed for minor offences. Leg irons, solitary confinement, reduced diet; and deprivation of visits, study rights, exercise and access to the library, radio and tuckshop were all used by the authorities. Even more sinister were the saturation of blankets in water, removal of mattresses, use of teargas in cells, and interference with the lights.

Increasing numbers of complaints were received about assault during interrogation. Other abuses concerned confinement to cells and deprivation of food and exercise (July 1988) and teargassing (September 1988). Subsequently it was believed that detainees had been shackled. There is evidence of serious abuse of some detainees: beatings on the head with boots and guns, electric shock treatment, hanging from a window, immersion in ice-cold water, and confinement to the boot of a car. The standard obstruction of visitors continued. Pressure was applied on detainees to become informers and threats were made to hand them over to local warlords on release.

In mid-December a detainee placed in solitary for refusing to stand up for a warder and possessing a list of detainees went on hunger strike for six days.⁷⁶ From 2 to 5 January 1989 all detainees at New Prison used the same method to protest about abusive warders and late delivery of food orders. More generally the strike was interpreted as reaction to general stress and the DDD syndrome – debility, dependence and dread.⁷⁷ One anonymous detainee commented on ‘the banging of doors, the clattering of keys rais[ing] your hopes about release and going home’: the situation appeared never-ending.⁷⁸ This protest was called off after negotiations. In mid January, five representatives approached the SB and were led to believe that release was imminent, but depression heightened when nothing happened. Having heard about the national hunger strike that had started on 23 January at Diepkloof, on 18 February as many as

100 Pietermaritzburg detainees joined in. It was accepted that not all could last for very long and a week later they had been reduced to 40, reportedly suffering from dizziness, headaches, problems with their joints and difficulty with urinating as a result of a water-only diet.⁷⁹ By this time strikers had lost 3–4 kilogrammes of body mass and had difficulty sleeping because the lights were left on. Families were denied visits and detainees were deprived of the radio. But the strike was attracting international attention, including a *démarche* from the German government. Lawyers for Pietermaritzburg strikers faxed Minister of Law and Order Adriaan Vlok about the situation, but received no response.

Some of these strikers had been held for well over a year since late 1987 or early 1988, a situation not dissimilar to that of prisoners of war or what monitors described as the Gulag syndrome of indefinite detention as had been experienced in Ian Smith's Rhodesia.⁸⁰ As the Irish Committee for Justice and Peace in Dublin put it, 'A hunger strike may be one of the few possibilities of making a personally significant statement in a situation of powerlessness, especially for prisoners in certain situations.'⁸¹ On day eight of the strike it was reported that those involved were being spread around police stations at Boston, Dalton, Howick, Mid Illovo, Richmond and Mountain Rise and even as far away as Muden and Mooi River.⁸² This was presumably designed to break strikers' collective resolve. Lawyers initially thought they had been released, raising old fears about disappearance. Subsequently questioned about this tactic elsewhere, the police responded darkly that 'we can transfer people anywhere we want to'.⁸³ Loss of about 10% of body mass after a week on hunger strike requires hospitalisation, although under South African socio-economic conditions, and on a poor prison diet, deterioration can be more rapid. Indeed, by 27 February, seven detainees were in hospital at Edendale or Northdale (one) and the total reached thirteen the next day.⁸⁴ One of the seven was Skhumbuzo Ngwenya Mbatha. His mother described him: 'He is very thin. His eyes are inside his head. He looked very weak and at first he did not recognize me'.⁸⁵ The number in hospital was 35 on 7 March with two having abandoned the strike and another three released. The hospitals involved were Edendale (six hunger strikers), Greytown (four) and Estcourt (four); and Northdale (ten), Grey's (six) and Midlands Medi Clinic (five) in Pietermaritzburg.

The Pietermaritzburg strike thus started just as the national initiative was suspended.⁸⁶ On its fifteenth day the local branch of the Medical Association of South Africa (MASA) expressed concern. In general the doctors who came

into contact with strikers were co-operative and readily supplied lawyers with information. Some strikers took medical advice and consented to drips of glucose, dextrose, electrolytes and vitamins. The SB promised release in return for an end to the strike, but would not give dates in writing. The strikers saw their efforts as part of the wider struggle of the Mass Democratic Movement (MDM), the broad front for anti-government protest that emerged in 1989. It was largely driven by the UDF and COSATU, but embraced any anti-apartheid organisation.

In Pietermaritzburg hunger strikers were visited in hospital by lawyers, family and friends, although this was not the case elsewhere. After a visit by two lawyers to Minister of Law and Order Vlok in Cape Town on 7 March, nineteen days into the hunger strike, it was suspended on the understanding that all those involved would be charged or released. This was honoured by the minister, although he could not resist accusing certain organisations of orchestrating the strike. The detainees started eating again from 8 March. Most were released over a three-day period from 13 to 15 March after a spell of medical observation, although one emerged from prison only in April, apparently a victim of bureaucratic error. Twelve of the strikers were charged, but as far as is known all of these cases were withdrawn. Ironically, the national strike was about to resume because promises about release had not been kept and new detentions had occurred.

With the start of Pietermaritzburg's February hunger strike an Ad Hoc Hunger Strike Support Committee was formed to collect information and organise support. Its activities included two placard stands, an inter-faith service and the placing of two large advertisements in the *Natal Witness*. DACOM inserted a small daily block in the paper recording the number of days detainees had gone without food. It also arranged two meetings for friends and relatives of strikers to share information and offer counselling, and provided material support for hospitalised hunger strikers. The main burden fell on lawyers who were caught between pressure from strikers, families and the SB. This intensified when their clients were dispersed and their protest to Vlok went unanswered. On 15 February 1989, a 48-hour public fast took place and culminated in an inter-denominational service.⁸⁷ Some student leaders extended this fast to eight days ending with a vigil and prayer service on 23 February. By the climax of the detainees' action, Mayor Mark Cornell had met the SB, the Chamber of Commerce had expressed concern, prominent citizens were signing up to a roster of 24-hour fasts, and many people wore yellow ribbons. Another solidarity fast was organised from 10 to 12 March ending

with a service at the Metropolitan Methodist Church on National Detainees Day.

The hunger strike amounted to the largest protest by detainees themselves and the total number involved nationally reached 700.⁸⁸ Its outcome was regarded as a major victory by those apparently hopeless and powerless at the hands of the State.⁸⁹ The strike showed they were not without hope or power, although they had to go to extreme lengths to prove this. It echoed the outcome of the Robben Island hunger strike of the 1960s: 'somehow the atmosphere on the Island was never exactly the same as it had been before,' recalled Indries Naidoo.⁹⁰ Clearly political conditions in 1989 were such that the State could not afford the death of a detained hunger striker. Indeed, it is possible to argue that the hunger strike was one factor in the growing confidence that made the MDM's Defiance Campaign possible. Vlok made speeches from time to time suggesting that he would close down or further restrict human rights monitoring groups, but his failure to do so was an indication of rapidly changing times.

Another hunger strike started among six Pietermaritzburg detainees on 1 April. On 4 April three of them were taken to Pelonomi Hospital in Bloemfontein where they abandoned their protest on 7 April. They were returned to Pietermaritzburg and released by the end of the month. The other three resumed their strike in mid-April, were similarly treated and released in early May.

A large number of releases involved restriction orders, in a sense a new form of detention. This typically imposed prohibitions on UDF activity, addressing gatherings of more than ten people, writing for publication and leaving the magisterial district (usually Pietermaritzburg). House arrest was sometimes specified. Particular emphasis was laid on boycotts, especially of the October 1988 municipal elections. Restriction orders issued to ex-hunger strikers were similar, but included daily reporting to a police station; and prohibitions on media interviews and involvement at educational institutions.⁹¹ Restrictees pointed out that they had been turned into their own jailers, removed from a small jail to a larger, in many ways even more dangerous, one.⁹² Restriction orders imposed continuing, cumulative stress upon released detainees and their families and an effective curfew at their own expense rather than the State's. With their whereabouts known to the authorities and their allies, restrictees were particularly vulnerable.⁹³

The daily trip to the police station, sometimes distant, could be hazardous: Durban ex-detainee Chris Ntuli was killed shortly after leaving one. A regular routine plus confinement to a specific night-time location provided readily

identifiable targets. One restriction imposed in April 1989 initially required two daily reports to a police station 10 kilometres away. After his Imbali house was attacked, one restricted person was permitted to move. An Edendale restrictee was allowed the same concession, but this was rescinded by the minister of law and order. Another had his house arrest hours shortened so that he could attend university. However, once the Defiance Campaign was underway in the second half of 1989 restriction orders were largely ignored.

Alfred Muntu Ndlovu, held under s.29 of the ISA was charged with terrorism, furthering the aims of the ANC and two counts of attempted murder. When the trial began in November 1988, three s.31 detainees acted as state witnesses and a fourth refused. Ndlovu was convicted on 22 February 1989 on the terrorism and attempted murder charges and sentenced to five years. Of the SoE detainees, 26 were charged with murder, four with attempted murder, nine with public violence, two with malicious injury, eighteen with possession of firearms, nine with attending an illegal gathering, two with possession of banned literature and another twelve with unknown offences. There were two acquittals and one charge was withdrawn, but the other outcomes are unknown.

Four ex-detainees were killed by vigilantes: at Sweetwaters in August 1988, at Imbali and Taylor's Halt in February 1989 and in Edendale in March 1989. Two others from the previous Emergency were killed by vigilantes in December 1988. The threat of vigilante action caused many ex-detainees to become refugees. Considerable publicity surrounded a red Husky minibus, a 'torture mobile' employed by the police to terrorise people, particularly ex-detainees, in the townships around Pietermaritzburg.⁹⁴

Fourth and fifth Emergencies, 1989–1990 and 1990; and unrest areas

The hunger strike spelled the beginning of the end for prolonged detention without trial in the region. Fourteen persons were redetained at the start of the fourth Emergency, four of them juveniles. A total of 21 new detentions took place following arrests in July and August 1989 and May 1990. None of these detentions was long term and most of the detainees were youth congress members or suspected of links with the ANC. Three of them went on a hunger strike in July 1989 and were transferred to Grootvlei prison in Bloemfontein. A number of minor charges were laid against detainees, but lawyers argued that this was done to cover up partisan action by police.

The national Emergency ended on 8 June 1990 and was reimposed only in Natal.⁹⁵ The new regulations made provision for an initial 30-day detention period followed by a maximum of five months. Detainees could be moved

from place to place and interrogated; and doctors and lawyers had conditional rights of access. The Natal Emergency was lifted on 18 October.

There were no redetentions in terms of the Emergency on 8 June although two ISA s.29 detainees were still held. Ten new detentions were recorded, five under SoE regulations. Three had been detained before. One detainee was held at Bishopstowe police station for two weeks and threatened to go on hunger strike. He was told he would be moved to Grootvlei, but was released instead.

On 24 August 1990 the hitherto unused device of unrest areas (local or regional states of emergency) was imposed under the PSA on 27 Reef and Vaal Triangle townships. Other areas in the Transvaal and Western Cape were later named unrest areas.⁹⁶ In Natal, Richmond was declared an unrest area on 4 December 1991 and this status was renewed until 2 June 1992.⁹⁷ Two ANC leaders were detained, one of them Sifiso Nkabinde.⁹⁸ Nelson Mandela claimed that the Richmond unrest was stoked by a third force (and indeed that the greater Pietermaritzburg area was the centre of such activity), but this seems far-fetched. Pietermaritzburg was declared an unrest area in early May 1992 with a curfew (9.00 pm to 4.00 am) and restrictions on public meetings. Powers of detention were granted, but they were not used.⁹⁹ During the second half of 1992 unrest areas were declared for the first time in the Eastern Cape and Orange Free State. Richmond, together with Umbumbulu, was again declared an unrest area in November 1992.¹⁰⁰ The main advantage of unrest areas to the authorities was the power to declare curfews.

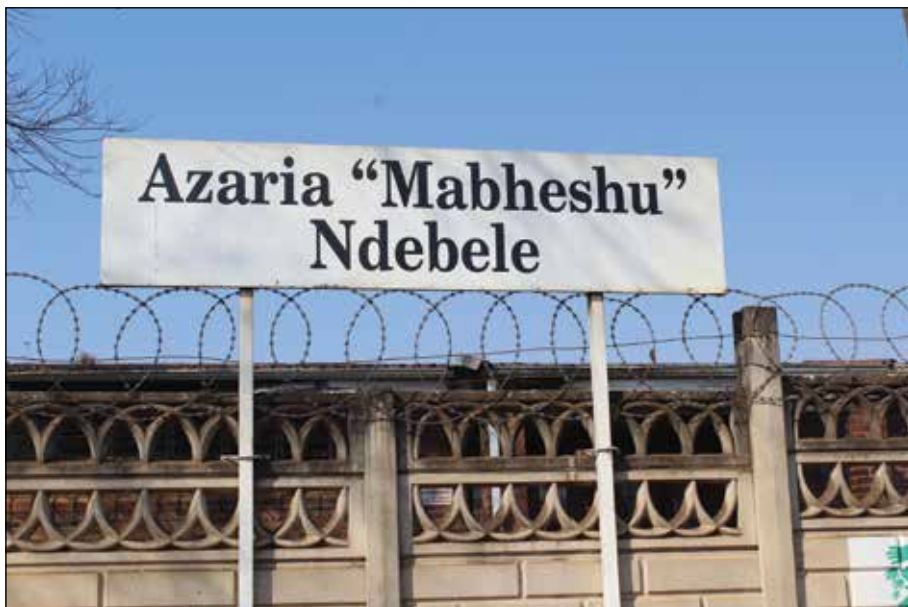
Political impact

Over and above the rhetoric of law and order, the agenda of the government can be gauged from a number of variables: the characteristics of the detainees; the size of the detainee population; and the experiences of detainees on release. This analysis is best served by a periodisation that cuts across the declared Emergencies: period I, June 1986 to September 1987; II, October 1987 to June 1988; and III, June 1988 to October 1990. Overall trends are captured in figures 2 and 3 on page 101.

During period I most detainees, except a few bystanders caught up in events, were UDF or ANC supporters. A significant number were high-profile UDF leaders or figures from BC-aligned organisations. During period II this changed radically and the majority of detainees were young members (comrades or *amaqabane*) of anti-Inkatha SDUs. Detentions of UDF leaders carried on, most notably those held on 13 November 1987 at a meeting about



Skhumbuzo Ngwenya Mbatha: grave of the long-serving, multiple detainee (PACSA Papers)



Azaria Ndebele: Sobantu memorial to Robben Island prisoner and DESCOM worker detained in 1986

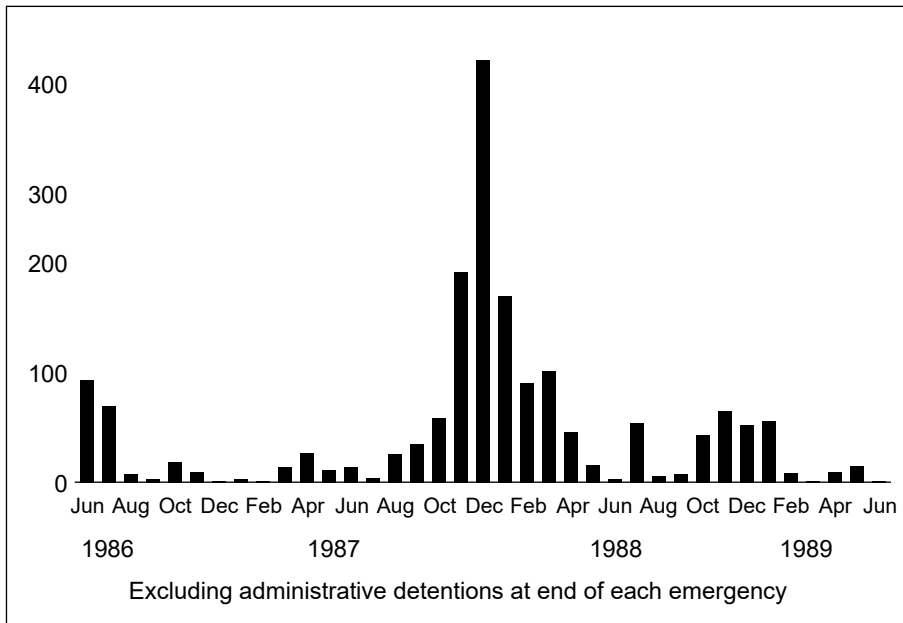


Figure 2 New detentions per month, Natal Midlands, June 1986 to June 1989

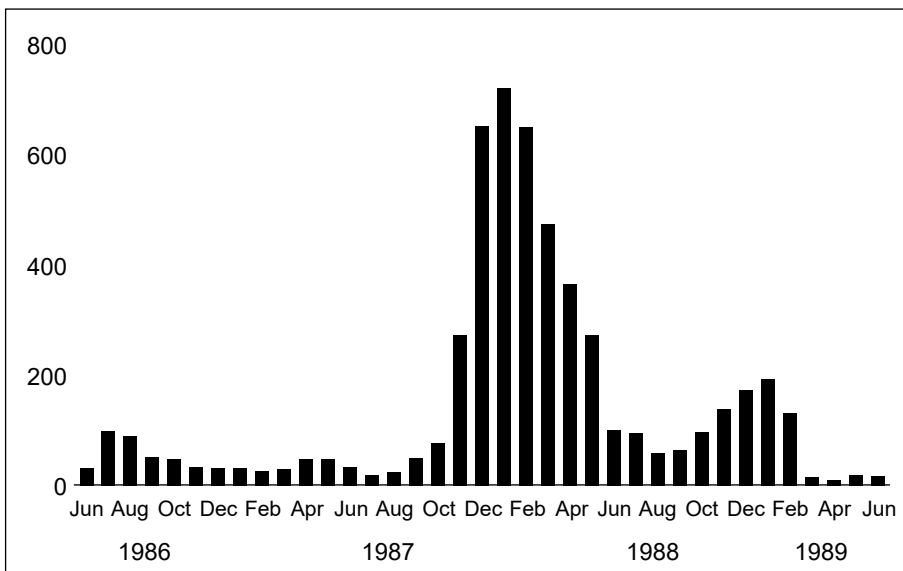


Figure 3 Estimated detainee population, Natal Midlands, June 1986 to June 1989

peace talks. No more than twenty Inkatha members were detained and BC adherents were no longer a factor. During period III the pattern changed once more. Trade unionists began to feature and UDF members reappeared, many of them scholars and mostly from the Hammarsdale area. Overall, the average SoE detainee was male, aged between 18 to 25, anti-Inkatha and held for two to three months. While this description fits probably 50% of all detainees, it is most typical of period II.

Initially, detention had a disabling psychological and practical effect on anti-apartheid organisations. A small core of period I detainees were long term, some of them held under the ISA. During period II there was a quantum leap in the number of detentions: press reports suggested a high of 1 000 in the detainee population. This peaking coincided with the escalation of violence around Pietermaritzburg. During period III the situation was confused but there were significant numbers of long-term detainees, the presence of detainees from new areas reflected migration of the violence, and the hunger strike signalled the effective end of detention without trial. It is generally accepted that nationwide 50 000 people were detained during the Emergency of which the Natal Midlands figure was about 2 000. But the pattern in the region was distinctive. Nationally 26 000 people were detained in the first Emergency declining to 6 000 in the second. The Natal Midlands trend was the opposite, starting with relatively small numbers and taking on the characteristics of mass arrests in period II (figure 4).¹⁰¹

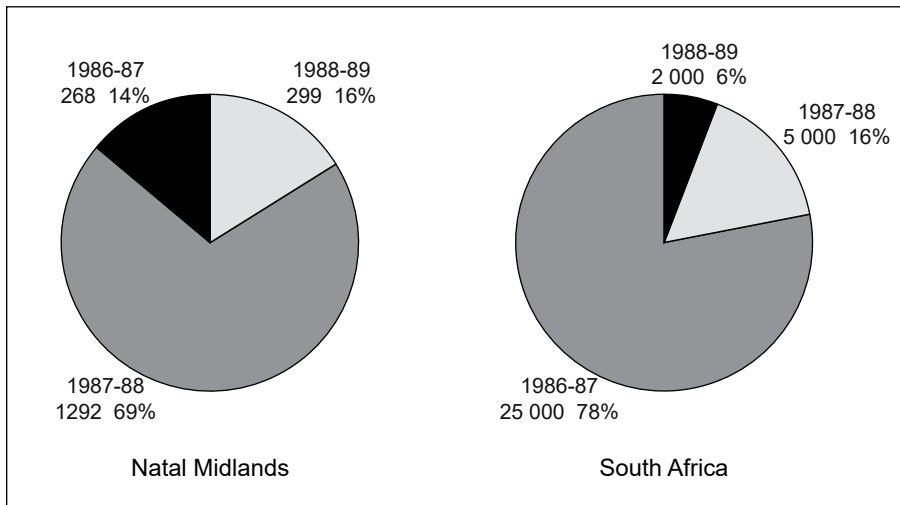


Figure 4 Detentions, Natal Midlands and South Africa, 1986 to 1989

Most detainees were released without charge, although there is no complete record, indicating and symbolising the preventative purpose of detention. The best estimate suggests that no more than 20% of detainees were charged with an offence and that the conviction rate was very low. Most of those against whom charges were successfully pursued were ISA detainees. During period I, one released detainee signed an undertaking to withdraw from politics, but its legality was highly questionable. Confinement to a magisterial district was part of the bail conditions of a charged ex-detainee in September 1987, but restriction orders were almost entirely a feature of period III with 70 recorded cases. In essence the demands of these orders circumscribed political lives and marked out targets. It was in effect a different version of detention, one that was less damaging to the government's image. Alongside this was the constant threat of violence from allies of the government. At least eight ex-detainees were killed by vigilantes and there were allegations that on release detainees were threatened with the attentions of violent opponents. There were also many examples of non-fatal assault that converted ex-detainees into refugees. Most detainees suffered from some form of post-traumatic stress and a general sense of lack of security and trust in people.¹⁰²

Commenting on security legislation several years before the Emergency, a future chief justice in a democratic South Africa wrote: 'one of the ways in which the State has increased its powers is by curtailing [those] of the courts to protect fundamental freedoms'.¹⁰³ As 'agents of the executive' the police were granted indemnified power that was aided by the judgments of conservatives on the bench.¹⁰⁴ Detention without trial, restrictions on release, informal violent repression and a general climate of fear were notable symptoms of this strategy. It was specifically targeted at Charterist-inclined organisations and informal anti-Inkatha groupings. Inkatha warlords operated with impunity although emergency, security and criminal law could justifiably have been employed against them. Indeed, it was impossible for warlord activity to have taken place without police complicity.¹⁰⁵ State strategy was blatantly partisan, designed to disrupt affiliates of the UDF and COSATU while reinforcing Inkatha's ambitions. The government's own statements support the evidence. In the words of Minister of Law and Order Vlok, 'radicals . . . will not be tolerated. We will fight them. We have put our foot in that direction and we will eventually win the Pietermaritzburg area'.¹⁰⁶ The Liberal Democratic Alliance asked the crucial question: what business does a police force have in fighting anyone?¹⁰⁷ An editorial in the local paper took this further, describing Vlok's statement as outrageous: 'the mere holding of opinions is not illegal,

nor is it the job of the police to engage in any kind of thought control.’¹⁰⁸

Detention without trial sent a clear message to political activists: the price of opposition could be very high. Indeed, detention was arbitrary, unannounced and unexpected and could involve months at the mercy and whim of hostile and sometimes brutal people. In effect detention had no defined time limit. Vlok issued the outright lie in March 1990 that only those advocating violence had been detained.¹⁰⁹ This was an inopportune moment for such propaganda during a short period of intense civil war around Pietermaritzburg when hundreds of detentions might have been expected. Instead there were virtually none, indicating that the authorities used detention not as part of impartial policing but rather as a political weapon of destabilisation in particular circumstances.¹¹⁰ Yet the police propaganda machine blandly maintained throughout the Emergency that it was playing an impartial role.¹¹¹ Vlok denied that there was a breakdown of law and order in Natal, a statement described as ‘ludicrous’ by Lawyers for Human Rights and ‘mind-boggling’ by a *Natal Witness* editorial. The latter went on to point out that such supposed ignorance was made possible by the government’s monopoly of information under the Emergency.¹¹²

An assessment by the Human Rights Committee¹¹³ concluded that detention without trial was apartheid’s ‘big gun’ to neutralise the opposition (in contrast to Latin American style disappearances). It had an air of legality but could be used against individuals, groups or whole communities; to extract information and confessions; to break opponents physically and psychologically; to remove leaders from their roles; to recruit informers and sow disinformation; and to justify ongoing restriction after release.¹¹⁴ The legislation governing detention provided wide definitions and allowed subjective discretion in which the opinion of apartheid’s securocrats was elevated above the sort of evidence required by the courts.¹¹⁵

It was a powerful weapon used in tactically different ways, depending on circumstances, by the SB and their shock troops in the riot police, to influence the balance of political power in the Pietermaritzburg area. The conclusion of the 1986 Indaba conference opened up the momentary possibility of a federal political solution in Natal, seen as a major opportunity for Inkatha and the political aspirations of Mangosuthu Buthelezi. The only feasible measure of its popularity was membership numbers and this added urgency to the recruitment drive that had started in the early 1980s. Inkatha was notoriously weak in the Pietermaritzburg area, even in the rural, upper reaches of the Edendale Valley. Stayaways in support of BTR-Sarmcol strikers in Howick in July 1985 and

against the whites-only general election in May 1987 were strongly opposed by Buthelezi, yet were met by an impressive worker endorsement.¹¹⁶ It is relevant to note that although large parts of the upper Edendale valley known as Vulindlela (formerly Swartkop location) fell under the administration of the KwaZulu bantustan, they were still policed by South Africa, not their homeland counterparts although KwaZulu Police members were active as bodyguards.¹¹⁷

These were signs that Inkatha's support was waning. The police maintained the fiction that they were a neutral force supporting the legitimate structures of civil authority who happened to be Inkatha office bearers in the semi-rural areas. This aligned the police solidly with local enforcers such as Sichizo Zuma of the Inkatha Youth Brigade, Imbali town councillors like Patrick Pakkies, Abdul Awetha and Jerome Mncwabe, and rural chiefs and indunas such as David Ntombela. All exhibited characteristics of violent authoritarianism that earned the description of warlord; and which was either ignored or abetted by the police. Many detainees described how their original arrests were the result of joint Inkatha and police operations in which they were tracked down, assaulted and interrogated by vigilantes before being officially detained.¹¹⁸

One of the results was that organisations with democratic inclinations and aspirations were forced to work in undemocratic and secretive ways that detracted from their potential. It took out of circulation politically astute leaders, damaged institutional cohesiveness and exposed organisations to opportunists and infiltrators. It removed leaders from the peace process and arguably prolonged conflict, making a mockery of the government's commitment to peace and stability. The experience of Skhumbuzo Ngwenya Mbatha, Pietermaritzburg secretary of the UDF, is emblematic of this. Detained on 26 June 1986 he was released after 350 days at the end of the first Emergency. Involved in peace negotiations with youth leaders he was redetained on 13 November 1987 for five days. In 1988 he was detained yet again and spent altogether 25 months in jail without trial during the Emergency.¹¹⁹ After his assassination on 8 February 1992 many tributes were paid to his political effectiveness, but Colin Gardner summed it up: 'S'khumbuzo suffered a good deal for the cause. One had a suspicion that what the police particularly disliked in him, besides his efficiency and effectiveness within the liberation movement, was his reasonableness, his essential gentleness ... he was so obviously a man of peace.'¹²⁰

The human rights implications of detention without trial were of course national. In the case of the Natal Midlands they took on added meaning within the context of widespread violence from late 1987 onwards. Abuse

of human rights indicated that the authorities feared a severe threat to their legitimacy. Detention was a tactic of last resort that sent a simple message: engage in political activity outside the limits prescribed by government and you, your family and comrades will be deprived indefinitely of basic civil rights notwithstanding the fact that for most detainees these were already very limited.

This was highly dangerous. Detention devalued an already questionable legal system in many people's eyes. Government abandoned the rule of law and resorted to oppression that included handing over the townships to an indemnified, politicised police force and its vigilante allies. The overt abandonment of human rights led to a scenario in which there was a rapid deterioration in mutual regard for the rights of others, most obviously manifest in extreme violence. History abounds with examples of the victims of violence quickly resorting to the same tactics. And the long-term effect on the police themselves was considerable: twenty years later Antony Albeker wrote that 'securing the structures of inclusion and exclusion was a dirty, brutal and brutalizing business'.¹²¹

Both at the time, and subsequently, the effect of detention on individuals was largely neglected, caught up in the drama of broad political developments. John Dugard had 'referred to the Terrorism Act as being so horrific that few people have been able to grasp its severity'.¹²² By 1986 this Act had become the equally draconian ISA, to which on 12 June 1986 emergency regulations were added. The state security regime in force in South Africa in the years 1986–1990 was just one step short of the methods of full totalitarianism: only the concentration camps were missing. It is reasonable to argue that all those detained for more than a short period were subjected to psychological abuse by the very nature of their detention and that this was a deliberate part of state strategy. The solitary confinement suffered by some emergency detainees was deemed as damaging as physical assault or electric shocks.

Detention touched the lives of thousands: family, friends, political comrades and colleagues: 'the damage caused to society as a whole is felt far beyond the detainees themselves'.¹²³ For many this was entirely counterproductive, radicalising rather than subduing. Many people emerged stronger and more committed from detention, which acted to create greater solidarity. It forced the MDM to focus more clearly on human rights and the Constitution of the Republic of South Africa finalised in 1996 is a model in that regard. It also reinforced the position of an already strong civil society sector in the region that included progressive staff in the local university alongside individuals

within the legal profession and in religious organisations. Similarly, detention challenged the libertarian instincts of the business community. Detention without trial, apparently a strong weapon in the hands of the State, had a fatal weakness: its sheer injustice extracted a reaction even from some unpoliticised citizens and was guaranteed to elicit an adverse reaction from the international community. Coupled with hunger strikes it ultimately proved a political liability for the government, although the long-term damage to the socio-political fabric of the Natal Midlands, as elsewhere, was considerable.

ENDNOTES

- 1 Freedom Charter, 1955 (Raymond Suttner and Jeremy Cronin, *30 Years of the Freedom Charter* (Johannesburg: Ravan Press, 1986: 264)). This mirrors article 9 of the Universal Declaration of Human Rights: 'no one shall be subjected to arbitrary arrest, detention or exile'.
- 2 Anthony S. Mathews, *Law, Order and Liberty in South Africa* (Cape Town: Juta, 1971): 133.
- 3 Don Foster, Dennis Davis and Diane Sandler, *Detention and Torture in South Africa: Psychological, Legal and Historical Studies* (Cape Town: David Philip, 1987): 154.
- 4 The basic data used in this article was collected by the Detainees Support Committee (DESCOM), which was renamed the Detainees Aid Committee (DACOM) in February 1988 when DESCOMs around the country, along with sixteen other organisations, were restricted under SoE regulations from performing any activities whatsoever without the right to demand reasons or approach the judiciary. DESCOM/DACOM was assisted by PACSA (Peter Kerchhoff and colleagues), the Centre for Adult Education (CAE) at the University of Natal, Pietermaritzburg (John Aitchison and Vaughn John) and the Progressive Federal Party (Radley Keys). Its purpose was to provide material and moral help to political detainees and their families and monitor and publicise the effect of detention without trial on society in Pietermaritzburg and the Natal Midlands (Mooi River to Camperdown and Greytown to Richmond). It was in daily telex contact with Amnesty International in London. DESCOM/DACOM was careful to verify its information and tended to err on the side of caution, but it was closely aligned with affiliates of the UDF. Although it was clearly not a politically neutral body, its methods and the passage of time have done absolutely nothing to devalue the information it collected or the main trends it was able to identify. Thirty years later, no new information has come to light to invalidate its work. This was recorded in *Detention under Three Emergencies* (Pietermaritzburg: DACOM, 1989). The author salutes the contribution made to DESCOM/DACOM by its members Peter Kerchhoff, Colin Gardner, Christine Chapman, Azaria Ndebele, Marie Dyer and Les Weinberg (all of whom are now dead); Ilan Lax, John Aitchison and Aron Mazel. The work of the CAE is described in Matthew Kentridge, *An Unofficial War: Inside the Conflict in Pietermaritzburg* (Cape Town: David Philip, 1990): 130–133. Little was published in the local press about detention because the SoE regulations were severe: the *Natal Witness* was investigated fourteen times in three months, for example (Kentridge, *An Unofficial War*: 140).
- 5 The Public Safety Act (3 of 1953) provided for indefinite preventative detention without warrant by any member of the security forces in order to maintain public order. It was conceived during the Defiance Campaign against unjust laws of 1952. When the Act was invoked on 12 June 1986 it provided the security forces with options additional to those already in force under the Internal Security Act (74 of 1982): detention of state witnesses (s.31); short-term preventative detention (s.50/50A); indefinite interrogative detention (the notorious s.29); and indefinite detention without interrogation (s.28). Sections 28 and 50/50A were effectively made redundant by the PSA, although emergency legislation regulations had to be renewed annually. The ISA had streamlined and superseded a range of legislation providing for detention without trial: General Laws Amendment Act (37 of 1963, 90-day detention); Criminal Procedure Amendment Act (96 of 1965, 180-day detention); General Laws Amendment Act (62 of 1966, 14-day renewable preventive detention); Terrorism Act (83 of 1967, s.6 indefinite detention for interrogation in solitary confinement); and Internal Security Amendment Act

- (79 of 1976, 12-month renewable preventive detention and 6-month solitary detention of potential state witnesses). For a comprehensive overview see Max Coleman (ed.), *A Crime Against Humanity: Analysing the Repression of the Apartheid State* (Johannesburg: Human Rights Committee; Bellville: Mayibuye Books; and Cape Town: David Philip, 1998): 30–31, 44–47. For analysis of s.29 of the Internal Security Act see Lawrence Baxter, 'Section 29 of the Internal Security Act and the rule of law' *Reality* 17(6) 1985: 4–6. It should be remembered that for African South Africans detention powers dated back to the Native Administration Act (1927) under which the Governor-General as supreme chief could detain for up to three months.
- 6 See, for instance, Jacob Dlamini, *Askari: A Story of Collaboration and Betrayal in the Anti-Apartheid Struggle* (Johannesburg: Jacana, 2014): 79.
 - 7 Christopher Merrett, 'The beginning of the end' *Witness* 30 March 2010. For an account of Brown's detention see Michael Cardo, *Opening Men's Eyes: Peter Brown and the Liberal Struggle for South Africa* (Johannesburg: Jonathan Ball, 2010): 143–153.
 - 8 Graeme Bloch, 'Sounds in the silence: painting a picture of the 1960s' *Africa Perspective* 25 (1984): 8.
 - 9 Raymond Wacks, 'Introduction' in *Detention and Security Legislation in South Africa: Proceedings of a Conference held at the University of Natal, September 1982*, ed. by A.N. Bell and R.D.A. Mackie (Durban: Centre for Adult Education, University of Natal, 1985): vii.
 - 10 Arthur Chaskalson, 'Opening address' in *Detention and Security Legislation in South Africa: Proceedings of a Conference held at the University of Natal, September 1982*, ed. by A.N. Bell and R.D.A. Mackie (Durban: Centre for Adult Education, University of Natal, 1985): 5.
 - 11 Imtiaz Cajee, *Timol: A Quest for Justice* (Johannesburg: STE, 2005): 142.
 - 12 Nina Hassim, 'A tribute to my jailer' *Witness* 7 August 1998.
 - 13 Neville Alexander, *Robben Island Dossier, 1964–1974* (Cape Town: UCT Press, 1994): 112 n.31.
 - 14 James Sanders, *Apartheid's Friends: The Rise and Fall of South Africa's Secret Service* (London: Murray, 2006): 130, 424; 'Portrait of a defector' *New African* 148 (1979): 40–41; Lambert claimed from Sweden that he knew the identity of Rick Turner's assassin, one Cougar Kruger, a hired BOSS killer (Graham Boynton, *Last Days in Cloud Cuckooland: Dispatches from White Africa* (Johannesburg: Jonathan Ball, 1997: 117)).
 - 15 Truth and Reconciliation Commission of South Africa (TRC), *Report Volume 3*: (Cape Town: TRC, 1998): 169.
 - 16 *Survey of Race Relations (SRR)* 1979: 146.
 - 17 Coleman (ed.), *A Crime Against Humanity*: 59.
 - 18 *SRR* 1982: 237–238, 246.
 - 19 *Ibid*: 246.
 - 20 This overview is based on Paul Forsyth, *Pietermaritzburg Conflict Chronology: Political Developments in Pietermaritzburg, 1980–1986* (Pietermaritzburg: Department of Historical Studies, University of Natal, 1991), a digest of press reports; and John Aitchison, *Numbering the Dead: The Course and Pattern of Political Violence in the Natal Midlands, 1987–1989* (Pietermaritzburg: Natal Society Foundation Trust, 2015): 7–18. Forced recruitment by Inkatha was seen as a significant catalyst for the violence that flared up in the Edendale Valley in the second half of 1987 – see David Niddrie, 'Into the valley of death' *Work in Progress (WIP)* 52 (1988): 11–12.
 - 21 TRC, *Report Volume 3*: 240.
 - 22 Philippe Denis, '"Men of the cloth": the Federal Theological Seminary of Southern Africa, Inkatha and the struggle against apartheid' *Journal of Southern African Studies* 34(2) 2008: 305–306.
 - 23 Niddrie, 'Into the valley of death': 15.
 - 24 *Natal Witness (NW)* 15 January 1986.
 - 25 One of the organisations that sprang out of the schools crisis in Sobantu was Forward Youth (*Echo* 16 January 1986). It had been launched in December 1985 at Sobantu with Lyov Hassim as secretary and Adam Habib as deputy secretary as part of the Marxist Workers Tendency of the ANC, although its national allies were Unity Movement groups. In Sobantu it clashed with the Youth Organisation (SOYO) and this led to the death of ex-detainee Frans Ngcamu in July 1987.
 - 26 *NW* 2 May 1986.
 - 27 Laurence J. Boulle, 'Detainees and the courts: new beginnings' *South African Journal on Human Rights* 1(3) 1985: 252–253, 259; Anthony S. Mathews, 'The South African judiciary and the security system' *South African Journal on Human Rights* 1(3) 1985: 209.

- 28 Human Rights Commission, *Human Rights and Repression in South Africa: The Apartheid Machine Grinds On* (Johannesburg: Human Rights Commission, South African Council of Churches and the Southern African Catholic Bishops Conference, 1989): 19–21.
- 29 Anthony S. Mathews, *Freedom, State Security and the Rule of Law: Dilemmas of the Apartheid Society* (Cape Town: Juta, 1986): 214.
- 30 Coleman (ed.), *A Crime Against Humanity*: 38–39, 41. The Public Safety Amendment Act (67 of 1986) was promulgated on 26 June 1986 and first implemented on 24 August 1990.
- 31 Foster, Davis and Sandler, *Detention and Torture in South Africa*: 36–38, 189–190.
- 32 Raymond Tucker, 'Protection of detainees: facts & fiction' in *Detention and Security Legislation in South Africa: Proceedings of a Conference held at the University of Natal, September 1982*, ed. by A.N. Bell and R.D.A. Mackie (Durban: Centre for Adult Education, University of Natal, 1985): 41.
- 33 Anthony S. Mathews, 'Detention without trial and the rule of law – a comparative analysis' in *Detention and Security Legislation in South Africa: Proceedings of a Conference held at the University of Natal, September 1982*, ed. by A.N. Bell and R.D.A. Mackie (Durban: Centre for Adult Education, University of Natal, 1985): 59.
- 34 Mathews, *Freedom, State Security and the Rule of Law*: 62.
- 35 Sorchu Gunne, 'Prison and political struggle in Nadine Gordimer's *Burger's Daughter*' *Journal of Southern African Studies* 42(6) 2016: 1064, 1066, 1067–1068.
- 36 It is termed the first Emergency in this article, followed by the second, third, fourth and fifth (1987–1988, 1988–1989, 1989–1990 and 1990). But previous Emergencies had affected Pietermaritzburg and 121 other magisterial districts (of a total of 265) from 30 March to 31 August 1960; and 44 magisterial districts (none in Natal) from 21 July 1985 (the day of the funeral of the murdered Cradock Four) until 7 March 1986. There were 11 727 detentions in 1960 and about 8 000 in 1985–1986. Surprisingly, no national Emergency had been declared at the time of the Soweto Uprising in 1976.
- 37 Some of Pietermaritzburg's detainees were already well known, or would become so: Thami Mseleku (director-general in the national departments of education and health, and high commissioner to Nigeria, Malaysia and Tanzania), Skhumbuzo Ngwenya Mbatha (UDF regional secretary), Yunus Carrim (deputy minister of local government), Yusuf Bhamjee (mayor of Umkungundlovu Municipality), Adam Habib (vice-chancellor of the University of the Witwatersrand), A.S. Chetty (UDF regional chairperson), Chota Motala (ambassador to Morocco), John Jeffery (deputy minister of justice) and Peter Kerchhoff (PACSA organiser).
- 38 For example, National Education Union of South Africa (NEUSA), National Union of South African Students (NUSAS), PACSA, DESCOM, Natal Organisation of Women (NOW), End Conscription Campaign (ECC), South African Committee for Higher Education (SACHED), Association for Rural Advancement (AFRA), the Progressive Federal Party (PFP) and the Pietermaritzburg Council of Churches (PMBCC).
- 39 Foster, Davis and Sandler, *Detention and Torture in South Africa*: 92–93, 94, 120.
- 40 David Webster, 'Repression and the State of Emergency' *South African Review* 4 (1987): 149.
- 41 *NW* 14 June 1986: 10. The name attached to the advert was Ronald Devy.
- 42 Mathews, *Freedom, State Security and the Rule of Law*: 203.
- 43 Peter and Joan Kerchhoff v. Minister of Law and Order, Minister of Justice, Commissioner of Police and Officer Commanding New Prison, NPD 14 August 1986, case 1912/86 before judges Kriek, Law and Thirion. In a familiar move, police switched one of the detainees to the more stringent s.29 of the ISA.
- 44 Dennis M. Davis, 'The judges [*sic*] crucible: ideology of law and ideology of struggle' in *Views on the South African State*, ed. by Mark Swilling (Pretoria: HSRC, 1990): 235.
- 45 The matter of visiting judges was also a problem elsewhere: see Alexander, *Robben Island Dossier*: 89.
- 46 Foster, Davis and Sandler, *Detention and Torture in South Africa*: 108; G.A. Tyson, 'The psychological effects of detention' in *Detention and Security Legislation in South Africa: Proceedings of a Conference held at the University of Natal, September 1982*, ed. by A.N. Bell and R.D.A. Mackie (Durban: Centre for Adult Education, University of Natal, 1985): 81–84; Frances Ames, 'Brain dysfunction in detainees' in *Detention and Security Legislation in South Africa: Proceedings of a Conference held at the University of Natal, September 1982*, ed. by A.N. Bell and R.D.A. Mackie (Durban: Centre for Adult Education, University of Natal, 1985): 85–88.
- 47 *Government Gazette (GG)* 10281 (12 June 1986).

- 48 Gilbert Marcus, 'Safeguarding the health of detainees'; Effie Schultz, 'Medical care of detainees' in *Emergency Law: Papers Presented at a Workshop, Johannesburg, April 1987*, ed. by Nicholas Haysom and Laura Mangan (Johannesburg: Centre for Applied Legal Studies, University of the Witwatersrand, 1987): 146–147, 163, 183.
- 49 This could only be done legally by a senior officer as punishment for a gazetted offence (*GG* 10281, 12 June 1986 s.21).
- 50 Janice Warman, *Class of '79: The Story of Three Fellow Students who Risked their Lives to Destroy Apartheid* (Johannesburg: Jacana, 2014): 124–125.
- 51 *NW* 12 June 1987.
- 52 *Echo* 20 August 1986; *NW* 9 and 23 October 1986.
- 53 Aitchison, *Numbering the Dead*: 91–92.
- 54 Büchner was regarded as an expert on anti-ANC operations. Before arriving in Pietermaritzburg he had an active, hands-on career. According to Dirk Coetzee testifying before the Harms Commission in 1991, Büchner was one of the founders in 1981 with Coetzee and Jan Viktor of the Vlakplaas hit squad. By 1984 he was assisting the State Security Council's Mozambique working group, which included Craig Williamson, in its liaison work with RENAMO. He was specifically involved in planning raids on ANC houses in Maputo and the murder of their occupants (see Terry Bell with Dumisa B. Ntsebeza, *Unfinished Business: South Africa, Apartheid and Truth* (Observatory: RedWorks, 2001): 254). In May 1989 he left the SB in Pietermaritzburg to become commissioner of the KZP.
- 55 Niddrie, 'Into the valley of death': 9, 11.
- 56 John Aitchison, 'Can the Inkatha gate be closed?' *WIP* 77 (1991): 6, 8.
- 57 DESCOM, 'Memorandum addressed to the commanding officer of the Security Police in Pietermaritzburg', 14 January 1988.
- 58 *Debates of the House of Assembly* 19 April 1988. These incidents were reported on the BBC World Service programme 'Focus on Africa', 24 March 1988 at 6.30 pm GMT.
- 59 Kentridge, *An Unofficial War*: 200.
- 60 Lou Levine (ed.), *Faith in Turmoil: The Seven Days War* (Pietermaritzburg: PACSA, 1999): 59. The witness was a Mr Ndlela.
- 61 Kentridge, *An Unofficial War*: 90–93.
- 62 South African Democracy Education Trust, *The Road to Democracy in South Africa: Volume 1, 1960–70* (Cape Town: Zebra, 2004): 532.
- 63 TRC, *Report Volume 3*, ss. 210, 214. Warber also armed members of Inkatha implicated in violence. He died violently at Winterskloof at the end of 2009. Officially he committed suicide in his garden, but questions remain about the circumstances (personal communication, Liz Cundall, 2010).
- 64 Niddrie, 'Into the valley of death': 6.
- 65 Coleman (ed.), *A Crime Against Humanity*: 112–113, 114.
- 66 Aitchison, *Numbering the Dead*: 25, 27.
- 67 Tim Smith, 'The Seven Days War 1990' in *Faith in Turmoil: The Seven Days War*, ed. by Lou Levine (Pietermaritzburg: PACSA, 1999): 104.
- 68 Among the others were Sthembiso Hlongwane (Edendale), Mzwandile Mbongwe (a university student from Imbali), Msizi Mfeka, Pamela Mnandi, Madomane Mnguni (Mpophomeni), Nthuthuko Mokubung (Edendale), Sibusiso Ndlela, Jameson Ngomane, Snothi Nkabinde (Magwagwa) and Zakhele Ntshangase, all from UDF-aligned organisations.
- 69 Jeremy Seekings, *The UDF: A History of the United Democratic Front in South Africa, 1983–1991* (Cape Town: David Philip, 2000): 222.
- 70 Kentridge, *An Unofficial War*: 157.
- 71 Numbers were so large it was impossible to keep track of releases, so the numbers in detention at any one time are unknown. Indeed, monitoring in any depth became extremely difficult. The townships were increasingly hazardous places, access to prison even for lawyers became stricter, and parents stopped enquiring about their children: ironically they felt they were safer in prison. 'Detentions: developments during 1988/9' *Critical Health* 26 (May 1989): 5, 7.
- 72 Kentridge, *An Unofficial War*: 72.
- 73 Niddrie, 'Into the valley of death': 10.
- 74 Memo submitted by Rishi Thakurdin to the head of New Prison, 11 January 1988.
- 75 *NW* 6 May 1988.

- 76 The hunger strikes are covered in *Sidla Ekhaya: We Shall Eat at Home: The Detainees' Hunger Strike in Pietermaritzburg, 1989* (Pietermaritzburg: Detainees Aid Committee, 1990). Questionnaires were completed by a few detainees and their details augmented from information held by DACOM.
- 77 Betty Livingstone, Dee Pinto and Louise Frankel, 'The psychological effects of detention and hunger strikes on mental health' *Critical Health* 26 (May 1989): 24–25.
- 78 *Sidla Ekhaya*: 4.
- 79 *NW* 24 February 1989.
- 80 *Human Rights and Repression in South Africa*: 21; David Webster and Maggie Friedman, 'Repression and the State of Emergency: June 1987–March 1989' *South African Review* 5 (1989): 18–19.
- 81 Irish Committee for Justice and Peace to Southern African Catholic Bishops Conference, fax dated 15 February 1989.
- 82 *NW* 25 February 1989.
- 83 *Weekly Mail* 8 September 1989.
- 84 John Falk, 'Medical and ethical aspects of detention and hunger strikes' *Critical Health* 26 (May 1989): 14; *NW* 1 March 1989.
- 85 *NW* 28 February 1989.
- 86 For details of the national hunger strike see Coleman (ed.), *A Crime Against Humanity*: 140–141.
- 87 *NW* 18 February 1989. An advert placed on 16 February was sponsored by two dozen local organisations.
- 88 *Human Rights Update* May 1989: 49.
- 89 Heather Hughes and Christopher Merrett, 'Detentions' *South African Human Rights and Labour Law Yearbook* 1990: 90–91.
- 90 Indries Naidoo with Albie Sachs, *Island in Chains: Ten Years on Robben Island by Prisoner 885/63* (Harmondsworth: Penguin, 1982): 175.
- 91 *DACOM Fact Sheet* 2 (December 1989).
- 92 Hughes and Merrett, 'Detentions': 88, 91.
- 93 Coleman (ed.), *A Crime Against Humanity*: 74–77.
- 94 *Weekly Mail* 3 November 1989. The details emerged from a court case.
- 95 Proclamation 96, GG 12523 (8 June 1990).
- 96 Human Rights Commission, *Review of 1990* (Braamfontein: HRC, 1991): 1.
- 97 GG 13671 (4 December 1991), 13807 (3 March 1992) and 14012 (2 June 1992).
- 98 *NW* 12 December 1991. The HRC, however, made no published record of this.
- 99 GG 13897 (8 May 1992) and 14044 (8 June 1992); *NW* 9 May 1992; Anne Truluck, 'No Blood on our Hands': *Political Violence in the Natal Midlands 1987–mid-1992 and the Role of the State, 'White' Political Parties and Business* (Pietermaritzburg: Natal Midlands Black Sash, 1992): 82.
- 100 GG 14402 (6 November 1992). For a personal, highly involved account of unrest in the area in the 1990s see Andrew Ragavaloo, *Richmond: Living in the Shadow of Death* (Johannesburg: STE, 2008).
- 101 'Detentions' *WIP* 56/57 (1988): 34.
- 102 Foster, Davis and Sandler, *Detention and Torture in South Africa*: 112, 149–152.
- 103 Chaskalson, 'Opening address': 2.
- 104 Foster, Davis and Sandler, *Detention and Torture in South Africa*: 154–155.
- 105 Kentridge, *An Unofficial War*: 197–198.
- 106 *NW* 27 February 1988.
- 107 *Echo* 3 March 1988.
- 108 *NW* 9 April 1988.
- 109 *NW* 22 March 1990.
- 110 Jacklyn Cock, 'The role of violence in current state security strategies' in *Views on the South African State*, ed. by Mark Swilling (Pretoria: HSRC, 1990): 99.
- 111 Truluck, 'No Blood on our Hands': 22–23.
- 112 *NW* 18 and 19 May 1989.
- 113 This was the independent, apartheid-era HRC; not to be confused with the Chapter 9 body set up under the 1996 Constitution.
- 114 Coleman (ed.), *A Crime Against Humanity*: 43.
- 115 Mathews, *Freedom, State Security and the Rule of Law*: 63, 67.
- 116 Kentridge, *An Unofficial War*: 221–223.

- 117 John Aitchison, 'The Seven Days War (25 to 31 March 1990): background, course and questions' in *Faith in Turmoil: The Seven Days War*, ed. by Lou Levine (Pietermaritzburg: PACSA, 1999): 111.
- 118 Kentridge, *An Unofficial War*: 183, 199, 200–201.
- 119 Karen Allsopp, *Comrade Lost: A Life to Inspire Us* (Pietermaritzburg: PACSA, 1992): 5–6.
- 120 Colin Gardner in Karen Allsopp, *Comrade Lost: A Life to Inspire Us* (Pietermaritzburg: PACSA, 1992): 36. He was killed leaving Pietermaritzburg's Windsor Hotel in Victoria Road. There were accusations that the police took the murder less than seriously in spite of the availability of witnesses. Abdul Awetha and two others were connected to the killing, but the first was assassinated. Seven years later Mfana Lushazi of Mlazi, present at the scene, implicated Moses Mkhize from Pentrich police station. He had been too scared to go to the police, but had approached ANC security (APC PC 11/18).
- 121 Antony Altbeker, *The Dirty Work of Democracy: A Year on the Streets with the SAPS* (Johannesburg: Jonathan Ball, 2005): 242.
- 122 *Torture is Part of the System: State Violence in South Africa and Namibia* (London: ANC, 1984): 7.
- 123 Falk, 'Medical and ethical aspects of detention and hunger strikes': 11.

4

STRUGGLE IN THE WORKPLACE: TRADE UNIONS AND LIBERATION IN PIETERMARITZBURG AND THE NATAL MIDLANDS: PART ONE FROM THE 1890s TO THE 1980s

The struggle moves forward
backwards, never
the wheel is turning
you can hear the creaks of its motion yourself¹

PIETERMARITZBURG'S FIRST TRADE UNIONS were overseas branches of British craft unions that arrived with immigrant workers. The first South African union, founded in 1888 in Durban, was the Typographical Society of Natal, which became a national body in 1898. The earliest strikes in Pietermaritzburg occurred at the *Natal Witness* in 1882 and 1889. In 1893 there was a stoppage by eighty Pietermaritzburg printers and in 1909 the city was affected by a widespread railway strike. A general strike by Asian workers lasted for a fortnight in November 1913 as part of the passive resistance campaign. White railway workers again downed tools in early 1914 and martial law was declared on 13 January in selected magisterial districts, Camperdown and Pietermaritzburg among them. Wartime legislation in 1914 then prohibited strikes in essential services.²

Black workers and unionisation before 1973

The formation of trade unions by African workers was never prohibited, but a succession of white minority-rule governments did their utmost to constrict, obstruct and control them. Natal had passed a Masters and Servants Ordinance in 1850 that applied to all employees, although it was clearly designed primarily for African servants. While it made all strikes illegal, its provisions were rarely applied to white workers. The first organised industrial action by African workers in Natal occurred at the Durban docks in 1895, the year after a specific Masters and Native Servants Act had been passed by the colonial government.

The strike by Asian workers in 1913 originated in the passive resistance struggle against the £3 poll tax designed to encourage repatriation of formerly indentured labourers. Five Pietermaritzburg residents were already in prison by the time of the first local mass meeting of 5 October, but strike action began only on 22 November after a gathering at a temple addressed by Thambi Naidoo. Corporation, hospital and asylum workers were exempt, although there were reports of refusal to work at the municipality. Pickets appeared in town and arrests were made at the railway workshop and Armitage's brickworks. Magistrate B.C. Clarence tried a conciliatory approach but fines, imprisonment and two deportations were the eventual outcome. Prisoners were put in gangs cleaning the streets. There are reports of attacks on market gardens to disrupt food supply, although the perpetrators are unrecorded.

By 27 November the strike was effectively over, although workers from Wartburg and New Hanover were intercepted marching on Pietermaritzburg in search of a 'great leader'. This resulted in one prison sentence and seventeen fines of 10/-. The strike was beset by factionalism; class and generational in particular. Its hub at a temple was the setting for the final meeting on 6 December, addressed by the local socialist L.H. (Lorrie) Greene who called for a united front against capitalism. Thambi Naidoo had been imprisoned, but ten others on bail had their charges dropped on 20 December.³

Immediately after World War I, Pietermaritzburg had a glimpse of global labour unrest: in 1920, 150 Africans unsuccessfully downed tools for two days over a wage claim. At this point the average unskilled daily wage varied between 2/- and 2/6d.⁴ In 1921, 255 Asians in the footwear industry were out for seventeen days demanding that five colleagues who refused to join their union be dismissed. This was also unsuccessful, although an offensive managerial notice was removed. Other post-war strikes (7, 18 and 64 days) involved painters and construction workers and it is possible that some of the strikers were from the coloured community that was well represented among artisans. From 1923, Asians were members of the Pietermaritzburg Municipal Workers Union, but it was apparently defunct by 1930.⁵

From the mid-1920s onwards the Industrial and Commercial Workers Union (ICU) under the leadership of A.W.G. Champion had a strong presence in Natal and was active in the Natal Midlands, particularly Estcourt, Umvoti and Weenen magistracies, although it was motivated by land hunger and a 'mass movement of the dispossessed more than a union'. Most participants in the strikes were farm labour tenants.⁶ Selby Msimang, educated in Edendale, was briefly attached to the ICU locally, but worked as an organiser in the Orange

Free State.⁷ The ICU had a presence in most Natal towns and unrest involving its followers reached a peak in 1927–1928, including desecration of white graves at Greytown. The resultant backlash involved an attempt to burn down the Pietermaritzburg ICU hall, which Clements Kadalie apparently abandoned in the face of the mob.⁸ There was also white vigilantism in Greytown, Weenen (where women attacked the beer hall as late as September 1929) and Kranskop. Rural areas were under extreme economic and climatic stress: this was a pre-colonial economy assaulted by a new capitalist order backed by restrictive legislation with pan-Zulu, proto-nationalist and millenarian religion all involved as counter-weights. The ICU fell apart over ideological disagreements and mismanagement.⁹ A regional organisation called ICU yase Natal was ‘largely broken up with the arrest and deportation of many of its members’ including Champion. He was allowed back into Natal in 1933, but ‘ICU yase Natal, once the most vigorous section of the ICU, slowly wasted away’ and its erstwhile leader became a trader.¹⁰

From the mid-1930s until the 1940s, 27 unions led by the Communist Party of South Africa (CPSA) operated in Natal on behalf of African and Asian workers. These unions were not illegal, but excluded from statutory rights, and the extent of their operation in the Pietermaritzburg area is obscure. One of them was to develop into the Food and Canning Workers Union. The Natal Liquor and Catering Trade Employees Union had a multiracial membership in 1941 and a uniform wage for qualified hotel staff. Asian workers also benefited from union-negotiated wage rates in the furniture and printing industries. On the other hand, Asians were excluded from union membership in the building industry.¹¹

Eighty-five strikes involving black workers took place in Natal from 1930 to 1950, one of the most notable being the Durban Falkirk Iron Factory strike of 1937.¹² Only a few of them appear to have affected the Midlands. The 163 members of the Leather Workers Union involved in a three-day strike at a footwear factory in Pietermaritzburg in January 1936 included over 100 blacks, and all 35 strikers in a one-day dispute at Henley Dam in June 1939 were black. Strikes during World War II were met by regulations gazetted in 1942 and 1944 as war measures, but only after black workers in the construction industry in Pietermaritzburg and at a food canning factory at Estcourt had walked off the job in protest at price inflation in 1942.¹³ In the aftermath of World War II there was a small surge of strikes in the Midlands: the power station at Colenso (150 workers in January 1947), a milk products factory at

Estcourt (140 in August 1947), and a food processing factory in the same town (74 in March 1948).¹⁴

The Masters and Servants Act was aptly named and clear in its message: black workers were essentially servants, ultimately subject to the whim of white masters. Described by Colin Bundy as feudal and punitive, the Act elided production and service allowing whites to determine the rules so that black workers were forced to make tea and wash cars under constant *baasskap* and the threat of arbitrary dismissal. The Act criminalised contract breaking, treating strikers as deserters, and was repealed as late as October 1974.¹⁵ However, while the Industrial Conciliation Act (ICA) of 1924 required union registration and excluded Africans ('pass bearing natives') from the definition of employee, unions were simply described as associations of persons.¹⁶ Nor did the ICA make African unions illegal and as long as they had applied for registration they were legitimate. Importantly, in terms of the Wage Act of 1925 an unregistered association of African employees could request an investigation leading to a gazetted, binding determination although it had no right of representation. On the other hand the Riotous Assemblies Act and amendments allowed the suppression of almost any African trade union meeting.¹⁷ Proletarianisation and a breakdown of tribal authority created a much-feared vacuum in the eyes of the white authorities.¹⁸

Ringrose classified Natal's trade unions in the crucial year of 1948. Craft unions, represented, for example, by the Pietermaritzburg Tramway and Motor Employees Union, remained strong and by definition excluded Africans. General unions spanning a number of trades or industries were disallowed by the ICA, but operated among workers excluded from registered unions; one of them being the African General Labourers Union. Some industrial unions, such as the South African Typographical Union (SATU), had parallel structures for African workers that provided for negotiation. These were the most durable structures, although their effectiveness is debatable. In the case of SATU continued union membership for African workers was allowed in spite of broken service of up to six months.

In 1946, it was estimated that there were a dozen African trade unions in Natal but the fact that they were unaccounted for nationally by the Council for Non-European Trade Unions, founded in 1942, suggests that they were relatively weak.¹⁹ The Natal Federation of African Trade Unions (NFATU) had been founded in 1943 by Jacob Nyaoase with a membership of ten unions (some sources say five) most notably representing commercial and distributive workers, iron, steel and metal workers, and hotel, flats and tea room workers.

NFATU's ideology was anti-Asian, anti-communist and assertive of African rights. By 1944, according to Harry Gwala, five of the unions were active in Pietermaritzburg while the Commercial and Distributive Workers Union had a presence in Ladysmith. However, NFATU had ceased to exist by 1948, its 'unions little more than paper organizations'.²⁰ In the early 1950s the African Commercial and Distributive Workers Union of South Africa had a branch in Pietermaritzburg, but as Ringrose points out even it led a 'very precarious existence'. Subscriptions from poorly paid workers were difficult to extract and office premises hard to secure. Most unions survived as local organisations and there were far too many of them to be influential. Some black independent unions had political connections. Others were largely fictitious, consisting of opportunists who operated from borrowed addresses under grand names, writing letters for aggrieved African workers.²¹

In 1939 the Minister of Labour, Harry Lawrence, told the House of Assembly that while Africans could not be *de jure* union members, they could be *de facto*.²² Wartime conditions and demands and post-war expectations had reinforced the recommendation of the 1942 Smit Report that registered African trade unions be legalised, and bargaining with unions had taken place during the 1940s.²³ In this spirit, the 1951 Industrial Legislation (Botha Commission) report originally set up by the Smuts government recommended recognition and control of African unions under separate legislation, although not for mine, agricultural or domestic workers; instead of the existing situation 'unrecognized officially by the Government and ignored by most employers'. The national union federation, the South African Trades and Labour Council (SATLC), was severely divided over the issue of African unions and this may have been a contributory factor to the discontinuation of the Pietermaritzburg local in 1947.²⁴ The Federated Chambers of Industry advocated relaxation of influx control and 'full, statutory recognition of African trade unions', preferring to deal with organised labour.²⁵

But the National Party (NP) government feared the political potential of African unions: the Native Labour (Settlement of Disputes) Act (1953), redefined 'employee' in terms of the ICA by excluding Africans and opted for repression over control.²⁶ Although unions were not prohibited, they were delegitimised by a three-tier structure of elected works committees, regional native labour commissions and a Native Labour Board. Works committees were so distrusted that only 24 statutory bodies had been set up nationally by 1969. From 1955 onwards the Wage Board was no longer required to follow up complaints by African workers. An amendment to the ICA (1956)

prohibited mixed, registered unions, requiring them to have separate branches and meetings; and a further amendment (1959) disallowed the collection of union dues from Africans. Thus, by an 'avalanche of legislation ... the state ... politically disorganis[ed] the working class'.²⁷

On 26 June 1950 a work stayaway called by the African National Congress (ANC) was well supported throughout Natal, but this tactic was then abandoned in favour of passive resistance.²⁸ The Howick Rubber Workers Union (HRWU) was founded in 1951 and registered in 1952, shortly before the NP version of labour relations was imposed. It was affiliated to the SATLC, with David Sewdan as its chairperson and Harry Gwala its secretary.²⁹ In November 1951 a dispute was declared on behalf of 153 Asian, 32 coloured and two African workers and application made for a conciliation board. This was rejected, as was a request for arbitration in 1952, although by then the HRWU represented 730 workers. The response of the employer, Sarmcol, was predictably traditional: to invite unhappy employees to leave and try to set up a company union. After another unsuccessful application for a conciliation board, inconclusive negotiations took place and an agreement was established on wages and benefits.³⁰ There is evidence of a strong link between the company and the police with the latter supplying information gathered about the union, a relationship that would endure for many years.³¹

Apartheid South Africa offered black workers two options: parallel unions overseen by their white counterparts affiliated to the Trade Union Council of South Africa (TUCSA, founded in 1954); or independent unions.³² The South African Congress of Trade Unions (SACTU) accommodated the latter, 33 of them at its founding in March 1955. Some of them operated in the Natal Midlands including the 750-strong HRWU represented at the inaugural meeting by M. Pillay; together with two of its most notable individual unionists, Harry Gwala and Moses Mabhida.³³ Mabhida, active among Pietermaritzburg distributive workers in the early 1950s when working for a co-operative, was the assistant secretary of the Pietermaritzburg ANC branch and ordered by the underground South African Communist Party (SACP) in 1953 to concentrate on union work. But in 1954 he was moved to Durban to organise railway workers.³⁴

Gwala had been drawn into the CPSA through selling the *Guardian* newspaper with Fred Carneson³⁵ and recruited among Pietermaritzburg distributive, trade, building, chemical, and brick and tile workers from the mid-1940s. He left for Durban in 1948 and organised textile workers, but returned the following year and was involved with Howick rubber and Pietermaritzburg municipal

employees. There is a certain Pimpernel quality to his life story, which is difficult to verify overall, and Bonnin describes him as an 'elusive figure'. It is claimed, for example, that he organised the Pietermaritzburg SACTU local, although he was listed in 1952 under the Suppression of Communism Act and subject to banning restrictions in 1956 when the local was provisionally established. At this stage bus and laundry workers were being organised, with difficulty according to Mabhida because many of them were rural migrants.

Between 1954 and 1958 Gwala worked at Edendale Hospital, from which he was dismissed for distributing SACTU pamphlets. His banning order expired in 1956 and he was able to resume organising at Sarmcol and among bakery workers. By the late 1950s Gwala was excluded from Sarmcol and had to hold meetings under nearby trees, but the plant was considered significant enough to be monitored carefully by the police Security Branch (SB) and visited by Mabhida and Oliver Tambo. Gwala is remembered by legions of workers as a crucial activist, but precise details are sparse. The SACTU local was functioning in 1960, but suffered a setback with Gwala's detention under the Emergency. He was subsequently rebanned in 1961 and 1962 and on 11 June 1964 was sentenced to eight years in prison for Umkhonto we Sizwe (MK) activity. Moses Bhengu took over, but he in turn was banned. The collapse of the local in 1962 is attributed to this, leading to financial assistance from Durban. Locals at Estcourt and Ladysmith presumably suffered the same fate. Felix Ngcobo attempted to keep the Rubber and Cable Workers Union (RCWU) alive in the face of police intimidation. Others involved with SACTU in Pietermaritzburg were Anton Xaba, William Khanyile and Joel Kunene.³⁶

SACTU, particularly strong in the metal and related industries, had considerable influence on the Pietermaritzburg region. By the late 1950s Sarmcol employees at Howick were members of the RCWU, apparently simply known as 'Gwala's union'. Some of their reputed militancy was rhetorical, such as the production of stickers reading 'Rubber burns'.³⁷ In 1960 there were 1 200 members at Sarmcol, rising to 1 500 in 1962, and during the national stay-at-home called by the All-In Conference of 29–31 March 1961 the factory was closed for three days with all its workers absent.³⁸ The works committee was rejected, but nevertheless increases of 75c to R1.50 per week were awarded. Rosenthal records that the RCWU unsuccessfully campaigned for recognition by Sarmcol in mid-1962 and in August of that year the Wages Board started an investigation. In the dilatory spirit of the times it was not until February 1965 that it approved a new wage scale and a pension fund for African workers.³⁹ Other sectors affected by the stayaway were transport and

the municipality where absenteeism was as high as 70%, but SACTU failed to capitalise on this support. Unions active in the Pietermaritzburg area at this point were the Cement, Quarry and Lime Workers Union; the Distributive and Allied Workers Union; the Laundry Workers Union; the Municipal Workers Union; the Railway Workers Union; and the General Workers Union.⁴⁰

SACTU later attracted much criticism from within the labour movement for allowing its campaigns, such as demands for a Pound-a-Day (a three-day stayaway, 14–16 April 1958, well organised in Pietermaritzburg) and work overalls, to be turned into political crusades such the anti-pass campaign and bus and potato boycotts. Workers were signed up in large numbers without sufficient organisational backing, unions failed to deliver, and membership faltered.⁴¹ Although it apparently experienced a ‘surge of membership in Natal’ in the early 1960s, by 1966 it was inoperative as a union federation, many of its members recruited by MK and living in exile, its surviving members subject to ‘relentless persecution’.⁴²

TUCSA had emerged from the remnants of the SATLC, which had imploded in 1947 over its non-racial constitution. It was to employ liberal rhetoric and exercise tactical expediency in countering SACTU and the Federation of Free African Trade Unions, which had links with the Pan Africanist Congress (PAC), before the mid-1960s; trying to stem the exodus of right-wing unions and protect the position of white, coloured and Asian workers. This was one of the reasons it championed higher wages for Africans, the ‘rate for the job’ being a means of protecting differentials at a time of job fragmentation. In 1962 it opened up its membership to Africans, only to close it again in 1969 at a time when it was on the retreat.⁴³ David Lewis characterises TUCSA as politically centrist with a tendency to token opposition and legal compliance, pragmatism and paternalism.⁴⁴

Industrialisation in Pietermaritzburg

Apart from mining areas, large-scale industrialisation in South Africa dates largely from World War II. Indeed, until this point Pietermaritzburg prided itself in being an administrative and educational centre largely devoid of manufacturing and factory activity aside from agricultural processing. Post-war planning, however, anticipated industrial development in the vicinity of Mountain Rise (Willowton) and the Edendale Road, although progress turned out to be limited probably because of uncertainty (described officially as ‘imponderables and vicissitudes’) about the eventual effect of the Group Areas Act. Segregation of the city was finally proclaimed on 1 April 1960, by

which time Camp Drift had been added as an industrial site; although in 1963 an official report noted a lack of actual development and the Woods Drive project was on hold. By 1965 an 'Indian textile mill' was reported to have started production and the following year paper, plastics and textiles were listed by the Corporation as a prospective foundation for light industry. Five stages of development were envisaged for Willowton, anticipating that plans for Mason's Mill and Mkondeni would follow.

The decade of the 1960s was a prosperous one for South Africa with an annual average growth rate of nearly 6%. But unemployment among African workers rose as did the poverty datum line (PDL), while wages remained static.⁴⁵ Pietermaritzburg Corporation by now had an active policy to attract industry given the city's proclamation as a border industrial area in 1963 based on the availability of serviced land and more importantly the proximity of a large low-skilled labour force. By 1 August 1973 as a consequence of the Bantu Affairs Administration Act (1971) almost all Africans fell under the administration of the KwaZulu government to a greater or lesser degree. But given a skills shortage, industrial expansion resulted in an influx of white labour, half of whom were immigrants particularly from Britain. By 1967 wood and pharmaceuticals had been added to the range of local industries and two factories alone employed 1 000 people between them. In 1968 Willowton industrial area was expanded along with Rosedale and Wiganthorpe at a time of continued economic growth and diversification that also signalled the development of Mkondeni, although the new decade brought a slowdown.

In the early 1970s the industrial make-up of Pietermaritzburg was 30% metal and engineering, 25% leather and footwear (its factories dominated by TUCSA-affiliated unions) and 20% timber, wood and paper. The remainder presumably included textiles since 23 factories, an offshoot of the Durban concentration, employing 10 000 workers were recorded in central Natal attracted by cheap, quiescent, high-turnover labour that required little training, and by a large local market. Allan Hirsch cites the textile industry as a classic apartheid example of capital's manipulation of race, deskilling and migrant labour that involved a visceral antipathy to trade unions.⁴⁶ In 1973, a total of fourteen new factories were reported to be under construction in Pietermaritzburg and it was hoped these would result in 500 jobs for whites and 1 300 for blacks. Accompanying this was considerable housing expansion following conclusion of most group areas removals by 1970. In 1974 it was estimated that industrial development had indeed created 1 500 jobs and the following year a further eleven industrial sites had been purchased with five of them under development. However, the

economic slowdown of 1976 saw no further progress until 1977 when one site was sold in a situation of growing unemployment, although further provision for factories was being made at Pentrich. As economic activity picked up in the early 1980s, Afrox and Meadow Feeds were noted as newcomers.⁴⁷ In 1982 Pietermaritzburg was declared an industrial deconcentration point by government, but during the following two years major firms such as Dick Whittington Shoes and Feralloys shed a total of 2 000 jobs.⁴⁸

The Durban Moment, 1973⁴⁹

Internal anti-apartheid activity, black trade unionism included, reached its nadir in the mid- to late-1960s. SACTU had minimal effective presence within South Africa, although its past record was not forgotten and remained influential: Mabhida was well remembered and had considerable residual support.⁵⁰ An unlikely influence on the revival of unionism emerged from radical white university students. Spurned by the Black Consciousness movement's South African Students Organisation (the breakaway from the National Union of South African Students (NUSAS) took place at the latter's 1970 conference in Pietermaritzburg) and influenced by new, fiercely anti-Leninist trends in Western Marxism (there was a particularly influential group of Marxist South African academics in Britain) and in some cases by Christian belief, without any institutional left-wing political vehicle they committed themselves to labour issues in the interests of promoting democracy and opposing exploitative, racial capitalism. This was the first time white students had moved beyond reactive, rhetorical protest. There was also the influence of political philosopher Richard Turner, who advocated the concept of participative democracy in all institutions as an extension of a Sartrean view of society – a function of individual, ethical choices. He believed in the possibility of an alternative society based on democratic socialism and saw the factory floor as the place where Africans wielded potential power.⁵¹ This was a lesson white South Africa was gradually to learn. Indeed, as Eddie Webster has pointed out, the black working class was 'apartheid's Achilles heel'.⁵²

Turner's interest in anteriority, or how to 'escape and transcend the historical limitations of one's environment', was of considerable relevance to South Africa.⁵³ He was banned in February 1973 and assassinated on 8 January 1978. He had been the most obvious local symbol of the radicalism that had gripped parts of the student population in Europe and North America in the mid-1960s.

South Africa was relatively isolated and the overseas world was for that reason held in considerable esteem.⁵⁴

Sakhela Buhlungu puts the number of white activists at about sixty and their ideology as workerism – grassroots democracy from the shopfloor. Rob Lambert recalls how for some dedicated students their studies and union activity became a seamless existence.⁵⁵ The analytical, advisory, media and organisational skills and knowledge empowerment they brought to the labour movement were largely accepted by black workers, although there was recurrent resentment and occasional use of the term ‘intellectual’ in a pejorative sense.⁵⁶ Whites remained largely on the fringes. Campus-based student wage commissions clandestinely advised by the banned Turner (the first was set up in Durban in March 1971 and the second probably in Pietermaritzburg; and others were located in Cape Town, Johannesburg and Grahamstown) provided a route for some white activists into official union appointments. The precise influence of wage commissions is debatable, but one source argues that ‘A large part of the groundwork for the formation of worker organizations in Natal ... came from [them]’. Perhaps their greatest achievement was to politicise the cost-of-living and wages data that was then a preoccupation of many university research units, link it to the PDL, and explain its significance to workers and the media. Wage commission information made it considerably less easy for industrialists and conservative political elements to dismiss worker demands. Another consequence was to entrench the principle of non-racialism in what were to become workerist unions.⁵⁷ The Schlebusch Commission took them seriously enough as ‘the fuse and Bantu workers as the powder to ignite a revolution’.⁵⁸

But there were many other factors in play: memories of SACTU’s campaigns that provided historical continuity (the veteran organiser Bhekisisa Nxasana worked for the General Factory Workers Benefit Fund (GFWBF) at Bolton Hall and for the Institute for Industrial Education (IIE), and helped set up the Metal and Allied Workers Union (MAWU) and the National Union of Textile Workers (NUTW), while other SACTU veterans emerged from prison in 1972; black theology (some unionists had church leadership roles) and Black Consciousness (Strini Moodley worked briefly for Harriet Bolton of the Garment Workers Industrial Union, GWIU); church activism around labour issues such as the Urban Training Project (UTP) and involvement of the Young Christian Workers (Roman Catholic); the influence of a handful of TUCSA dissidents; Zulu ethnic nationalism; as well as traditional inputs from praise singers and the long-standing communal practices of burial societies and stokvels.⁵⁹ Black

factory workers, in the view of Buhlungu, showed ‘courage and heroism in the face of State, employers [and] white workers’. Ultimately, there was an element of anti-apartheid protest about union activism, a culmination of lived experience.⁶⁰ A contemporary survey identified a realisation that workers’ problems were ‘socially and politically determined’.⁶¹ And the struggles of Durban’s African proletariat were linked to various degrees with conditions in rural areas where the relations of *amakhaya* (home boys) eked out a living. Wages were increasingly remitted to the hinterland for basic survival.⁶²

Some of the work of student activists publicised the shocking conditions suffered by workers, in particular declining real wages, excessive hours (a 46-hour week in the textile industry), unacceptable behaviour from supervisors (particularly in spoken communication), dehumanising conditions, and little prospect of advancement regardless of performance. It also popularised the concept of the PDL, which was to dominate union wage demands and media coverage of them in the 1970s. As the decade opened, the wages of 80% of workers in the private sector fell below the PDL as they had stagnated during the boom years; and this fatally inhibited the necessary growth of a domestic market and productivity.⁶³ Cheap labour could be very expensive. But workers had a low opinion of existing trade unions. An interview with the veteran GWIU official, Harriet Bolton, revealed the ambiguous position of TUCSA especially its paternalism, self-interested reform image and the fact that affiliation had been accepted by only a handful of small African unions. Bolton called on them to deregister.⁶⁴ In 1969, TUCSA, under pressure from government and most craft unions and reputedly pressurised by the SB, had expelled its African unions, although it reversed this decision in 1973.⁶⁵

The Durban strikes have correctly been portrayed as a significant moment in South African history: ‘that January [1973] morning changed the factory world’;⁶⁶ ‘[w]ithin a decade, South Africa’s trade unions had significantly altered the balance of power between government and opposition.’⁶⁷ So, arguably, they changed the political world, too: ‘Not until ... the resurgence of the independent trade union movement, did the movement for liberation turn the tide and gain the upper hand against the National Party regime.’⁶⁸ Although the strikes were about wages, their character endorsed Turner’s New Left advocacy of democratic worker control, which would make its own destiny, and rejection of vanguardism.⁶⁹ Increasingly, commentators couple the strikes with the Soweto Uprising of three years later as a period during which the fate of apartheid South Africa was sealed.⁷⁰



SACTU logo



FOSATU logo



A group of the 62 workers fired for refusing to work overtime walk away from Conac Engineering's Mkondeni plant, 14 October 1975 (Natal Witness, 15 October 1975)

FOSATU

WORKER NEWS

Federation of South African Trade Unions



ISSUED WEEKLY

MAWU MOVES FORWARD

New Era of Mass Worker Mobilisation

MAWU is the first mass-based union in the metal industry to give black workers their first real voice in the workplace. It is the first black union to demand for workers' rights, to demand recognition as an equal partner in the workplace, to demand recognition as the sole bargaining agent for all workers in the industry, to demand recognition as the sole bargaining agent for all workers in the industry, to demand recognition as the sole bargaining agent for all workers in the industry.

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BUT...

MAWU is not content to survive the new apartheid system which the union was founded in 1973. MAWU is the first mass-based union in the metal industry to give black workers their first real voice in the workplace. It is the first black union to demand for workers' rights, to demand recognition as an equal partner in the workplace, to demand recognition as the sole bargaining agent for all workers in the industry, to demand recognition as the sole bargaining agent for all workers in the industry, to demand recognition as the sole bargaining agent for all workers in the industry.

NOW...

MAWU will demand decent minimum wages, job security and the recognition of workers' rights. MAWU will fight for the rights of workers in companies and their own factories. MAWU will mobilise around workers' demands. MAWU will win all agreements in the metal industry.

Metal and Allied Workers Union highlighted in FOSATU News

Although ‘a definitive moment in [South African] labor history’,⁷¹ they were technically not strikes, but work stoppages with workers remaining on site for tactical, legal reasons. They have also been portrayed as spontaneous and unexpected, although this was largely a perception held by government and capital. There had been precursors: the dock strikes of 1969 and 1972; and stoppages at Isipingo and Clairwood. Of the former, Graeme Bloch writes of ‘a giant beginning to rise from slumber.’⁷² David Hemson points out that management had been warned and the resultant confusion was a consequence of a lack of effective trade union representation.⁷³ An atmosphere of spontaneity was created by a lack of structures and designated leaders, piecemeal, organic and ad hoc developments, all in part a means of evading targeted victimisation. The legacy of SACTU had not been forgotten in a situation of desperate economic need (food price inflation and the burden of dependents) and exclusion from the unemployment insurance system. Natal had a largely homogeneous workforce that encouraged an element of Zulu consciousness as shown by use of the cry, ‘Usuthu!’ and the involvement of paramount chief Goodwill Zwelithini. Significant numbers of workers subsequently identified with Inkatha when it was relaunched in 1975, possibly because the KwaZulu homeland government had shown sympathy for the strikes.

Wages in Durban were no worse than elsewhere in South Africa. But as Hemson wrote at the time, hope can act as ‘a revolutionary force’.⁷⁴ And educational attainment and literacy were gradually improving with increasing exposure to the press and radio. Tom Lodge highlights a collective realisation of worker power, a ‘new consciousness and confidence among African workers’ amid the breakdown of job reservation and the increasing importance of the black semi-skilled workforce (by 1973, 90% of the workforce in the Durban textile industry was African and only 10% was unskilled).⁷⁵ While the size of the labour reserve increased the potential for dismissal, the position of black workers was potentially strengthened by industrial concentration and the increased involvement of transnational companies.⁷⁶ But Lodge’s question – why did Durban in particular experience the largest wave of strikes so far under NP rule? – has not yet been satisfactorily answered. In the opinion of Julian Brown it represented ‘the ground zero, as it were, of a new labour politics’.⁷⁷

The Natal Employers Association adopted a more severe anti-worker stance than was evident among the media, public or even the State (including the SB who surprisingly denied the involvement of agitators), and questioned the PDL wage of R19.30 per week. Many employers were reactionary, racist and paternalistic as well as exploitative; with the growing exception

of a small number of managers from multinational companies perhaps better informed by coverage such as Adam Raphael's in the *Guardian* and subject to broader pressures.⁷⁸ As Alex Lichtenstein puts it, in droll terms, 'managers themselves proved to be the gravediggers of apartheid's industrial relations regime.'⁷⁹ By comparison, there were surprisingly high levels of support for black workers among whites in general – 60% of English speakers and 45% of Afrikaans speakers according to a survey by Lawrence Schlemmer – and good press coverage.⁸⁰ The security forces were notably restrained, the police under Brigadier H.J. Schroeder employing a policy of containment until municipal workers made the strike more public, adopting a general opinion that workers' conditions were intolerable and cemented by ethnic solidarity.⁸¹ Between management and workers, however, there existed in many firms an atmosphere of mutual contempt. Employers persisted in their support of discredited works committees that were tightly controlled and unable to deal with wages.⁸² However, the demand for labour meant that African workers were no longer as expendable as they had been and many were now semi-skilled. The largely symbolic Bantu Labour Relations Regulation Act (1973) extended very limited rights to strike (used just once) and access to industrial councils.⁸³

Pietermaritzburg was on the fringes of the Durban Moment, but three similar wildcat strikes were associated with it. On 8 February 1973, one hundred workers came out at Goodhope Pipes and 320 at Ferralloys, Cato Ridge. Four days later eighty workers downed tools at Alex Carriers over a wage claim and the police were called.⁸⁴ A quiet protest took place in Slangspruit Road, Pentrich and a 15% increase on the R9 weekly wage was offered by managing director, A.D. Gilson. A third of the ninety workers accepted the offer and the rest were fired.⁸⁵ In Pietermaritzburg 24% of workers were earning R10 or less per week, compared with 20% in the Durban-Pinetown region and a national average of 31.6%.⁸⁶ A stoppage at Sarmcol was averted by a R1 wage hike to bring the minimum per week to R12 and the average to R18. The Pietermaritzburg Chamber of Industries recommended more frequent wage reviews, but complacently commented that 'trouble was almost entirely forestalled in Pietermaritzburg'. The Pietermaritzburg municipality received a salutary message and increased the wages of black staff; as did the authorities in Ladysmith.⁸⁷

The local newspaper reflected on 'uncertain surprise and worry' in business circles about the state of industrial relations, warned several times about the inadvisability of exploitation and assumptions about a dual economy, and

advocated the need for 'legal means of negotiating'. A cartoon by Abe Berry emphasised that while higher wages had been won, effective trade union rights were still denied.⁸⁸ Harry Gwala, released from Robben Island in 1972 and running a laundry business, 'played a leading role in mobilising resources and recruiting activists into the emerging unions', but he was then banned again for five years.⁸⁹

As in Durban, one of the catalysts of industrial action was the Student Wage Commission based on the local campus of the University of Natal and founded in 1972 as a branch of NUSWEL, the welfare arm of NUSAS.⁹⁰ Jointly funded by NUSAS and the local Students Representative Council (SRC), it had thirty members and a hard core of twelve and was initially chaired by Mark du Bois.⁹¹ Its activities started with concern about the remuneration and general conditions of the 354 unskilled workers employed by the university: in January 1972 it was calculated that it would take seven years to reach the PDL income (for a 5.5 person family) of R71 per month. Over 70% of university employees were earning below the PDL. Pietermaritzburg students had resolved at a mass meeting to increase fees by R10 per annum to supplement the wages of workers. They were encouraged to form an association and their rights were enumerated in a pamphlet. The problems, it was concluded, were caused by outsourcing, and the campus vice-principal was called upon to handle all dismissals.⁹²

Looking further afield, the Pietermaritzburg wage commission exposed the scandal of the wattle farms of the Natal Midlands mist belt where workers received wages of R3.17 per week that sank as low as R2.06. Rations and housing were also provided, but often inadequate. Two particular examples were the Saligna Forestry and Development Company at Eston owned by Courtaulds and Midland Wattle Estates, owned by NTE a subsidiary of Slater Walker. The involvement of British holding companies led to overseas media coverage, a British parliamentary inquiry and resultant improvements. Submissions were also made to wage boards. In April 1973, unskilled labour weekly wage rates for Pietermaritzburg for men started at R12 and rose to R14 by the third year. For women they ranged from R9.60 to R11.20. Many of these workers were supporting rural families.⁹³

The relevant SRC portfolio for 1972–1973 was held by Mike Murphy and Carol Adams was the Pietermaritzburg wage commission secretary. John Morrison and John Aitchison helped to produce *Isisebenzi (The Worker)*, which had a print run of 8 000 copies. There is evidence that the Pietermaritzburg wage commission was one of the more efficient and productive with Murphy

using his contacts in the National Catholic Students Federation to distribute pamphlets.⁹⁴ Wage commissions were short-lived, partly because their most dedicated and enthusiastic members moved into the emerging trade unions and a number attracted the attentions of the SB: from the Pietermaritzburg group, Jeanette Cunningham-Brown (later Murphy), by then a MAWU local organiser, was banned in February 1974 along with Moses Mbanjwa and Moses Ndlovu.⁹⁵ This brought MAWU activity at Sarmcol to a halt for three years, but from 1979 Geoff Schreiner and John Makhathini were again recruiting at the factory gate.⁹⁶ Further bans followed in 1976: Jeanette Murphy again, by then listed as assistant secretary of the Trade Union Advisory and Co-ordinating Council (TUACC), and Mike Murphy, part-time acting secretary of the Transport and General Workers Union (TGWU).⁹⁷ In the NUSAS trial of 1976 police informer Johannes Reineke gave evidence on the Pietermaritzburg wage commission, whose activities were listed as a workmen's compensation project (scanning the *Government Gazette*), a farm labour survey, a border areas project, and the encouragement of trade unions. It was pointed out that as a sub-committee of the Pietermaritzburg SRC the commission was autonomous.⁹⁸

The local wage commission became involved in the GFWBF, founded in Durban on 9 September 1972 at the suggestion of Harriet Bolton to provide social security for workers in the clothing and furniture industries of Durban and Pietermaritzburg: medical aid, funeral benefits and legal advice. This laid the foundation for emerging trade unions. The first subscriptions were collected in Pietermaritzburg in October 1972 from an office administered by Murphy and Norman Middleton.⁹⁹ The GFWBF operated at Scottish Cables, Alcan and Sarmcol and by the end of 1973 had 10 000 members, sufficient to think in terms of unionism. However, on 25 May 1974 the police SB raided GFWBF offices in both Durban and Pietermaritzburg alleging that it was an unregistered friendly society. Records were confiscated, never to be returned.¹⁰⁰ The wage commissions contributed to a growing awareness of economic oppression and 'student influence [was] considerable' in the new wave of industrial activism. The risks for students were great given the lurking and malign presence of the Schlebusch Commission and a police attempt to tie them directly to the 1973 strikes.¹⁰¹ In Durban, where academic activists were involved in the IIE founded in May 1973, the need for worker education to counter managerial indifference and exploitation was also seen as an opportunity to challenge a business orientated university to become more relevant to society as a whole. A number of Pietermaritzburg unionists were enrolled for IIE courses. The

South African Labour Bulletin was its publishing arm and would survive the IIE's demise in 1976.¹⁰²

The strikes of the 1970s were generally of short duration. Workers lacked the resources to stay out for long and disputes related largely to wages. They were also illegal. Democratic practice among workers was crucial: management found it difficult to drive a wedge between workers and elected, accountable leaders who could not easily be vilified as agitators. Churches played an important role and early union meetings were held at the Lay Ecumenical Centre. MAWU had been founded on 28 April 1973 in Pietermaritzburg as a direct consequence of the Durban strikes, emerging from roots in the GFWBF. Its benefit cards were soon exchanged for union membership: the Pietermaritzburg branch of MAWU was established on 9 June 1973 and within a year it had 1 444 members and two full-time organisers. Surveys indicated that the township grapevine and a factory gate presence were the recruiters together with clandestine plant-by-plant activity.¹⁰³

Recruitment of members at Sarmcol (Howick) and Prestige Engineering (Pietermaritzburg) was regarded as particularly noteworthy as these firms were 'previously thought to be impenetrable'. There was also some MAWU activity at Scottish Cables and Hulets. The attraction was plant level bargaining that extracted wage increases three times greater than those accepted by industrial councils.¹⁰⁴ The South African Boilermakers Society (SABS), under its general secretary Tom Murray, offered to assist MAWU in a remarkable sign of changed attitude by at least one craft union. It had been recruiting coloured workers at Alcan's Pietermaritzburg plant while MAWU was signing up Africans. Alcan's exemption from the metal industries council agreement made a bargaining forum that included Africans possible. SABS pushed for a house agreement under the auspices of the council that would be legally binding. Although this led nowhere, SABS support 'enabled MAWU to remain a presence at Alcan' where MAWU was to use works committees strategically.¹⁰⁵ MAWU was also assisted by the secretary of the Amalgamated Engineering Union, although not by the union itself.¹⁰⁶ In general, management continued to favour TUCSA-affiliated parallel unions run on top-down principles and regarded shopfloor democracy and plant level bargaining as potential threats. Indeed, it can be argued that this was the most persuasive factor in the State's desire for reform.¹⁰⁷

TUACC was founded in January 1974 at MAWU's Pietermaritzburg office in response to a need for collective union action. Initially, it comprised MAWU and the NUTW, representing the two sectors that dominated the

Durban strikes, and was later joined by the Chemical Workers Industrial Union and the TGWU.¹⁰⁸ It was seen in some quarters as apolitical, economistic and workerist, a promoter of narrow industrial unionism. This characterisation became rooted as one side of a schism, the Industrial Aid Society from the Transvaal representing the other with resultant antagonism as TUACC influence spread to Johannesburg. The divide was centred on organisational method, the role of industrial education, the depth of factory and shop steward organisation and mandates required for unionisation, and the nature of worker politics.¹⁰⁹ One of TUACC's challenges was to handle the dynamics between the independent unions and the KwaZulu government, especially given the difficult relationship between Mangosuthu Buthelezi and Barney Dladla, KwaZulu minister of labour, who was regarded as close to the workers and later served TUACC. There was press speculation that he would lead an opposition labour party and his break with Buthelezi came in 1974, the latter having called for legal recognition of black unions but opposed strikes.¹¹⁰ Dladla 'probably represented the last chances of a self-consciously pro-worker political direction from the KwaZulu authorities, and later the Inkatha movement'; although not 'an unambiguous spokesman for worker interests'.¹¹¹ From outside the country the Stalinist SACP opportunistically questioned the legitimacy of any trade union activity as South Africa was a 'fascist state'.¹¹² And the ANC and the Anti-Apartheid Movement in Britain cynically denounced the independent unions.¹¹³ For its part the police SB was clueless and made no distinction between the New Left, SACP and ANC.¹¹⁴

The Pietermaritzburg TUACC office was in Thomas Street and its dominant personality was John Makhathini, a senior operator at Scottish Cables, which was a main recruiting ground for MAWU together with Sarmcol and Hulets. By 1976 he was a full-time organiser. In the TUACC office he built a strong team including Jay Naidoo, Petros Ngcobo and Rob and Lynne Lambert.¹¹⁵ Makhathini had originally been aligned with Inkatha, but as a selfless and adaptable bridge-builder he was a typical foundation member of the emerging union movement.¹¹⁶ Apart from ex-wage commission students and TUCSA liberals common to emerging unions, the Pietermaritzburg set-up also featured the Black Sash whose new advice office took on a large volume of union work. The internal politics of Sash in the Natal Midlands meant that it was one of the last regions to establish an advice office (on 20 February 1975), but it was the only one to operate in such close collaboration with the emerging unions, described by volunteer Nalini Naidoo as a 'wonderful relationship ... symbiotic'. Workers joining the union could immediately be referred for

assistance, mainly with correspondence, and the empowering experience of dealing with grievances was significant. Naidoo sums up: '[The Federation of South African Trade Unions] FOSATU ... owes a debt of gratitude to the Black Sash'. With the bannings of 1976 the advice office took on some union administrative activity and the relationship lasted until June 1980 when, feeling that it was taking on too much union-related work now that black trade unionism had been recognised in legislation, the advice office moved.¹¹⁷

The Conac Engineering dispute, at a Swiss-owned plant at Mkondeni in Pietermaritzburg in October 1975, is indicative of the era. MAWU members, protesting about compulsory weekend overtime on top of a 45-hour week, found the liaison committee 'completely ineffectual' in the face of hostile management, the departments of Labour and Bantu Administration, and the police. Overtime in excess of ten hours per week was in breach of an industrial council agreement, but this did not prevent dismissal of seven workers for their refusal to work more. It transpired that up to 38 hours had been recorded. Management also disbanded the liaison committee and decreed that the new one should not meet workers. An apparent climb down by the company led to an illegal lockout, for which the state prosecutor declined to bring charges, and 64 more workers were fired.¹¹⁸

MAWU's attempts to get the Department of Labour involved proved fruitless and union officials were branded agitators. Department interaction with workers, who refused to acknowledge dismissal by collecting their pay, was shadowed by the police. The industrial council was also obstructive, refusing to disclose, on spurious grounds of confidentiality to cover up a lack of investigation, whether Conac held an overtime exemption. The workers involved were threatened with removal under the pass laws. This dispute 'ended in total defeat for the workers' who had pursued official and legal channels to contest Conac's illegal activity, the Department of Labour disclaiming interest because MAWU was unregistered. One of the weaknesses in this dispute was an apparent lack of communication between union organisers and workers. This scenario was to be 'repeated ... throughout the decade.' It was not until the early 1980s that the emerging unions were able to insist upon 'the rule of law in the factories'.¹¹⁹ There is an interesting sidelight to this incident. Alan Jones, a Welsh immigrant boilermaker at Conac, expressed solidarity with the black workers and also refused to work overtime.¹²⁰ Unfortunately, neither his fate nor the views of other white workers are recorded.

In July 1976 there was an apparent strike of municipal dustmen, three of whom were charged under the Riotous Assemblies Act, but prosecution was not

pursued. Amid labour unrest following the Soweto Uprising of 1976, a number of SACTU activists were detained and the following year convicted in the Terrorism Trial of 1976–1977, in some cases sentenced to life imprisonment: they included Gwala (who had already served a term on Robben Island), Anton Xaba, John Nene, Matthews Meyiwa, Zakhele Mdlalose and Azaria Ndebele.¹²¹ However, the fact that the convictions were for recruiting for MK and sending cadres abroad for military training shows how far SACTU had moved away from basic trade union activity. One of several bannings of white intellectuals was that of Charles Simkins, an Economics lecturer on the University of Natal's Pietermaritzburg campus and a researcher for TUACC. In the bizarre fashion of apartheid South Africa, the week before his banning he was offered a job by the prime minister's economic advisory council.¹²²

There is about the emerging unions an historical aura of heroism and pre-ordained triumph. Neither was evident at the time. Indeed, failure was anticipated; another unsuccessful attempt to launch African trade unionism. Strikes by Africans were still illegal, as were picketing and strike pay while rights in the workplace remained minimal and the powers of the police were considerable.¹²³ After the promise of 1973, the period 1975–1977 was one of repression and general quiescence on the labour front. Management hostility remained a deterrent to union membership. Bantu labour officers proved ineffective, especially since some were reputedly undercover SB officers. Sometimes the Department of Labour, management and the police worked in concert.¹²⁴ This atmosphere of repression created added distance between the non-racial unions and Asian members of TUCSA affiliates.¹²⁵

However, it is significant that no trade union, not even the Black Consciousness aligned Black Allied Workers Union (BAWU), was proscribed in the great crackdown of October 1977, in part because it was the government's intention to institutionalise industrial relations.¹²⁶ In November 1976 MAWU organisers were retrenched and as the remaining two were banned, full-time staff were reduced to zero. But in the background there was among black workers a growing sense, in Steven Friedman's words, that 'labour relations [were] about power'; and of rights that posed a challenge to management, in both public and private sectors. Union democracy had obtained a crucial toehold.¹²⁷ On 7 February 1979, eighty drivers from the Pietermaritzburg municipal transport department struck for seven hours after the dismissal of colleague Zach Zondi for alleged assault. SB police were reportedly present at the negotiations, which were successful and the dispute was resolved,

although there are varying accounts about whether wages were also an issue. It was reported that drivers' supporters threatened people walking to work.¹²⁸

The occasional buccaneering episode gave hope to the emerging unions. In Pietermaritzburg the TUCSA-affiliated National Union of Leather Workers (NULW) had 4 000 members spread across twenty tanning, leather and footwear factories. It ran a benefit fund, which dispensed funds for sick leave, but an elected official, A.C. Naicker of Austin Shoes, suspected misappropriation. His call for an investigation resulted in hostility from Puckree Gooriah, the NULW secretary, and Naicker's dismissal. He was blacklisted and then arrested for fundraising, at which point he approached FOSATU. Further investigation revealed collusion between factory and union and the fact that the NULW was illegally running a friendly society. A long battle to establish worker control through contested meetings and a court case culminated in a mass meeting at the Royal Showgrounds, chaired by Brian Law, to elect a committee. The NULW was soundly defeated, but the triumph was short-lived. The South African Clothing and Textile Workers Union was not yet registered, so factory management and the NULW were able to block collection of worker contributions and the benefit fund folded. There was, nevertheless, a moral victory.¹²⁹

Following response to criticism of conditions in foreign-owned factories and introduction in the United States of the Sullivan manifesto in 1977, there was a 'contagious rash of codes'.¹³⁰ They were voluntary, difficult to monitor, and even where approved in principle were not always honoured in practice. While Sullivan was largely concerned with desegregation, the European Economic Union code (also 1977) was particularly significant as it endorsed trade unionism. The codes needed negotiation and worker input, both of which they lacked, but nonetheless they represented growing foreign scrutiny that influenced various government commissions and their thinking about the extension of rights to a permanent, albeit limited, African urban work force.¹³¹ This was the context in which the Wiehahn Commission on African trade unionism sat in 1979, its recommendations designed to extend full union rights while tightly managing change. The resultant legislation initially omitted migrant workers, which made co-operation from the emergent unions impossible. That this was another watershed moment was testimony to the fact that for political and economic reasons black worker rights were no longer so marginal that they could be hampered by other considerations. Indeed, employers who expected business as usual after the Wiehahn reforms were in for a rude awakening from militancy that produced a rash of legal and

illegal strikes.¹³² This was the very antithesis of Wiehahn's aim to insulate the economy from political conflict.¹³³

Emerging unions with their distinctive ideology of worker control and factory floor democracy affiliated to FOSATU in April 1979 at Hammanskraal. Four of the thirteen founding unions were from TUACC in Natal and its first general secretary was Alec Erwin, a University of Natal economics lecturer.¹³⁴ Its declared principles were non-racialism; worker control and leadership; factory floor strength and the shop steward system; broad-based, autonomous industrial unions; and tight financial control. It also proved to be pragmatic, accepting registration and involvement in community issues as long as its basic principles were not infringed.¹³⁵ This proved a particularly successful approach at a time when the State was seeking change in its relationship with black workers, but pursuing a reform policy replete with ambiguity.¹³⁶ FOSATU was part of the system, but potentially external to it should its beliefs be infringed – a particularly powerful position. Its pragmatism put aside 'old shibboleths', the 'disastrous fetishism of illegality' and the attitude that legal means were necessarily reactionary. Gradually, FOSATU accepted registration, industrial councils and the Industrial Court as means to win space and advance workers' interests as long as principles, such as non-racialism and democratic organisation among workers, were not compromised.

Indeed, it soon became evident that registration, albeit a Byzantine process, was a way to curb State power rather than ignoring it in syndicalist wishful thinking. Denial of registration to independent African unions had been an historical burden, so it was perverse to reject it when finally offered. It had always been more of a contentious issue for theorists than workers themselves. In practice it legitimised unions, curbed managerial antipathy, and allowed for stop order payments. It also quickly marginalised TUCSA's parallel unions.¹³⁷ MAWU registered in April 1983, for example, after some delay, its membership now 30 000. That same year it joined the industrial council although for three years it refused to sign the annual agreement.¹³⁸ It had become 'the most robust and politically militant FOSATU union'.¹³⁹ These were the industrial, non-racial, democratic shopfloor-based unions that dominated union activity in Pietermaritzburg and surrounds

The credo of FOSATU was famously encapsulated in the address at its second congress at Hammanskraal delivered by general secretary Joe Foster on 10 April 1982, arguing that trade unionism was insufficient: a workers' movement was needed as part of the broad struggle.¹⁴⁰ As Friedman pointedly argued, an independent worker politics would override the 'romanticism of the

community' and avoid decisions 'taken around someone's kitchen table'. But this idea was quickly overwhelmed by events and the lure of populist politics as township insurgency and school boycotts increasingly affected the family life of unionists.¹⁴¹ In the words of Georgina Jaffee and Karen Jochelson, 'increasing politicisation of economic demands' created a 'social movement unionism'.¹⁴² As far as it could, FOSATU took union tactics into the workers' townships like Imbali and Ashdown and tried to operate on its own terms.¹⁴³

Recognising the distinctive regional politics of Natal, FOSATU was wary of alienating workers who were also members of Inkatha, although it had disciplined pro-Inkatha union officials in the early 1980s.¹⁴⁴ In 1981 the Inkatha central committee criticised white FOSATU activists in Durban and Pietermaritzburg for allegedly exploiting African workers for political ends.¹⁴⁵ Predictably FOSATU was also attacked by the vanguardist South African Communist Party as economistic and workerist. This was based on the supposedly false belief, and one not held by FOSATU, that political struggle grows from the point of production in the workplace.¹⁴⁶

FOSATU's main rival, the Council of Unions in South Africa (CUSA), grew out of the Black Consciousness-influenced UTP in Johannesburg in 1980, which had long advocated use of the government's preferred system: fully elected works committees; or liaison committees on which workers could create a caucus.¹⁴⁷ These were the two types of committee promoted by the Bantu Labour Relations Regulations Amendment Act (1974) as a reaction to the Durban strikes. Liaison committees consisted of equal employer/worker representation and were chaired by the employer. Works committees comprised workers in their entirety and unions quickly learned to pack them with shop stewards. They were not permitted to deal with wages or conditions of service, but frequently did so and soon fell out of favour with employers. In 1973 there were 22 works committees in Durban, but twenty of them were non-statutory.¹⁴⁸ Regarded as conservative in union matters, CUSA's main preoccupation was exclusion of whites from positions of influence reflecting a Black Consciousness legacy. Its main strength continued to lie in the Transvaal, especially in the transport, chemicals and food industries.¹⁴⁹ Meanwhile, a range of community unions had little workplace presence in Pietermaritzburg, no shop stewards and few recognition agreements, but specialised in political rhetoric and statements.

In the meantime the government had attempted to take the initiative to recognise and control the emergent unions: to establish a 'system of industrial legality' in which wage bargaining through industrial councils, strikes and

use of the Industrial Court eventually became part of normality. By 1986 the abnormalities of job reservation and the pass laws were history. From 1982 onwards, the Industrial Court assumed a right of interim reinstatement in dismissal and retrenchment complaints and started to build jurisprudence around unfair labour practice and employer responsibility based on objective and verifiable procedures that strengthened the efficacy of strikes. It was another significant shift on the labour front, but political rights lagged far behind and this situation dragged unions into a broader role in which struggles over bus fares and rent increases were central.¹⁵⁰

By 1984, FOSATU consisted of 27 000 members in nine unions, seven of them active in Natal. Doug Hindson argued that FOSATU ‘tends to operate in some respects like one large union’ and pointed out that its industrial unions were the most successful in achieving worker unity across race, language and origin.¹⁵¹ It also successfully opposed government policy on pension preservation, forcing a retreat in 1981 and showing that decisions could no longer simply be forced upon workers.¹⁵² CUSA, a looser federation, had twelve affiliates (ten in Natal, of which the Building, Construction and Allied Workers Union had a presence in Pietermaritzburg) with 10 000 members.¹⁵³ Of the independent unions, the Commercial, Catering and Allied Workers Union of South Africa (CCAWUSA), with 5 000 Natal members, organised in chain stores such as Checkers, Woolworths and OK Bazaars. At its 1984 conference in Pietermaritzburg it started to open up membership to all black workers, a process finalised the following year. Organised by particularly astute officials, CCAWUSA used conciliation board machinery in 1983 to win a substantial pay rise at OK Bazaars and establish maternity agreements with a number of companies.¹⁵⁴ BAWU, a federation with Black Consciousness origins, had members in the Natal Midlands region as did the General Workers Union. The Media Workers Association’s Natal branch also had Black Consciousness leanings and 300 members. The activities of other independent unions and federations and of community unions are undocumented, presumably because they were thin on the ground.¹⁵⁵

ENDNOTES

- 1 Alfred Temba Qabula, *A Working Life, Cruel Beyond Belief* (Durban: National Union of Metalworkers of South Africa, 1989): 105. Qabula was a NUMSA member employed by Dunlop in Durban and his poem was written during the 1986 strike.
- 2 Howard G. Ringrose, *Trade Unions in Natal* (Cape Town: Oxford University Press, 1951): 4, 5, 7, 8, 10, 11.

- 3 Ashwin Desai and Goolam Vahed, *Inside Indian Indenture: A South African Story, 1860–1914* (Cape Town: HSRC Press, 2010): 411–414. Greene had stood as a socialist candidate in the first general election of the Union in 1910, finishing fifth and last in the Pietermaritzburg South constituency.
- 4 Sheridan W. Johns, 'The birth of non-white trade unionism in South Africa' *Race* 9(2) 1967: 176. Selby Msimang and others were advocating 4/6d., or double.
- 5 Vishnu Padayachee, Shahid Vawda and Paul Tichmann, *Indian Workers and Trade Unions in Durban, 1930–1950* (Durban: Institute for Social and Economic Research, University of Durban-Westville, 1985): 201.
- 6 Helen Bradford, 'Strikes in the Natal Midlands: landlords, labour tenants and the I.C.U.' *Africa Perspective* 22 (1983): 3, 4, 12.
- 7 Sheila Hindson, 'Selby Msimang and trade union organisation in the 1920s' *Reality* 9(1) 1977: 4, 5. Msimang (1886–1982) was a founder member of the ANC and during a peripatetic life and varied career he worked as a union organiser.
- 8 Clements Kadalie (1896–1951) was born in Nyasaland and arrived in Cape Town in 1918, setting up the ICU the following year.
- 9 Helen Bradford, *A Taste of Freedom: The ICU in Rural South Africa, 1924–1930* (New Haven: Yale University Press, 1987): 132, 195, 207, 211. The legislation included the Industrial Conciliation (1924), Native Administration (1927, particularly its hostility clause) and Riotous Assemblies (1929) Acts. The hostility clause was to pop up frequently in various guises in legislation ranging from the Terrorism Act of 1968 to the Publications Act of 1974. In essence, the hostility clause covered any action likely (in the view of the State) to cause friction between various race groups. Its reach was theoretically infinite.
- 10 Darcy du Toit, *Capital and Labour in South Africa: Class Struggle in the 1970s* (London: Kegan Paul, 1981): 107, 114. Champion (1893–1975) was the son-in-law of Josiah Gumede.
- 11 Harry Raymond Burrows (ed.), *Indian Life and Labour in Natal* (Johannesburg: South African Institute of Race Relations, 1943): 15–16.
- 12 Padayachee, Vawda and Tichmann, *Indian Workers and Trade Unions in Durban, 1930–1950*: 83. For a comparative overview of black trade unions in Transvaal and the Cape see Edward Roux, *Time Longer than Rope: A History of the Black Man's Struggle for Freedom in South Africa* (Madison: University of Wisconsin Press, 2nd ed., 1964): 326–342.
- 13 Ringrose, *Trade Unions*: 5, 7, 14, 15, 16, 24, 28, 30.
- 14 Padayachee, Vawda and Tichmann, *Indian Workers and Trade Unions in Durban, 1930–1950*: 87. Further afield in Natal there was also industrial action at Ladysmith and Vryheid involving black workers.
- 15 Karl von Holdt, *Transition from Below: Forging Trade Unionism and Workplace Change in South Africa* (Pietermaritzburg: University of Natal Press, 2003): 33, 56; Colin Bundy 'The abolition of the Masters and Servants Act' *South African Labour Bulletin* (SALB) 2(1) 1975: 46.
- 16 This was rectified in an amendment to the ICA in 1937 (Ringrose, *Trade Unions*: 26). Steven Friedman, 'The political implications of industrial unrest in South Africa' *Africa Perspective* 18 (1981): 5.
- 17 Ringrose, *Trade Unions*: 17, 19, 22, 26.
- 18 David Lewis, 'The South African state and African trade unions, 1947–1953' *Africa Perspective* 18 (1981): 41.
- 19 Ibid: 33, 38, 39, 48, 51, 52, 55, 57, 60–61. SATU also had a relatively accommodating attitude to Asian and coloured (including Mauritian and St Helena) membership. Other relatively flexible industrial unions in Natal were the Motor Industry Employees Union, the National Union of Commercial Travellers and the Amalgamated Society of Bricklayers. The Building Workers Industrial Union had one branch open to Asian workers.
- 20 Baruch Hirson, 'A trade union organizer in Durban: M.B. Yengwa, 1943–44' *The Societies of South Africa in the 19th and 20th Centuries* 16 (1990): 41.
- 21 Ringrose, *Trade Unions*: 56–57, 58–59, 68, 79–80.
- 22 Ibid: 41, n.2. In 1947 there were 56 registered unions in South Africa with a mixed membership, 27 of them with a majority of black workers. In Natal, most of them involved Asian workers. Lawrence (1901–1973) was on the liberal wing of the United Party and a founder member of the Progressive Party in 1959.
- 23 Lewis, 'The South African state and African trade unions, 1947–1953': 46–49.
- 24 Ibid: 53, 66–67.

- 25 Dan O'Meara, *Volkskapitalisme: Class, Capital and Ideology in the Development of Afrikaner Nationalism, 1934–1948* (Johannesburg: Ravan Press, 1983): 230.
- 26 Richard de Villiers, 'The Wiehahn Commission' *Work in Progress (WIP)* 8 (1979): 7.
- 27 Costas Joakimidis and Ari Sitas, 'A study of strikes in the 1970s: part one' *WIP* 6 (1978): 109.
- 28 Eddie Webster, 'Stay-aways and the black working class: evaluating a strategy' *Labour, Capital and Society* 14(1) 1981: 14.
- 29 SATLC's heritage has been described as an amalgam of British craft unionism, radical East European Jewish activism and poor white Afrikaner anti-imperialism (Jon Lewis, *Industrialisation and Trade Union Organisation in South Africa, 1924–55: The Rise and Fall of the South African Trades and Labour Council* (Cambridge: Cambridge University Press, 1984): 179). It seems to have found no room for effective African unionism.
- 30 Deborah R. Bonnin, 'Class, consciousness and conflict in the Natal Midlands, 1940–1987: the case of the B.T.R. Sarmcol workers' (M.Soc.Sci. thesis – Durban: University of Natal, 1987): 140, 141, 142, 144; Eric Rosenthal, *The Sarmcol Story* (Howick: Sarmcol, 1981): 160–161.
- 31 Richard L. Abel, *Politics by other Means: Law in the Struggle against Apartheid* (New York: Routledge, 1995): 126.
- 32 For the history of TUCSA's attitude to black unions see Linda Ensor, 'Tucsa's relationship with African trade unions: an attempt at control, 1954–1962' *SALB* 3(4) 1977: 26–46.
- 33 Ken Luckhardt and Brenda Wall, *Organize or Starve!: The History of the South African Congress of Trade Unions* (London: Lawrence and Wishart, 1980): 245. This is one of few sources on unions in the 1950s, but not entirely reliable.
- 34 Margaret Kiloh with Archie Sibeko, *A Fighting Union: An Oral History of the South African Railway and Harbour Workers' Union, 1936–1988* (Johannesburg: Ravan Press, 2000): 47–48; Moses Mbheki Mncane Mabhidha was born on 14 March 1923 at Thornville, near Pietermaritzburg. A school friend of Gwala's, he joined the CPSA in 1942 and worked as a waiter, on the railway and in shops. He left South Africa in 1960, became effective second-in-command of MK and succeeded Moses Kotane in 1981 as the general secretary of the SACP. He died in 1986 in Maputo (Tom Lodge, 'Moses Mabhidha 1923–1986' *SALB* 11(6) 1986: 119–121).
- 35 James Zug, *The Guardian: The History of South Africa's Extraordinary Anti-Apartheid Newspaper* (Pretoria: UNISA Press, 2007): 40. Fred Carneson (1920–2000) was born in Pietermaritzburg to a Catholic working-class family (his father was a railwayman) and worked for the post office. Particularly concerned about treatment of the city's Asian population, he joined the CPSA in 1936 and fought in the South African army in North Africa. A treason trialist in 1956, he was later imprisoned for five years for sabotage and went into exile in Britain on release in 1973. Gwala was born in 1920 and died in 1995.
- 36 Bonnin, 'Class, consciousness and conflict in the Natal Midlands, 1940–1987': 137, 145, 147, 148, 150, 165–166; Edward Feit, *Workers without Weapons: The South African Congress of Trade Unions and the Organisation of the African Workers* (Hamden: Archon, 1975): 54, 56.
- 37 Bonnin, 'Class, consciousness and conflict in the Natal Midlands, 1940–1987': 146; Luckhardt and Wall, *Organize or Starve!:* 255.
- 38 Webster, 'Stay-aways and the black working class': 38.
- 39 Rosenthal, *The Sarmcol Story*: 169.
- 40 Luckhardt and Wall, *Organize or Starve!:* 255; Bonnin, 'Class, consciousness and conflict in the Natal Midlands, 1940–1987': 146, 164.
- 41 Eddie Webster, 'Strikes in South Africa' *WIP* 10 (1979): 38; Bonnin, 'Class, consciousness and conflict in the Natal Midlands, 1940–1987': 145, 152–159.
- 42 Graeme Bloch, 'Sounds in the silence: painting a picture of the 1960s' *Africa Perspective* 25 (1984): 5; David Lewis, 'Black workers and trade unions' in Thomas G. Karis and Gail M. Gerhart, *From Protest to Challenge: A Documentary History of African Politics in South Africa, 1882–1990: Volume 5, Nadir and Resurgence, 1964–1979* (Johannesburg: Jacana, 2013): 198. For a particularly damning assessment of SACTU's failings and MK's imperatives see Bob Hepple, *Young Man with a Red Tie: A Memoir of Mandela and the Failed Revolution, 1960–1963* (Johannesburg: Jacana, 2013): 108, 112.
- 43 Erica Emdon, 'Co-optation and control: TUCSA and the African unions in the sixties' *Africa Perspective* 25 (1984): 41, 42, 45–47, 51, 52, 53.
- 44 Lewis, 'Black workers and trade unions': 199–200.

- 45 Denis MacShane, Martin Plaut and David Ward, *Power!: Black Workers, Their Unions and the Struggle for Freedom in South Africa* (Nottingham: Spokesman, 1984): 20.
- 46 Allan Hirsch, 'An introduction to textile worker organisation in Natal' *SALB* 4(8) 1979: 6, 8, 10, 37.
- 47 *Pietermaritzburg Corporation Yearbook* 1945: 36, 1946: 61, 1960: 50, 60, 1961: 28, 1963: 31, 63, 1965: 121, 1966: 26, 34, 39, 124, 1967: 28, 1968: 18, 1969: 28, 1970: 28, 1971: 29, 1972: 20, 1973: 29, 1974: 28, 1975: 27, 1976: 30, 1977: 34, 153, 1978: 38, 1979: 176–177, 1980: 39; Bonnin, 'Class, consciousness and conflict in the Natal Midlands, 1940–1987': 175. Group areas were effected by proclamation 81, *Government Gazette* 6395, 1 April 1960 in terms of s. 20 of the Group Areas Act of 1957.
- 48 Labour Monitoring Group, 'Monitoring the Sarmcol struggle' *SALB* 1(2) 1985: 92.
- 49 For comprehensive coverage of the Durban strikes see: Institute for Industrial Education, *The Durban Strikes, 1973* (Durban: IIE, 1974; reprinted by Ravan Press, 1976); Steven Friedman, *Building Tomorrow Today: African Workers in Trade Unions, 1970–1984* (Johannesburg: Ravan Press, 1987): 37–68; and Du Toit, *Capital and Labour in South Africa*. It is important to remember that the Durban Moment juxtaposed both a factory floor revolution and an upsurge in Black Consciousness (Eddie Webster, 'The impact of intellectuals on the labour movement' *Transformation* 18–19 (1992): 89). And it brought together Stephen Biko and Richard Turner: 'They were realists and even conservative, if not in their thinking then most definitely in their strategies' (Graham Boynton, *Last Days in Cloud Cuckooland: Dispatches from White Africa* (Johannesburg: Jonathan Ball, 1997): 88, 91). While most commentators see the Durban Moment as part of linear progression towards political liberation, others interpret it as aberration; a pause in the struggle of the orthodox Left against segregation and apartheid (Billy Keniston, 'The weight of absence: Rick Turner and the end of the Durban Moment' *Theoria* 64(151) 2017: 31–32).
- 50 Gerhard Maré and Georgina Hamilton, *An Appetite for Power: Buthelezi's Inkatha and South Africa* (Johannesburg: Ravan Press, 1987): 77.
- 51 Webster, 'The impact of intellectuals on the labour movement': 89; Andrew Nash, 'The moment of Western Marxism in South Africa' in *Rethinking the Labour Movement in the 'New South Africa'*, ed. by Tom Bramble and Franco Barchiesi (Aldershot: Ashgate, 2003): 97–99; Richard Turner, *The Eye of the Needle: Towards Participatory Democracy in South Africa* (Johannesburg: Ravan Press, 1980); Boynton, *Last Days in Cloud Cuckooland*: 91, 95; Steven Friedman, 'From classroom to class struggle: radical academics and the rebirth of trade unionism in the 1970s' *Journal of Asian and African Studies* 49(5) 2014: 527, 528, 529. For an overview of Turner's life see Billy Keniston, *Choosing to be Free: The Life Story of Rick Turner* (Johannesburg: Jacana, 2013).
- 52 Eddie Webster, "'Rebels with a cause of their own": a personal reflection on my student years at Rhodes University, 1961–1965' *Transformation* 59 (2005): 105.
- 53 Helen Lunn, 'From Sartre to stevedores: the connection between the Paris barricades and the re-emergence of black trades unions in South Africa' in *Sixties Radicalism and Social Movement Activism: Retreat or Resurgence?* ed. by Bryn Jones and Mike O'Donnell (London: Atrium Press, 2010): 65.
- 54 Turner was reputedly described as the 'most dangerous man in the country' by South Africa's minister of justice (Boynton, *Last Days in Cloud Cuckooland*: 106). For the NP, ideas were often more of a threat than guns. Turner's assassin has never been identified, although there are a number of possibilities (Boynton, *Last Days in Cloud Cuckooland*: 117).
- 55 Rob Lambert, 'Eddie Webster, the Durban Moment and New Labour internationalism' *Transformation* 72(1) 2010: 28–30.
- 56 For an example see Emma Mashinini, *Strikes have Followed me all my Life: A South African Autobiography* (London: Women's Press, 1989): 33.
- 57 Sakhela Buhlungu, 'Rebels without a cause of their own?: the contradictory location of white officials in black unions in South Africa, 1973–94' *Current Sociology* 54(3) 2006: 429–447; Sakhela Buhlungu, *A Paradox of Victory: COSATU and the Democratic Transformation in South Africa* (Pietermaritzburg: University of KwaZulu-Natal Press, 2010): 36, 39–41, 44; Maré and Hamilton, *An Appetite for Power*: 120; Grace Davie, 'Strength in numbers: the Durban student wages commission, dockworkers and the poverty datum line, 1971–1973' *Journal of Southern African Studies* 33(2) 2007: 401–402, 419. Other, like-minded service organisations were the Urban Training Project (1971), the Western Province Workers Advice Bureau (Cape Town, March 1973), the IIE (Durban) and the Industrial Aid Society (Johannesburg, March 1974).

- 58 Michael Lobban, *White Man's Justice: South African Political Trials in the Black Consciousness Era* (Oxford: Clarendon Press, 1996): 84.
- 59 Another factor was overseas fundraising for the strikes by Ben Turok channelled through Harold Strachan. For working outside their structures Turok was expelled from the SACP and then refused membership of the Communist Party of Great Britain (Ben Turok, *Nothing but the Truth: Behind the ANC's Struggle Politics* (Johannesburg: Jonathan Ball, 2003): 234–238).
- 60 Buhlungu, *Paradox of Victory*: 21, 24–25, 27, 28, 31–32, 35.
- 61 Turner, *Eye of the Needle*: 118.
- 62 David Coplan, 'The emergence of African working-class culture: some research perspectives' *African Perspective* 16 (1980): 10; Alex Lichtenstein, "'A measure of democracy': works committees, black workers, and industrial citizenship in South Africa, 1973–1979' *South African Historical Journal* 67(2) 2015: 117.
- 63 Alex Lichtenstein, "'We do not think that the Bantu is ready for labour unions': remaking South Africa's apartheid workplace in the 1970s' *South African Historical Journal* 69(2) 2017: 216, 220, 222, 225.
- 64 David Hemson, 'Textile workers want a living wage' *Reality* 4(3) 1972: 13; Mike Murphy, 'What the workers think' *Reality* 4(5) 1972: 5, 6; David Hemson, 'Labour aristocrats and African workers' *Reality* 4(5) 1972: 7–9. Bolton (1920–2005) had joined the GWIU in 1945 and married its founder, James. He died in 1964 when she took over as general secretary, subsequently playing an influential role in the unionisation of black workers. She was involved in the 1971 mass meeting of textile workers at Curries Fountain, but went into exile in 1974. She lived in Britain and Zimbabwe and worked with the ANC and SACTU before returning to South Africa in the 1990s.
- 65 Jeremy Baskin, *Striking Back: A History of COSATU* (Johannesburg: Ravan Press, 1991): 17; Steven Friedman, *Building Tomorrow Today: African Workers in Trade Unions, 1970–1984* (Johannesburg: Ravan, 1987): 73–74, 79–80, 87–88. The firing of Bolton is also attributed to the SB.
- 66 Friedman, *Building Tomorrow Today*: 40. For insider accounts of the Durban Moment by Halton Cheadle and Dan O'Meara see Keniston, *Choosing to be Free*: 119–125.
- 67 Tom Lodge, 'Resistance and reform, 1973–1994' in *The Cambridge History of South Africa, Volume 2, 1885–1994*, ed. by Robert Ross, Anne Kelk Mager and Bill Nasson (Cambridge: Cambridge University Press, 2012): 409.
- 68 Scott Everett Couper, "'An embarrassment to the Congresses?': the silencing of Chief Albert Luthuli and the production of ANC history' *Journal of Southern African Studies* 35(2) 2009: 341.
- 69 Alex Lichtenstein, 'Richard Turner, participatory democracy and workers' control' *Theoria* 64(2) 2017: 48.
- 70 Noor Nieftagodien, *The Soweto Uprising* (Johannesburg: Jacana, 2014): 7.
- 71 Lewis, 'Black workers and trade unions': 195.
- 72 Bloch, 'Sounds in the silence': 20.
- 73 David Hemson, 'Usuthu!' *Reality* 5(1) 1973: 6.
- 74 Buhlungu, *Paradox of Victory*: 49, 50; Hemson, 'Usuthu!': 7.
- 75 Lodge, 'Resistance and reform, 1973–1994': 410, 412, 413, 416.
- 76 Bloch, 'Sounds in the silence': 13, 14.
- 77 Julian Brown, *The Road to Soweto: Resistance and the Uprising of 16 June 1976* (Johannesburg: Jacana, 2016): 87.
- 78 Lewis, 'Black workers and trade unions': 212.
- 79 Lichtenstein, "'A measure of democracy'": 125.
- 80 The *Daily News* was particularly forthright about wages that reinforced poverty (Brown, *The Road to Soweto*: 94).
- 81 Julian Brown, 'The Durban strikes of 1973: political identities and the management of protest' in *Popular Politics and Resistance Movements in South Africa*, ed. by William Beinart and Marcelle C. Dawson (Johannesburg: Wits University Press, 2010): 31–51; Brown, *The Road to Soweto*: 88, 90, 98. The police adopted a relatively restrained role, realising perhaps that they could not take on the workforces of entire factories, although their presence was used to intimidate.
- 82 Hemson, 'Usuthu!': 8; Feit, *Workers without Weapons*: 178–179.
- 83 Friedman, *Building Tomorrow Today*: 52, 53.
- 84 Costas Joakimidis and Ari Sitas, 'A study of strikes in the 1970s: part two' *WIP* 7 (1979): 31.

- 85 *Natal Witness* (NW) 13 February 1973.
- 86 Hemson, 'Usuthu!': 7. In Durban the average weekly wage was R13 (Baskin, *Striking Back*: 17).
- 87 NW 7, 16 and 24 February 1973.
- 88 NW editorials 1, 7, 10 and 15 February 1973. The cartoon appeared on 24 February 1973. Significantly, at the time the newspaper employed an industrial editor.
- 89 Buhlungu, *Paradox of Victory*: 46. Bonnin, 'Class, consciousness and conflict in the Natal Midlands, 1940–1987': 173, 248.
- 90 The Pietermaritzburg wage commission was able to defend itself against attacks by the Schlebusch Commission on the grounds that it was in practice an autonomous body (Brown, *The Road to Soweto*: 122–123).
- 91 Mark du Bois, 'The role of the wages commissions' *Reality* 5(4) 1973: 4.
- 92 Jen Curtis (NUSAS), untitled and undated document summarising the work of university wage commissions in UKZNA S 2/7/1–3 (SRC Correspondence, 1969–1971); Davie, 'Strength in numbers': 411.
- 93 Du Bois, 'The role of the wages commissions': 4, 5, 7.
- 94 'Report by John Frankish, chairman, NUSAS Wages Commission, University of Cape Town, June 29, 1973' in Karis and Gerhart, *From Protest to Challenge Volume 5*: 616; Davie, 'Strength in numbers': 413.
- 95 Kally Forrest, *Metal That Will Not Bend: National Union of Metalworkers of South Africa, 1980–1995* (Johannesburg: Wits University Press, 2011): 15; Bonnin, 'Class, consciousness and conflict in the Natal Midlands, 1940–1987': 183.
- 96 Abel, *Politics by other Means*: 127.
- 97 Du Toit, *Capital and Labour in South Africa*: 353.
- 98 Lobban, *White Man's Justice*: 101.
- 99 For an obituary of Middleton see Nalini Naidoo, 'Norman Stewart Middleton (1921–2015)' *Natalia* 45 (2015): 100–103.
- 100 Stephen Coan, 'John Morrison (1946–2014)' *Natalia* 44 (2014): 89–90; Du Bois, 'The role of the wages commissions': 6; Bonnin, 'Class, consciousness and conflict in the Natal Midlands, 1940–1987': 175.
- 101 'Student and worker [editorial]' *Reality* 5(4) 1973: 2–3. The bannings were described as a 'rash of madness' ('The government and the black worker [editorial]' *Reality* 6(1) 1974: 2), the editorial going on to ask: 'does South Africa want poverty?'
- 102 Fozzia Fisher, 'The Institution [sic] for Industrial Education' *Reality* 6(1) 1974: 19; Johann Maree, 'The Institute for Industrial Education and worker education' *SALB* 8(9) 1984: 77–91.
- 103 Buhlungu, *Paradox of Victory*: 28, 50, 52–53, 55; Eddie Webster, *Cast in a Racial Mould: Labour Process and Trade Unionism in the Foundries* (Johannesburg: Ravan Press, 1985): 131–133; Friedman, *Building Tomorrow Today*: 99; Linda Ensor, 'A look at the open trade unions' *SALB* 1(3) 1974: 46–48; Hirsch, 'An introduction to textile worker organisation in Natal': 37. Alpheus Mthethwa of the GFWBF was the first MAWU secretary.
- 104 Ari Sitas, 'MAWU: rapid growth in Natal' *SALB* 8(8)/9(1) 1983: 1; Abel, *Politics by other Means*: 125. Ten years later MAWU would reverse this tactic in the belief that an industry-wide approach was necessary to guard workers' interests (Eddie Webster, 'MAWU and the industrial council: a comment' *SALB* 8(5) 1983: 14–19).
- 105 Lichtenstein, "'We do not think that the Bantu is ready for labour unions'": 233.
- 106 Friedman, *Building Tomorrow Today*: 109; Feit, *Workers without Weapons*: 194. Murray had been critical of negotiations that depressed African wages while leaving employers to fragment jobs (Emdon, 'Co-optation and control': 58). However, this stance is contradicted by its national secretary, B. Brouwer, who took SABS out of TUCSA in September 1976 on the grounds that African workers were threatening the job security of its many Asian and coloured members (Du Toit, *Capital and Labour in South Africa*: 389).
- 107 Carole Cooper, 'The established trade union movement' *South African Review* (SAR) 1 (1983): 209, 212, 213, 215, 216; Paul Benjamin, 'Trade unions and the Industrial Court' SAR 4 (1987): 254; Friedman, *Building Tomorrow Today*: 65. One black worker observed: 'TUCSA organise management not workers' (Friedman, 'The political implications of industrial unrest in South Africa': 13). However, the Barlow group favoured plant-level bargaining as local conditions varied so greatly (Jean Leger and Eddie Webster, 'Introduction: labour at the crossroads' SAR 5 (1989): 253).

- 108 NUTW was the first independent African union to gain recognition, at Smith and Nephew, Pinetown in July 1974 (Friedman, *Building Tomorrow Today*: 94).
- 109 For a succinct explanation of workerism and populism in trade union politics see Beverley Naidoo, *Death of an Idealist: In Search of Neil Aggett* (Johannesburg: Jonathan Ball, 2012): 82–83.
- 110 Webster, *Cast in a Racial Mould*: 138; Glenn Moss, *The New Radicals: A Generational Memoir of the 1970s* (Johannesburg: Jacana, 2014): 151, 161, 183; Baskin, *Striking Back*: 329; ‘Trade unions and KwaZulu politics’ *SALB* 1(3) 1974: 3–4.
- 111 Maré and Hamilton, *An Appetite for Power*: 123. Dladla was a man of many parts having belonged to the ANC and the PAC, worked for the African Chamber of Commerce, and operated as a trader in Estcourt. By 1970 he was second-in-command to Mangosuthu Buthelezi in the KwaZulu Territorial Authority. Not only did he differ from Buthelezi over the role of trade unions, but he reputedly received funds from the exiled SACTU. His popularity was interpreted as a threat to Buthelezi and he was dismissed in August 1974, dying of lung cancer in 1977.
- 112 Terry Bell, ‘Afterword’ in Amin Cajee, *Fordsburg Fighter: The Journey of an MK Volunteer* (Face2Face, 2016): 177.
- 113 Greg Ruiters, ‘Urban struggles and defeats in 1980s South Africa: reflections on the politics of scale’ *Urban Forum* 11(2) 2000: 293.
- 114 Lambert, ‘Eddie Webster, the Durban Moment and New Labour internationalism’: 30.
- 115 For Naidoo’s career see Jay Naidoo, *Fighting for Justice: A Lifetime of Political and Social Activism* (Johannesburg: Picador Africa, 2010). Rob Lambert later entered academia.
- 116 Geoff Schreiner, ‘A “salt of the earth” comrade’ *SALB* 20(2) 1996: 8, 9. Makhathini was born in Melmoth in 1936 as John Dumisani Khumalo and after Standard 6 moved to Pietermaritzburg where he took the name of the family with whom he stayed.
- 117 Mary Kleinenberg and Christopher Merrett, *Standing on Street Corners: A History of the Natal Midlands Region of the Black Sash* (Pietermaritzburg: Natal Society Foundation Trust, 2015): 175, 177, 185. A number of union branches in other cities also started as advice offices at which the incremental process of winning worker rights could be pursued (Baskin, *Striking Back*: 21).
- 118 *NW* 15 and 16 October 1975.
- 119 Friedman, *Building Tomorrow Today*: 101–103, 294; Du Toit, *Capital and Labour in South Africa*: 282–289. The confidentiality claim was based on a provision of the Bantu Labour Relations Regulations Amendment Act (1974) designed to protect certain company financial information.
- 120 *NW* 17 October 1975.
- 121 *Survey of Race Relations (SRR)* 1977: 133–134.
- 122 Friedman, *Building Tomorrow Today*: 139.
- 123 MacShane, Plaut and Ward, *Power!*: 48, 58.
- 124 Friedman, *Building Tomorrow Today*: 89, 278.
- 125 Johnny Copelyn, *Maverick Insider: A Struggle for Union Independence in a Time of National Liberation* (Johannesburg: Picador Africa, 2016): 76.
- 126 Lodge, ‘Resistance and reform, 1973–1994’: 426.
- 127 Joakimidis and Sitas, ‘A study of strikes in the 1970s: part two’: 32, 33, 44, 45, 46, 49–50; Buhlungu, *Paradox of Victory*: 50; Webster, *Cast in a Racial Mould*: 147; Friedman, *Building Tomorrow Today*: 112–113, 216.
- 128 ‘Labour resistance’ *WIP* 7 (1979): 53; Khaba Mkhize, ‘Strike strands thousands’ *NW* 8 February 1979.
- 129 Copelyn, *Maverick Insider*: 77–84, 90, 92, 94.
- 130 ‘Codes of conduct’ *WIP* 6 (1978): 87. In 1973 Adam Raphael, the *Guardian*’s southern Africa correspondent since 1969, had written a series of influential articles on labour conditions in South Africa, for which he was named journalist of the year in Britain.
- 131 This was the objective of the Riekert Commission (Aninka Claassens, ‘The Riekert Commission and unemployment: the KwaZulu case’ *SALB* 5(4) 1979: 64).
- 132 Friedman, *Building Tomorrow Today*: 126, 132, 153–158, 166–167, 224.
- 133 Lewis, ‘Black workers and trade unions’: 216.
- 134 See Phil Bonner, ‘Focus on FOSATU’ *SALB* 5(1) 1979: 5–24 for the federation’s origins. There is divergence of opinion about the number of founding unions, some sources stating only twelve. Erwin, who had been involved in the IIE and TUACC, gave up his academic career to become a full-time

- union official. From 1996 to 2008 he served in government as minister of trade and industry, then minister of public enterprises, resigning when Thabo Mbeki was removed as president.
- 135 John Passmore, 'FOSATU: perspective on a non-racial trade union' *Reality* 13(5) 1982: 12; Steven Friedman, 'Emerging unions' *Reality* 15(5) 1983: 5, 6, 7.
- 136 Friedman, 'From classroom to class struggle': 537.
- 137 Friedman, *Building Tomorrow Today*: 169, 229–230, 247; Duncan Innes, 'Trade unions and the challenge to state power' *SALB* 8(2) 1982: 60–71.
- 138 Bob Fine, Francine de Clercq and Duncan Innes, 'Trade unions and the State in South Africa: the question of legality' *Capital and Class* 15 (1981): 107–111; Webster, *Cast in a Racial Mould*: 227, 233, 241; Jon Lewis, 'MAWU and the industrial council' *SALB* 11(1) 1985: 17–21.
- 139 Lewis, 'Black workers and trade unions': 222.
- 140 Joe Foster's speech was entitled 'The workers' struggle: where does FOSATU stand?' and it is reproduced in abridged form in Thomas G. Karis and Gail M. Gerhart, *From Protest to Challenge: A Documentary History of African Politics in South Africa, 1882–1990: Volume 6, Challenge and Victory, 1980–1990* (Johannesburg: Jacana, 2013): 299–302. The full text can be found in *SALB* 7(8) 1982: 67–86.
- 141 Friedman, *Building Tomorrow Today*: 434; Robert Fine with Dennis Davis, *Beyond Apartheid: Labour and Liberation in South Africa* (Johannesburg: Ravan Press, 1990): 283; Mark Swilling, 'Stayaways, urban protest and the State' *SAR* 3 (1986): 25, 26, 27, 29.
- 142 Georgina Jaffee and Karen Jochelson, 'The fight to save jobs: union initiatives on retrenchment and unemployment' *SAR* 3 (1986): 52.
- 143 Friedman, *Building Tomorrow Today*: 438.
- 144 Baskin, *Striking Back*: 330; Friedman, *Building Tomorrow Today*: 430–431.
- 145 Maré and Hamilton, *An Appetite for Power*: 125.
- 146 A Reader, 'Role of trade unions in the SA revolution' *African Communist* 82 (1980): 81, 88.
- 147 Donovan Lowry, *20 Years in the Labour Movement: The Urban Training Project and Change in South Africa, 1971–1991* (Johannesburg: Wadmore, 1999): 60.
- 148 Lichtenstein, "'A measure of democracy'": 120.
- 149 Karis and Gerhart, *From Protest to Challenge: Volume 6*: 61; Lewis, 'Black workers and trade unions': 222.
- 150 Eddie Webster, 'Labour: introduction' *SAR* 4 (1987): 215–218; Benjamin, 'Trade unions and the Industrial Court': 255, 256, 257, 261; Friedman, *Building Tomorrow Today*: 320; Lewis, 'Black workers and trade unions': 220.
- 151 Doug Hindson, 'Union unity' *SAR* 2 (1984): 101, 103.
- 152 Friedman, *Building Tomorrow Today*: 260, 262. For the significance of the pensions issue see MacShane, Plaut and Ward, *Power!*: 61–62.
- 153 Ibid: 193.
- 154 Ibid: 106–107; Mashinini, *Strikes have Followed me all my Life*: 39.
- 155 'The independent trade unions in Natal' *Reality* 16(6) November 1984: 27, 29; Hindson, 'Union unity': 101.

5

STRUGGLE IN THE WORKPLACE: TRADE UNIONS AND LIBERATION IN PIETERMARITZBURG AND THE NATAL MIDLANDS: PART TWO SARMCOL AND BEYOND

BY THE EARLY 1980s unions from a number of traditions, most notably the non-racial, workerist Federation of South African Trade Unions (FOSATU), were well established in Pietermaritzburg and the Natal Midlands. Black trade unionism was now not only legitimate, but increasingly embedded in a relatively accommodating legal context. The attitudes of the State, its security forces and workers' employers did not necessarily match this progress.

Labour conflict during the 1980s

A high proportion of the region's labour unrest occurred in small towns in the Midlands and northern Natal.¹ For instance, at Masonite in Estcourt on 17 July 1980 the overnight shift refused to work after miscommunication over the grading system. Four days later at the Veka clothing factory at Newcastle over 1 000 workers went on strike about a weekly pay offer of R130. Ten percent of them were not re-employed and M.J. Khumalo of the Black Allied Workers Union (BAWU) claimed victimisation of his members and management promotion of the Garment Workers Industrial Union, affiliated to the Trade Union Council of South Africa (TUCSA). The fact that manager Dawid van der Merwe called BAWU an 'underground movement' suggests that Khumalo's was a plausible claim. On 1 August nearly 500 workers downed tools at the Eskort Bacon Factory at Estcourt over wages and received an ultimatum from management: 'work or be fired'. One day of production was lost and 90% of the workforce was re-instated without an increase. The remainder were labelled 'agitators' and not taken back even though the dispute was entirely peaceful.²

Conditions in some Pietermaritzburg factories were extremely poor. Members of the Metal and Allied Workers Union (MAWU) employed at Prestige in the early 1980s to press out metal components for nearly 450 types of kitchenware, complained that the work was hot, noisy and physically challenging without safety guidelines, earplugs, gloves, overalls or fans; with

working days that lasted from 7.30 am until 8.30 pm. Most of the workers were female. Dismissal was whimsical (and could include pregnancy) as were wage increases. The basic wage was R6.30 per week. During the 1980s there were reputedly 39 disputes at Prestige, one of them over the right to meaningful long-service awards, and management was quick to call the police. With Jabu Ndlovu as senior shop steward from 1983, Prestige became a stronghold for MAWU, expressing solidarity with BTR (British Tyre and Rubber)-Sarmcol strikers. When Ndlovu was murdered, Prestige told her fellow workers they would not be paid if they attended her funeral.³

In 1981 workers belonging to the National Union of Textile Workers (NUTW, affiliated to FOSATU) at Natal Bag Manufacturers in Pietermaritzburg complained to the Department of Labour about wages as low as 15c per hour over a week of 52 hours. Late arrival resulted in loss of a day's pay; there was no protective clothing, soap in the toilets or a canteen; and lunch comprised just a 30-minute break. A pay increase offer to R16 per week for women with R21 for men was regarded as insufficient and attributed to high unemployment. In the Midlands, Burhose at Estcourt experienced a strike of 1 300 workers in May 1981 demanding a wage rise, with the NUTW reporting that all had been dismissed. Demonstrators were dispersed by teargas. However, five days later the workers returned and elected a negotiating committee after management promised a recognition agreement. Another 1 000 workers went on strike at Mooi River Textiles on 11 August 1981 over the dismissal of a NUTW shop steward, returning to work a week later amid negotiations.

Jay Naidoo had been deployed to Pietermaritzburg in 1979 to organise workers in the footwear industry, but in 1981 a serious split threatened FOSATU. Inkatha supporters, led by Willie Manthe and Norman Middleton, attempted to take over the Sweet, Food and Allied Workers Union (SFAWU). Manthe was expelled for corresponding with the KwaZulu government and formed a breakaway union with Middleton, while Naidoo took over as SFAWU organiser. He returned to Durban in 1982.⁴ The Inkatha factor would be one of the reasons why FOSATU did not affiliate to the United Democratic Front (UDF) when it was established in 1983, although there was always room for co-operation over specific campaigns. The success of this strategy was suggested by the affiliation to FOSATU of catering and food and canning workers' unions.⁵

By 1982 FOSATU had established a shop stewards council in Pietermaritzburg.⁶ This took unionism beyond separate factory floors, but quickly involved it in wider community issues, an outcome welcomed by

many workers if not their leaders. On 11 February 1982 FOSATU and the Food and Canning Workers Union called a 30-minute stoppage in memory of unionist Neil Aggett, driven to suicide in detention in Johannesburg six days earlier. The *Natal Witness* had described his death as a 'stain on South Africa's already grim record' and pointed a finger directly at the police Security Branch (SB).⁷ This was the first national union stoppage and testimony to the growing mobilising power of workers: in Natal 15 000 downed tools. The precise figure for Pietermaritzburg is not known, but at Epol there was a 30-minute stoppage and 180 shops closed for a similar period. At Noodsberg's PG Sugar there was a 10-minute prayer meeting. Statements from factory management to the press were sympathetic.⁸

The KwaZulu Shoe Company (Bata) at Loskop was owned by Canadian interests (two thirds) and the Corporation for Economic Development (CED, one third) and it had an 'atrocious labour policy'.⁹ The NUTW took up a case of dismissal after abuse by a supervisor and threats to union members and on 22 February 1982, 700 workers went on strike. There was also the issue of wages as low as R14 per week with the industrial council for the leather industry and the CED disclaiming jurisdiction as the factory was supposedly outside South Africa; a dubious claim as KwaZulu refused to accept nominal independence. The consequence was wages as low as one third of industrial council determinations. Upon this strategy, a wage bill 33% of the national norm, Bata built its 18% share of the South African market. The strikers were fired, production ceased, and management refused to talk to the NUTW although there were discussions with the KwaZulu labour department.

Such were the obstacles faced by unions in poverty-stricken rural areas disowned by South Africa. However, by late March all but 100 Bata strikers were back at work, although five had appeared in court on charges of malicious damage to property and assault. Frank Mdlalose, speaking on behalf of the KwaZulu government, said that the bantustan expected companies to listen to workers and respect unions. The latter felt betrayed by Z.A. Khanyile, the labour officer they accused of acting against the NUTW and colluding with strikebreakers. This situation was reported to the International Textile, Garment and Leather Workers Federation and there were hopes of a global boycott, but in 1983 Bata retrenched two thirds of the labour force leaving 300 workers on short time amid rumours of closure and a shift of production elsewhere. Subsequent conflict in 1984, involving the intimidation, assault and arrest of union members, showed that the NUTW was up against a powerful

combination with the KwaZulu government and police working in collusion with factory management.¹⁰

American-owned McKinnon Chain in Pietermaritzburg saw a strike by ninety workers in February 1982 over a promised wage increase. The strikers were evicted by police and dismissed the next day. MAWU was told that wages had to be negotiated at industrial council, rather than plant, level. A short-lived strike and the dismissal of 150 workers took place at Tongaat Milling, Estcourt over a demand that a foreman be dismissed. He was instead transferred and another strike began on 11 March. Although the entire workforce represented by the SFAWU was dismissed, all but seventeen were re-employed a fortnight later. In 1982 in the Natal Midlands there were five strikes (of 180 nationwide) involving 1 790 workers from the metal, food (2) and textile (2) sectors with MAWU, NUTW and the Commercial, Catering and Allied Workers Union of South Africa centrally involved. Most of the disputes were short and wage-related.¹¹ Friedman reports SB interference in strikes in 1981 and 1982, using security rather than labour legislation and undermining of the Department of Manpower, but there is no specific evidence of this in the Natal Midlands.¹²

In May 1984, 500 members of the Paper, Wood and Allied Workers Union (PWAU affiliated to FOSATU) went on strike at Uniply (a subsidiary of Barlow Rand, a group that had a particularly conservative stance on labour relations) at Cato Ridge after four shop stewards were fired for a May Day rally. This was the first year that May Day was celebrated nationally by large numbers of workers.¹³ Two were re-instated, but a go-slow resulted in mass dismissal and a police-enforced lockout even though the PWAU had a recognition agreement. Workers refused to accept the payouts that signalled dismissal and resolved successfully to appeal to the industrial council for re-employment. They also sought conciliation board involvement.

In June 1984, sixteen black doctors at Edendale Hospital refused to work overtime and were replaced by whites. In October at Epol, a Premier Group company in Pietermaritzburg, members of SFAWU came out on strike after the SB confiscated anti-tricameral parliament posters produced by FOSATU. Management disclaimed responsibility for police involvement, pointing out that Premier chair Tony Bloom had publicly campaigned against the new Constitution. In July, 100 workers at Goodhope Pipes in Pietermaritzburg walked out over wages and benefits, forcing management to negotiate. In the same month there was a go-slow at Oxenham Bakeries over wages and in December, 700 General Workers Union (GWU) members at Corobrik walked out after a misunderstanding over the payment date for the annual bonus. There

was no payment for the day of the strike in spite of evidence of management ineptitude.

At Spar, 143 dismissed workers were re-instated following a December 1984 strike, a consumer boycott and international pressure on the W.G. Brown Group. After the boycott spread to the Transvaal, a recognition agreement was promised. Such boycotts mobilised around spending rather than earning and suffered a degree of ambiguity in their attitude to black traders, but they required relatively little organisation. However, there was 'nothing inherently progressive about the consumer boycott' and they could be divisive, disadvantaging women in particular; falling increasingly within the ambit of civic organisations rather than unions.¹⁴

McKinnon Chain had been back in the news in 1984 for a dispute over plant bargaining.¹⁵ Writing that same year, Eddie Webster concluded that most strikes were single factory events about wages, dismissals and retrenchments – in descending order of importance. Industrial councils had become acceptable as long as shopfloor processes were not compromised. Shop stewards, and their councils, were increasingly influential. Gradually, rights were being won in the workplace and evidence from industrial action in the Pietermaritzburg region tends to bear this out. Growing worker identity and working-class leadership extending into the community, which Webster also discerned, was to follow later in the decade. Workers were demanding the rights of shareholders and the factory was the one place where whites faced real black power.¹⁶

In April 1985, 600 workers at Hans Merensky Clan at Cramond downed tools in support of an employee who refused to work overtime. Two hundred and fifty strikers were fired and those living in the compound were ordered out. Three workers were subsequently found guilty of intimidation (R30 or 30 days). Some of the fired were re-employed, but PWAU claimed there was a blacklist. At International Harvester in Pietermaritzburg, 132 strikers were successful in a dispute about the payment of pension benefits. At Scottish Cables, also in the city, MAWU members walked out on 3 May after a dispute around May Day celebrations and alleged renegeing on wage negotiations. The significance of MAWU is shown by the fact that it held its first national staff meeting at the Lay Ecumenical Centre in Edendale in 1985 and Pietermaritzburg was also a focal point for the Living Wage Campaign.¹⁷ At Jaguar Shoes there was a struggle between FOSATU's NUTW and the National Union of Leather Workers, affiliated to TUCSA. NUTW successfully took the company to the industrial court over unfair retrenchment of twelve workers and secured shop steward recognition and stop order rights.

May 1985 saw Corobrik workers, GWU members, join a national strike with employees at four Cape Town plants, 1 600 in all. Corobrik was a 'notoriously bad' employer with dangerous conditions, long hours and abusive management, but this dispute was over a demand for R2 per hour, an increase of 71 cents, and a living wage that was well researched in terms of national norms and Corobrik's balance sheet. Corobrik offered a non-negotiable R1.37 (an 8 cent increase), conciliation board negotiations deadlocked, and a nine-day strike started on 20 May. Picketing shut down the factory until the workers decided to back down. It was thought Corobrik was prepared to sustain losses after Transvaal workers had accepted the offer. Although unsuccessful, the strike consolidated the position of the GWU, which had started recruiting in June 1984 in response to an in-house, curiously named National Union of Black and Allied Workers financed by the Tongaat Hulett group. Management had been particularly hostile towards the GWU in Pietermaritzburg. This incident raised important questions about collective bargaining, management intransigence and union bashing.¹⁸

In July, 400 bus drivers at Sizanani MaZulu in Pietermaritzburg refused to work after failed negotiations over docked pay. At Rosedale Textiles in Willowton, 115 members of the Textile Workers Union, affiliated to the Council of Unions of South Africa (CUSA), went on strike from 1 to 6 August over a recognition agreement. They were locked in the mill overnight and denied access to food. The factory was then closed for three days, but subsequently reopened with recognition of shop stewards, grievance procedures, and monthly union meetings.¹⁹

Strikes during the last four years of the decade took place against the background of a national State of Emergency (SoE), but its specific effect on industrial relations is hard to gauge. In 1986 there were effective mass stayaways on 1 May and 16 June (May Day and Soweto Day) that shut down industry, although their origins were political as well as labour related.²⁰ On May Day a survey of 38 Pietermaritzburg firms employing 5 120 workers (18% of the total manufacturing and commercial workforce) showed a 53% stayaway rate (African 68%, Asian 43%, coloured 37% and white 2%). Nearly 80% of factories and 60% of commercial concerns were affected. Half of them had entered into agreements about absenteeism, largely on the basis of no work, no pay. In general, management was non-confrontational.²¹ At Interpak on 12 June 1986 PWAWU members engaged in a one-day strike over the dismissal of a shop steward. Negotiations started after this was converted into suspension and workers were paid for the day.

At the same time 2 000 Clover Dairies workers, members of the Food and Allied Workers Union (FAWU, affiliated to the Congress of South African Trade Unions, COSATU), struck over reversal of an interim wage agreement. This was to become one of the more protracted strikes in the region. A pay increase was subsequently backdated, but then a shop steward was dismissed and the strike resumed until his re-employment. In this case there were accusations about threats from the Inkatha-aligned union federation, United Workers Union of South Africa (UWUSA). The dispute ended in the Industrial Court after management refused to allow balloting on the premises and twenty charges of unfair labour practice were laid by FAWU. Clover obtained an interdict against the consumer boycott instigated by the union and the latter then challenged the boycott regulations issued in terms of the Emergency in the Pietermaritzburg Supreme Court. Mediation resulted in the recommendation that reinstatement should take place as vacancies arose, but this was rejected by FAWU in favour of a one-off exercise. In April 1987 there was still disagreement about the formula applied to 168 dismissed workers. Further industrial action took place in September over a living wage and a final settlement including recognition of FAWU was achieved only in October 1987.

Meanwhile at Damol-Lurie in August 1986 a one-day stoppage by 100 MAWU members had taken place over employment of new, rather than recently retrenched, workers. At Sapekoe Tea Estates at Richmond in June 1987, FAWU demanded recognition, reduced hours (nine including a tea break rather than eleven), a minimum monthly wage of R250 (not R55) and improved meals (two per day). Management refused to meet the union, referring to its Tzaneen headquarters where only a liaison committee was acknowledged. All strikers were dismissed, police were called to evict them from the compound, and selective re-employment excluding shop stewards and activists ensued.

In the meantime a two-day stayaway had been held in Pietermaritzburg from 5 to 6 May 1987, called by the UDF and COSATU in protest at whites-only elections and events relating to the national transport strike. It was indicative of the extent to which industrial protest had become blurred by political struggle. Monitoring showed that two thirds of African workers (and 81% of COSATU members) stayed away, 93% of surveyed firms were affected, and 60% of them held consequent negative attitudes. On day one, 60% of Asian-owned shops were shut rising to 90% on day two; and most African schools were closed. One of the key factors was an absence of buses and kombis and, given the SoE, it was regarded a success.²² One of the revelations of the stayaway was the relative weakness of Inkatha, which targeted members of the Transport and

General Workers Union (TGWU), blaming them for the transport shutdown that made the action so effective (TGWU was well-entrenched in nearly all Natal bus companies). Twelve TGWU members were subsequently killed and stoning of buses became routine.²³

By the late 1980s there were signs that the balance of industrial power might be shifting and patterns of behaviour changing. Three examples illustrate this. At Mooi River Textiles, 1 200 members of the Amalgamated Clothing and Textile Workers Union achieved agreement in mid-1988 over a 19% basic wage increase to R3.02 per hour with a company-financed funeral and death benefit scheme. The Ashdown stayaway of early 1988 had political roots in anti-Inkatha protest, but also in trade union activity.²⁴ In July 1989 National Education, Health and Allied Workers Union (affiliated to COSATU) members struck at Midlands Medical Centre in Pietermaritzburg over a colleague's dismissal without reason. He was re-instated in a matter of hours.

FOSATU had co-existed uneasily with Inkatha, but with the foundation of COSATU in 1985 hostilities were openly declared. As Mike Morris argued, Inkatha with its ethnic pre-occupations, close links with capital and personnel managers, and personalised power was inherently antagonistic to trade union democracy. Kally Forrest neatly summed up the situation thus: 'Inkatha viewed Cosatu as the ANC in the factories, and its allies, especially the UDF, as the ANC outside.' Indeed, Geoff Schreiner of MAWU identified labour as a particular weak spot for Inkatha. UWUSA had no compelling agenda and limited potential as a working class movement, but its disruptive power on the shopfloor was considerable. Ultimately, funding scandals were to show that Inkatha/UWUSA were allies of the State and had received government funding.²⁵

Around these struggles there had been an intense debate within the emergent trade union movement about relations with the State over issues such as registration, industrial councils and the Industrial Court; and about their role within the working class and the surrounding community.

After the foundation of COSATU on 1 December 1985 these subtle debates tended to take a back seat to increased political action, although ideological conflict flourished within rather than between affiliates and workerist unions continued to dominate workplaces.²⁶ With 33 affiliated unions and nearly 450 000 members (of which FOSATU had contributed eight and about 120 000 respectively), COSATU comprised the most powerful labour movement South Africa had ever seen, although its task of blending different union cultures was considerable. The founding general secretary was ex-Pietermaritzburg

unionist, Jay Naidoo. Yunus Carrim summed up COSATU's challenge as 'how to link economics and politics, and what the content of the politics should be.' Its initial project was to create an industrial union for each main sector of the economy. Its other four principles were worker control, non-racialism, representation according to paid-up membership, and national co-operation, all congruent with FOSATU's tradition. Twenty Black Consciousness-orientated unions stayed outside COSATU, the motivation for this being as much a matter of identity as the practicalities of trade unionism.²⁷ Norman Middleton, on behalf of CUSA, implausibly accused COSATU of being a front for white interests.²⁸ TUCSA, the majority of whose members were by now Asian and coloured, went into terminal decline, pulled apart ideologically.²⁹ Inkatha perversely condemned the politicisation of trade unionism while setting up its own worker organisation. COSATU's members reflected a wide range of opinion on political involvement and its pragmatic official stance was that it would support appropriate joint campaigns that reflected workers' interests.

On May Day, 1986, Inkatha's trade union federation, UWUSA, was launched in Durban on a platform strongly opposed to sanctions and foreign disinvestment. Although most of its officials were not workers but party functionaries, and bizarrely even businessmen (one of them, P. Malunga, was from Pietermaritzburg), UWUSA tapped into considerable, although diminishing, Inkatha support in the workplace, largely among unorganised workers. This dual loyalty was not without substance. In Pietermaritzburg, UWUSA reportedly had majority support at the municipal transport department, Scottish Cables, Edendale Tannery and Natal Tanning Extract. UWUSA was considered a sweetheart union. It was, indeed, more of a political organisation grounded in ethnic and cultural loyalties than a workers' movement, designed to extend Inkatha's power base; and backed by the American Federation of Labor and Congress of Industrial Organizations and, rumour had it, the Central Intelligence Agency. UWUSA's main function was oppositional and its operating methods were illustrated on the day of its launch when the son of John Makhathini, a senior Pietermaritzburg MAWU unionist, was abducted at gunpoint by an Inkatha councillor, forced into a car boot, and taken for questioning.³⁰

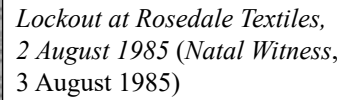
Mpophomeni moment

During the night of Friday 5 December 1986, on a quiet stretch of road near Lions River, three trade unionists from Mpophomeni were murdered.³¹ Four members of MAWU had been abducted by Inkatha supporters wielding guns

and spears and taken to the annexe to the community hall where a rally had taken place. They were assaulted by members of Inkatha Youth security, then questioned by members of the KwaZulu Police (KZP) and later driven off in a two-car convoy led by a prominent Mpophomeni Inkatha official in a stolen vehicle.³² One captive had tried to escape, but was forced into the boot. The driver was in KZP uniform. The next day three bodies with bullet and stab wounds were found 20 kilometres from Mpophomeni in a burned-out car. Only one of those abducted, although shot like the others, survived. He escaped by jumping down a small cliff and hiding all night, and was later able to give inquest testimony.³³

The rally, presided over by Inkatha national youth organiser Joseph Mabaso, was followed by widespread attacks on people and property. The township had previously been infiltrated by groups of strangers and that night the electricity was disconnected. The following day an armed Inkatha crowd went on the offensive, visiting the houses of all MAWU shop stewards. A fourth person, a youth leader, Alpheus Nkabinde, was killed,³⁴ eight people were hospitalised and a pensioner died of an asthma attack. MAWU officials were prevented from entering the township. The Inkatha attackers were eventually disarmed by South African Police officers at the community hall, escorted away, but allowed to go free. Later Mabaso and other Inkatha members were arrested, although there were no prosecutions. Civil claims amounting to R412 000 were lodged against the KwaZulu minister of police, Inkatha, its official Mabaso, and Thusi, a KwaZulu government official.³⁵

At the funeral, mourners were assaulted and abused by police, who maintained tight control of proceedings.³⁶ Inkatha secretary-general Oscar Dlomo denied his organisation's involvement,³⁷ but at the Howick inquest in February 1988 nine Inkatha members including Mabaso were named as responsible. No one was ever charged. One of those fingered was Caprivi trainee Vela Mchunu, spirited away to Mkuze in northern Zululand to avoid testifying and hidden within the KZP for years. At the proceedings Inkatha warlord David Ntombela from the Edendale valley was found to be carrying a gun in court and disarmed. Advocate Wim Trengove for MAWU exposed a vast web of lies and liars who had concocted absurd and evasive stories about the murderous events of 5 December 1986.³⁸ The Truth and Reconciliation Commission (TRC) confirmed the inquest findings and named Inkatha and the KZP as responsible for 'widespread gross human rights violations', but there were no criminal prosecutions for murder.³⁹ Orchestrated by W. Mvelase,



APDUSA VIEWS

AUGUST 1985

THE GREAT SARMCOL STRIKE!

INTRODUCTION

Since 30 April 1985, the Midlands of Metal has been witnessing the unfolding of a drama, the basic theme of which is the conflict between WORKER and CAPITALIST. Almost a T 900 workers employed by SARMCOL, a subsidiary of the British owned BTR went on strike. SARMCOL responded by dismissing ALL the strikers.

THE REASON FOR THE STRIKE

Negotiations between the METAL AND ALLIED WORKERS UNION (MAWU) and SARMCOL on the terms of the Recognition Agreement broke down because of disagreement on a number of issues, the more important of which are as follows:-

(a) SEVERANCE PAY

i.e. compensation upon retrenchment. MAWU demanded one weeks pay for every year worked by the worker to be retrenched.

SARMCOL offered 3 days pay for every year worked AFTER two years service.

(b) PEACE OBLIGATION

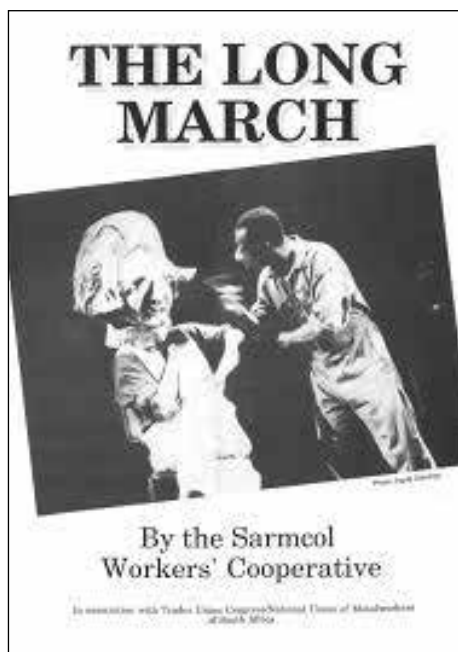
MAWU asked that in the event of a "wild cat" or spontaneous strike, SARMCOL should not dismiss the strikers without first giving the Trade Union the opportunity to settle the matter.

SARMCOL wanted the right to dismiss those workers on the spot.

(c) RETRENCHMENT

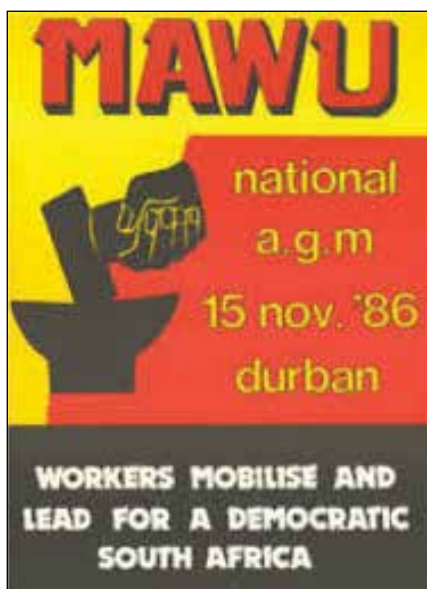
MAWU demanded the adoption of the internationally accepted procedure on retrenchment, i.e. those who were employed last ought to be the first to be retrenched.

SARMCOL insisted that it should have the right to retrench whenever it wanted to regard less of the length of service rendered by any worker.



*Advertisement for Sarmcol
Workers Co-operative play,
The Long March, 1986*

*Metal and Allied Workers Union
poster, November 1986*



member of the KwaZulu Legislative Assembly, the Mpophomeni murders 'epitomized and foreshadowed the [Midlands] civil war'.⁴⁰

Mpophomeni was at the very heart of the history of modern trade unionism in the Pietermaritzburg region. Here, MAWU mounted the first sustained challenge to a major employer, the Mpophomeni community displayed a remarkable degree of resilience and resistance, and the resultant violence including the first Inkatha attacks in the Pietermaritzburg area can be regarded as an early intimation (although not the source) of the conflict that was to consume the region from September 1987. As the first township conflict in the area, it may be considered a dress rehearsal for the Midlands War of 1987–1990. Although associated with the emerging black trade union movement, there was a sense of historical continuity provided by *imbongi* Lawrence Zondi's praise poetry that evoked the Rubber and Cable Workers Union campaign of 1961 over wages and safety.⁴¹

At the time considered to be 'South Africa's longest and most bitter labour dispute',⁴² the struggle for recognition of MAWU began at BTR-Sarmcol, Natal's largest rubber manufacturing plant (British Tyre and Rubber was known to its workers as Blood, Tears and Repression and was one of Europe's ten largest multinationals), at Howick in 1982, although the union had been active there since its foundation in 1974.⁴³ It had consistently adopted a pragmatic line, even utilising the distrusted liaison ('tea and toilet') committee system as a means to gain a foothold.⁴⁴ BTR argued that unregistered unions were illegal, but although MAWU registered in 1982 it was still refused recognition.⁴⁵ Partial recognition was granted in 1983 after an Industrial Court case.

By December 1984, and after twenty meetings, the agreement had still not been signed even though it fell short of statutory worker rights and other agreements such as that made with Barlow. MAWU claimed that BTR-Sarmcol's wage structure was 30% lower than comparable plants belonging to firms like AECl, Dunlop, Scottish Cables and Hulett's.⁴⁶ The union even purchased BTR-Sarmcol shares in June 1984 to give it the right to address a meeting of shareholders. Then 21 workers about to be retrenched were offered poor severance deals. In December 1984 MAWU called for conciliation boards to tackle the separate issues of severance pay and union recognition. The union's efforts were considerable and adhered to good process, but BTR rejected arbitration. As response to a go-slow and overtime ban, management brought in white schoolboys as scab labour, provoking a one-day, wildcat strike on 11 December 1984. MAWU then declared a dispute for failure to negotiate in good faith.⁴⁷

This reaction was well-founded. Throughout the long and bitter saga of BTR-Sarmcol labour relations runs a strong thread of obstructionism, high-handedness and paternalism. Geoff Schreiner of MAWU complained that BTR-Sarmcol management treated the union like a child and there are references to 'knowing the mind of the worker'. Even worse, and extraordinary even for extraordinary times, a memo dated 6 December 1984 from the industrial relations officer suggests that shooting strikers might be desirable. There was a great deal of personal animosity: manager R.J. Sampson was told bluntly by strikers to go back to Britain. BTR-Sarmcol pleas about lost turnover and profit failed to square with a national average pre-tax profit of R16 million for the years 1980–1984 and an annual increase in productivity of 18%.⁴⁸

Georgina Jaffee points out that at a time of economic downturn and industrial reorganisation such as the 1970s, the precursor of the neo-conservative revolution of the following decade, retrenchment could be used by management to diminish union influence and thin out worker leadership.⁴⁹ Indeed, a mechanisation programme and abandonment of jobbing work had reduced the labour force from 4 500 in the early 1970s to about 1 000, enabling BTR-Sarmcol's antipathy towards independent unions. After a negotiator failed to resolve the deadlock, 1 000 workers went on intermittent strike from 12 to 15 March 1985. They returned to work pending a conciliation board hearing during March and April. This made no headway, so the strike resumed on 30 April. Four days later on 3 May, based on an unexplained belief by BTR-Sarmcol that the strike was illegal, 970 workers were sacked. Sixty per cent of them were over 40, the majority married with families and sole breadwinners. Abel likens this action to farm evictions and forced removal.⁵⁰ MAWU insisted the strike was legal under the Labour Relations Act. Inkatha-supporting scab labour totaling 800 workers was duly employed; some of it from outside the area and living at the factory, others bussed in under police protection. A strike in the same sector in Durban with some similarities had taken place at Dunlop between August and September 1984.⁵¹

There was considerable and impressive national and international solidarity, most obvious in local consumer boycotts called by MAWU. It pointed out that BTR-Sarmcol was in breach of two international codes of conduct (European Economic Community (EEC) and the Tripartite Declaration of Principles Concerning Multi-National and Social Policy) in relation to wages, migrant labour, job security and employment practice.⁵² Both the British Trades Union Congress and the International Metalworkers Federation called on the

government of Margaret Thatcher to take action against BTR, which was also the target of a campaign by the International Confederation of Free Trade Unions. There was general agreement that BTR-Sarmcol was responsible for 'flagrant breaches of international collective bargaining procedures'.⁵³ It rejected MAWU's call for independent arbitration, arguing that following the dismissals it no longer had to deal with the union. The chairman of BTR in South Africa was reported as supporting the SoE.⁵⁴

The effect of the consumer boycott on Howick was severe and local businesses faced ruin. On 29 June demonstrations by dismissed workers took place in Pietermaritzburg and Imbali and on 18 July, 90% of African workers participated in a one-day stayaway called by FOSATU. Monitoring of 66 factories showed that all of them were affected, 92% of black workers were absent and overall absenteeism, including whites, was 70%. Pietermaritzburg took on the appearance of a ghost town. This was a remarkable achievement given disagreement about the stayaway, a lack of publicity until the day before, and a police teargas attack on demonstrators outside BTR-Sarmcol with the arrest of 37 of them. Many businesses did not open and buses (except for white suburban services) and taxis stayed off the roads. There was unrest in Pietermaritzburg's townships, much of it instigated by schoolchildren, and solidarity action at MAWU plants nationally.⁵⁵ However, BTR-Sarmcol and Hulett's maintained production by keeping workers on the premises and Clover Dairies resorted to white schoolboys.⁵⁶ The education sector was also affected and all seventeen Department of Education and Training schools in Imbali were closed. There were solidarity stoppages in Durban, most symbolically at Dunlop. The Pietermaritzburg Chamber of Commerce urged BTR-Sarmcol to negotiate after further stayaways were suggested. But that it remained intransigent suggests an underlying political motive, although a risky one given the fact that it was a foreign firm operating within a growing climate of disinvestment.⁵⁷ Significantly, the stayaway was bitterly opposed by Mangosuthu Buthelezi.⁵⁸

Observers judged that the consumer boycott associated with the BTR-Sarmcol strike was the most effective outside the Eastern Cape. It lasted from 15 August to 26 September 1985 and while failing in its objectives (reinstatement of BTR-Sarmcol workers and signing of a recognition agreement), it did demonstrate 'the power of black consumers'.⁵⁹ Nkosinathi Gwala plausibly argues that the stayaway marked a turning point in anti-apartheid resistance in the Pietermaritzburg area, its first 'major and highly successful mass action' that drew together the unions and the UDF.⁶⁰ Boycotts and stayaways, together

with funerals, proved effective tactically in a climate of police repression in which it was wise for leaders to remain low key to avoid detention and assassination.⁶¹ However, in spite of this and their demonstrative power, they made employees vulnerable to management retaliation and police action.⁶² Over the first two weeks, white businesses suffered a 60–70% drop in turnover and even those with a small black clientele admitted to 15%. Suburban Asian businesses benefited and their community made donations to the strikers. On the other hand, the 100 Asian strikers at BTR-Sarmcol were ‘somewhat isolated in their township of Howick West’ and largely unsupported by their neighbours.⁶³ After three weeks the boycott lost its effectiveness and it was called off in its sixth week.

There was considerable debate between FOSATU, MAWU and the African Peoples Democratic Union of South Africa on one hand and the UDF on the other whether the boycott should be linked specifically to the BTR-Sarmcol strike or widened to include the partial SoE, especially since the latter had not affected Natal. MAWU felt that if local issues did not predominate, BTR-Sarmcol would be even less likely to settle. A compromise was reached, but in the end the Pietermaritzburg boycott did not include demands around the Emergency, like related boycotts in the Durban area. By the end of August the Pietermaritzburg boycott had virtually collapsed through organisational disarray, lack of finance and police harassment. Although Inkatha expressed sympathy for the BTR-Sarmcol workers, its business wing, the Inyanda Chamber of Commerce, declared war on FOSATU and incited Inkatha to crush the boycott.⁶⁴ Local press editorial comment, the City Council, Chamber of Commerce and Afrikaanse Sakekamer all agreed that boycotts were counter-productive for the working class. There was some support from left-wing commentators for this view, arguing that the township geography that made them practical also assisted the security forces and allowed for divide and rule. It was also felt that they surrendered the initiative to employers, although they had long-term conscientising value and were a viable and theoretically non-violent tactic to bring pressure on white society, albeit beset by challenges of co-ordination and problems of coercion.⁶⁵

Boycott organisers felt that they had drawn attention to the BTR-Sarmcol issue in significant fashion and the support group behind the striking workers was significant.⁶⁶ Local businesses were shaken and put pressure on BTR-Sarmcol, but it was intransigent. The Chamber of Commerce, however, acknowledged the need for dialogue with black community organisations. Another positive spin-off was solidarity between Charterist, Unity Movement

and Black Consciousness organisations. However, unions and community organisations tended to regard each other as rigid and rhetorical respectively, and the boycott highlighted tension between workers and comrades. The Emergency rendered boycotts increasingly problematic.⁶⁷

The BTR-Sarmcol dismissals had a devastating economic effect on Mpophomeni, which had been established in 1975, although only 40% of the strikers were from the township.⁶⁸ It had already experienced a bus boycott in November 1982, supported by the community council, and a long-running rent strike dating back to 1980, which had strengthened community spirit. In the opinion of Radley Keys, MAWU kept Mpophomeni unified, disciplined and self-reliant.⁶⁹ The strike and subsequent dismissals affected 22% of the township's households, but only forty monthly-paid workers accepted selective re-employment by BTR-Sarmcol.

Various initiatives were set up under the umbrella of the Sarmcol Workers Co-operative (SAWCO). T-shirt production at Howick West employed 25 people; a drama group of nine, all novices, put across the strikers' message (the SAWCO play, *The Long March*, toured Britain in 1987); and a 50-acre vegetable farm leased from the Roman Catholic Church occupied fifteen more people. This was besides the oldest initiative, a health committee of ten members to look after the strikers and their children that was assisted by the National Medical and Dental Association. A bulk-buying scheme for food parcels supported by the St Joseph the Worker Fund of the Catholic Church and subsidised by a local truck owner, had been implemented prior to the strike, and two people ran a community newspaper.⁷⁰ Elected representatives of each co-op reported to the central co-ordinating committee, which shouldered financial responsibility and met regularly.

The economic viability of these projects was tenuous, although T-shirt production was profitable in 1989. The farm, 8 hectares of arable and 40 of grazing some distance from Mpophomeni near Cedara, was especially unstable and there was lack of understanding about co-operatives. Ideas about producing sandals, wire mesh, and coffins and other wooden products foundered on marketing limitations. SAWCO was essentially a relief agency with food parcels valued at R20 000 per month.⁷¹ Larry Kaufmann, the local Roman Catholic priest, was heavily involved and Archbishop Denis Hurley provided his support.⁷² Indeed, Hurley was described by shop steward and part-time pastor Philip Dladla as a father figure to the strike, who 'walked along with all of us'.⁷³ Valuable lessons were learned about organisation and conflict resolution, but in spite of the SAWCO play it is probable that the

co-operative concept had little influence beyond Mpophomeni where the unemployment rate was reported as 81.6% amid a general air of hopelessness and immiseration. By 1991 the project had shrunk to fifty workers from a maximum of 100. As an attempt to establish a self-supporting local economy, it was a failure. Its main significance was psychological, its precise success in imparting skills forever unknown.⁷⁴

On 23 June 1985 police fired rubber bullets and teargas at marchers and solidarity rallies were held a week later in Edendale and Imbali. Mpophomeni became a UDF stronghold and Inkatha supporters moved out to Haza and KwaShifu. This illustrated the extent to which a labour conflict had become politicised and taken on distinct geographic dimensions.⁷⁵ Discipline collapsed and striking workers assaulted scab labourers, burned houses, and attacked buses, torching one. Five strikers were jailed for a year for assault and nine faced murder charges after the death on 6 July of Dumisani Ntombela, the father of two strikebreakers. Two more were pulled off a bus and stabbed to death. A 21-day ban was placed on meetings in the township by F.E. Strachan, commissioner at Vulindlela magistracy, prohibiting the daily gathering of strikers crucial to morale at the community hall. The meeting was transferred to a Roman Catholic church hall in Howick in spite of protests by the town clerk.⁷⁶ On 10 September a policeman protecting the home of a strikebreaker was killed and fighting in Howick between strikers and strikebreakers left another person dead.⁷⁷ But the crucial issue was the State's willingness to allow its agents and allies to act violently and far beyond the law: in April 1986 an attack on Mpophomeni by residents of Haza was aided and abetted by police.⁷⁸ From 1 January 1987 Mpophomeni was to fall under the authority of the KwaZulu bantustan.

On 3 November 1986 the dispute reached the Industrial Court in Pietermaritzburg, rather than Mpophomeni as the strikers wished, in hearings that would occupy 39 days until 10 July 1987. This was then a record for a South African labour case, which produced 4 250 pages of proceedings – another record. The court hearing revealed that MAWU had been victim of close co-operation between management and police, evidence that was later disregarded. BTR-Sarmcol was shown to be prejudiced and often inept in its dealings with MAWU.⁷⁹ At the same time, there was a hearing in Brussels investigating alleged contraventions of the EEC employment code regarding worker representation. Six shop stewards were refused passports to attend. The Industrial Court ruled on 10 September 1987 that the dismissals had been fair, although evidence suggested that the court was biased against MAWU.

The presiding officials were all white Afrikaners and some had indirect links with BTR-Sarmcol. Details of BTR's poor industrial relations record in Britain and Trinidad also came to light. Bizarrely, the court felt it had to shield the replacement labour force, implying there was no protection against dismissal. The conduct of this case, which demonstrated the links between capital, State and Inkatha, represented a severe setback to union confidence in the Industrial Court system.⁸⁰

It was decided to take the outcome on review to the Supreme Court and this went in favour of the National Union of Metalworkers of South Africa (NUMSA, formerly MAWU) since the presiding officer of the Industrial Court, Pierre Roux, had attended a seminar organised by Andrew Levy and Associates, advisors to BTR-Sarmcol. Judge John Didcott described this 'hobnobbing' as untoward and ruled that the dispute should return to the Industrial Court for arbitration, although BTR-Sarmcol was given leave to appeal.⁸¹ While critical of Didcott in some respects, the Appellate Division upheld his judgment in March 1992, although this was the most pyrrhic of victories for NUMSA. BTR-Sarmcol never apologised and only a handful of the 1 000 sacked workers ever returned to work there.⁸²

In March 1987, while the Industrial Court was considering MAWU's case, BTR-Sarmcol signed a recognition agreement with UWUSA, the Inkatha-aligned labour federation that had recruited among scab labour and was restricted to Zulu membership. It reportedly made concessions on job security that had been a significant issue in the MAWU dispute. Moreover, UWUSA was not registered and failed to meet other requirements originally set down for MAWU. Perhaps most significant of all, a leaked police memo of October 1989 revealed UWUSA to be one of its projects. UWUSA would satisfy BTR-Sarmcol management's demand for obedience and passivity from the workforce.⁸³

The BTR-Sarmcol strike was a remarkable tale of fortitude and determination in pursuit of union recognition. The intransigence of the company and its co-operation with state security denied even apartheid's limited workplace rights and many years later in March 1998 Judge Pierre Olivier of the Appeal Court found in favour of the dismissed workers. The company, he argued, had behaved opportunistically, irresponsibly and provocatively; using unfair dismissals to disable MAWU. Compensation of R13 000 each was ordered, although by then 143 of the strikers were dead. BTR-Sarmcol's record gives credence to Kally Forrest's suggestion that it was prepared even to sacrifice profit in an anti-union crusade. Geoff Schreiner of MAWU was in no doubt

that there was company, Inkatha and SB collusion.⁸⁴ The TRC held Inkatha and the KZP jointly responsible for 'widespread gross human rights violations' in Mpopphomeni.⁸⁵ But justice for this outrageously shameful episode has never been served.

State of Emergency, 1986–1989

A national SoE was declared on 12 June 1986. Having effectively opened up possibilities for emerging unions after the Wiehahn Commission in 1980, the State now sought to tighten control in the context of a sustained and relentless programme of repression. In 1987 the Labour Relations Amendment Bill was introduced, COSATU was restricted, and COSATU House in Johannesburg was bombed (on 7 May). It was a year of setbacks for the labour movement and yet it proved the only durable, strongly organised anti-apartheid component. In part this was because the government could not summon up the nerve to ban any union, although it did detain many unionists.⁸⁶ The amended legislation was promulgated on 1 September 1988, provoking a wave of strikes.⁸⁷ On 23 May 1987, MAWU and seven other unions in the metal and automotive industries amalgamated to create the 136 000-strong NUMSA. It adopted the Freedom Charter as a foundation stone of the working-class movement and committed itself to socialism.⁸⁸ As a member of the International Metalworkers Federation, NUMSA was part of a broad front that included unions from the same sector in other federations.⁸⁹

Pietermaritzburg was described by Jeremy Baskin as an important industrial node in which FOSATU/COSATU had achieved a significant presence, particularly since Inkatha had never been strong there. Inkatha's aspirations were now also challenged by the UDF and in particular its youth organisations.⁹⁰ From November 1987, the Pietermaritzburg area defied the national trend in which the SoE dampened unrest and an increasingly violent conflict developed. As Ari Sitas points out, African working-class areas were at the epicentre of conflict.⁹¹ One of the first clashes between Inkatha and COSATU supporters occurred in Ashdown in March 1986 and was related to bus fare increases, but also to the union federation's ability to recruit workers who were, or had been, Inkatha adherents. September 1987 is regarded as the point at which low-key civil war began in the Natal Midlands with the struggle for control of Edendale. It was also the start of COSATU's peace-seeking role supporting efforts by the Pietermaritzburg Chamber of Commerce, but the SB detained a number of its members. The growing activities of Inkatha warlords

were met by COSATU interdicts. In December, COSATU and the UDF successfully sought permission for a report-back rally in Edendale attended by 10 000 people, but talks foundered around Inkatha attempts to use them to reinforce its national political credentials.⁹²

COSATU's peace-seeking role took on crucial dimensions by default as the State and its allies disabled the UDF leadership. The February 1988 restrictions saw the emergence of new leaders such as Sipho Gcabashe and Denis Sithole, identified with COSATU rather than the UDF, but the union federation's broader role was shouldered at a cost.⁹³ John Makhathini, founding MAWU Pietermaritzburg branch secretary, had to flee his house and the Lutheran church at Sinathing after his involvement in interdict applications.⁹⁴ In northern Natal there were extensive detentions of COSATU members, leaving the field open to UWUSA, while in the Midlands trade unionists made up 10% of all detainees. A reported strike by TGWU members at Corobrik may have been an anti-detention protest. In mid-1986 the Natal Supreme Court in Pietermaritzburg ruled in a case brought by MAWU that the definition of subversive in the Emergency regulations was invalid and authorised visits by lawyers to detainees. Employer organisations voiced concern about the Emergency, but at plant level management continued to take a hard line encouraged by the general security ambience.⁹⁵

COSATU was instrumental in local peace committees and pressed for a commission of inquiry to consider the roles of Inkatha and the KZP in the unrest. Another casualty was NUMSA senior shop steward Jabu Ndlovu, murdered when her house in Mkhamba Street, Imbali Stage 1, was firebombed on 22 May 1989. Ndlovu was a typical unionist whose husband was a brewery worker and member of FAWU. Their son was on the run and eventually killed on 25 February 1990. An Inkatha warlord had previously tried to force her into a car. She was close to youth structures, had visited Britain in 1988 with a NUMSA delegation and the play *Sisters of the Long March*, and was associated with COSATU's legal actions and the naming of warlords. Her husband and daughter were shot dead, while she died ten days after the house attack from a lung infection resulting from burns. A three-day stayaway ensued from 5 to 7 June, Ndlovu's funeral was first banned then restricted to 200 people, and mourners were attacked by police and vigilantes.⁹⁶

COSATU was a crucial part of the process of collecting evidence of collusion between the State and Inkatha warlords, but in May 1989 it withdrew from the Complaints Adjudication Board after a witness was killed. Together with religious leaders COSATU continued to work for a peace process in

overtures that were consistently thwarted by Mangosuthu Buthelezi, while Minister of Law and Order Adriaan Vlok accused COSATU and its allies of being 'revolutionary agents'. Exploratory talks did take place in Durban in June and July 1989, but violence escalated at a number of flashpoints and Inkatha's line hardened once again. In October 1989 COSATU stated publicly that after two years it was drawn to the conclusion that Inkatha was putting its national political aspirations ahead of regional peace.⁹⁷

COSATU was caught up in a violent battle for political supremacy and opposition to the growth of democratic organisations such as unions and community organisations, a 'special kind of war' in John Aitchison's analysis because of actual and potential membership overlap. From its foundation it was beset by BTR-Sarmcol strike violence, its TGWU members were key to stayaways and boycotts, and its members lived in unrest hotspots like Ashdown and Imbali and were involved in their defence. COSATU was 'energetic' in pursuit of peace and attempts to interdict Inkatha warlords. Aitchison concludes that 'COSATU had from the start a vested interest in peace and appears to have consistently worked for it. Of all the parties [to the conflict], COSATU was the most honest peace broker', its members suffering considerably from economic dislocation and damage.⁹⁸ Alec Erwin was later to argue that had it not been for COSATU's role, the Seven Day War of March 1990 in the Edendale valley would have been 'a 20-day conflagration'.⁹⁹ On the other hand, release of veteran trade unionist Harry Gwala on 26 November 1988 had soon led to the development of factions, often with fatal consequences.¹⁰⁰

Overview

Prior to World War II, African trade unionism in the Pietermaritzburg region was severely constrained by government restrictions and a lack of numbers: the city lacked manufacturing activity and potential for collective action lay largely within the service industries. Employment opportunities were enjoyed by Asian and coloured workers while Africans were seen as a health hazard to be removed as far from the city's boundary as possible. The exception was the township of Sobantu, which accommodated Africans with permanent urban residential rights often employed in white-collar jobs. Union activity as a whole was weak in the Pietermaritzburg region as a result of a limited industrial base. In spite of the existence of various loopholes there was no consistent effort by African trade unions to exploit them. Membership of unions seems in effect to have been as much a political statement as workplace mobilisation. Yet shortly after World War II both a government commission

and organised business favoured limited union rights for Africans on the pragmatic grounds that dealing with established, representative organisations would reduce potential instability.

But in 1948 an extreme right-wing government took power in Pretoria. For the next forty years apartheid laws would influence workplace relations and all other aspects of South African lives. Ironically, there was an upsurge of labour activity especially at the rubber factory in Howick driven by ANC-backed, unregistered, independent unions and their organisers, some of whom had been members of the now-banned Communist Party of South Africa. From 1955, unions affiliated to the South African Congress of Trade Unions (SACTU), in spite of increasingly harsh legislation, had a significant impact on the area but failed to establish a strong platform for unionism because they were diverted by broader political issues. Many of their leaders ended up in Umkhonto we Sizwe, calling into question their commitment to workplace struggle. Lack of basic organisation was one characteristic of SACTU affiliates. Ongoing loyalty to individual leaders aside, the SACTU legacy was minimal even for COSATU, founded in December 1985.

The overall importance of the student wage commissions of the early 1970s remains debatable. But they had a significant role in the emergence of a new wave of independent unions that had a decisive impact on industrial relations and ultimately the political future of South Africa. And one of the most active commissions was based in Pietermaritzburg. In particular, it drew international attention to the gross exploitation of African workers. Furthermore, wage commission members promoted General Factory Workers Benefit Fund membership so effectively that MAWU was founded in Pietermaritzburg in April 1973 and its local branch had within a year begun recruiting successfully in what had been regarded as highly infertile ground. MAWU offices hosted the umbrella body Trade Union Advisory and Coordinating Council and Pietermaritzburg became well-known for a workerist approach to trade unionism. The close involvement of the Black Sash Advice Office with TUACC, MAWU and the other emergent unions was both unique and symbolic of the continuation of a strong Pietermaritzburg tradition of non-racialism. This remained true of the culture developed by FOSATU after it succeeded TUACC in April 1979.

The city became a stronghold for FOSATU's principled, but pragmatic, approach to trade unionism. FOSATU remains one of the few, and certainly the most effective, examples of independent trade unionism in South African history, rejecting political affiliation and carefully balancing shopfloor

democracy with labour law requirements and opportunities. However, the development of an independent worker politics remained a distant objective overwhelmed by the socio-political problems thrown up by protest in Pietermaritzburg's townships; while the increasingly aggressive politics of Inkatha constantly posed a dilemma.

The 1980s provided severe challenges for the growing union movement in the Natal Midlands, not least of which were the geography of apartheid, the proximity of declared border areas, and the labour resources of the KwaZulu bantustan. Border area policy was predicated on depressed wages and lack of worker rights. Nor was it clear exactly which laws applied to non-independent bantustans. For example, KwaZulu amended the Labour Relations Act in 1981, but this was thought to be meaningless as the principal Act was not applicable because the bantustan had its own legislation with limited acceptance of unions.¹⁰¹ Consequently, many workers failed to benefit from the modest gains made in the 1980s and wages and conditions remained artificially depressed. In 1982 at Camperdown, for instance, a qualified machinist in the clothing industry earned R30.80 per week, R11.20 less than in the Transvaal, a difference that must have related at least in part to border industry status.¹⁰² On the one hand, KwaZulu's 'frontier commuters', originally targeted by the Wiehahn Commission, were de facto part of the settled urban proletariat and less easy to control than workers in other parts of the country.¹⁰³ Conversely, it was calculated that subsistence incomes from rural areas declined by 5% per annum in the early 1980s.¹⁰⁴

The attitude of many employers was slipshod, if not antagonistic, and some disputes were caused simply by poor communication. Unfair labour practice was rife.¹⁰⁵ There were also examples of bias in which management favoured TUCSA-affiliated unions or Inkatha's UWUSA, both perceived as more compliant and malleable than affiliates of FOSATU and, later, COSATU. Another control mechanism was selective re-employment after a dismissal or retrenchment exercise in which union leaders and activists failed to feature. There were accusations of blacklists, but these are not possible to verify. In the more contentious disputes, police and KwaZulu bantustan officials played a partisan role.

Industrial action generally took place over material issues. But there was also political conflict between management and workers, most notably around annual May Day commemorations and the divisive issue of the tricameral parliamentary system. This epitomised the highly divergent and often divisive world views of different sections of the nation. But there is also about these

events a sense of ritual – strike, retaliation, partial reconciliation – that underlies a gradual process of growing worker power in the workplace and a sense of desperation within the nexus created by the State and its allies and capital.

As in other provinces the role of stayaways and boycotts was contentious. But in the Natal Midlands it seems logical to conclude that while their efficacy was debatable, they did bring together unions and community and provided significant markers in the regional struggle against apartheid. In this respect, the co-operative ethos of the Transvaal, where the civic role of unionists was strong, was more evident than the antipathetic relations of the Eastern Cape.¹⁰⁶

Andrew Nash is of the opinion that ‘the moment of independent trade unionism in the 1970s and 1980s still represents an unavoidable point of departure for any regeneration of sustained working-class struggle in South Africa’.¹⁰⁷ Karl von Holdt described trade unions as ‘the most organised and durable movement among the black population oppressed by apartheid’.¹⁰⁸ And Jean Leger and Eddie Webster argue that by the late 1980s labour was leading the internal resistance to the apartheid regime in spite of violent state repression.¹⁰⁹ This was arguably because up to this point, as Steven Friedman suggests, the anti-apartheid struggle had been about numbers, mass mobilisation, fiery speeches and charismatic leaders rather than effective organisation. FOSATU and COSATU provided a ‘disciplined power base’ that understood and appreciated the mechanics of bargaining and incremental gains above collective anger. Thus, echoing Von Holdt, the unions were the ‘best organised and most effective opposition movement’, although hampered in a political role by the need for democratic mandates.¹¹⁰

It is reasonable to argue that the Durban Moment, with its echo in Pietermaritzburg and the Midlands, was a defining point in South Africa’s history, both labour and political. The extent to which the University of Natal philosopher Richard Turner influenced that moment is debatable, but it was not insignificant. Turner believed in the possibility of transcending accepted values and assumptions to create a new society based on different relationships. He believed the world could be changed. Fundamental to his vision was participative democracy devolving power so that it could not be further abused; and he imagined that democratic worker structures that promoted solidarity might be a means to this end. Nor was his philosophy purely theoretical and in spite of his banning order he was involved in the educational programme that supported the emerging trade unions like MAWU. He wrote about ‘awareness of [workers’] potential power and of the virtues of solidarity’ and predicted a growth in trade unions, ‘a political fact of great importance.’¹¹¹ His judgement

was impeccable, although it would not be fulfilled until well after his violent death. And in that history of trade unionism, Pietermaritzburg played a small but significant part.

ENDNOTES

- 1 Details of strike action in the Natal Midlands are taken from *Work in Progress (WIP)* 14 (1980), 16, 19 and 20 (1981), 22 and 23 (1982), 25 (1983), 32, 33 and 35 (1984), 36, 37, 38 and 39 (1985), 43, 44 and 45 (1986), 47, 48, 49 and 50–51 (1987), 52 and 53 (1988), and 60 (1989).
- 2 *Natal Witness (NW)* 5 August 1980. As the decade progressed the *Natal Witness* provided less coverage of industrial action except for the BTR-Sarmcol strike. This was possibly because of the growing spread of other forms of protest and, ultimately, violence.
- 3 Kally Forrest, *Metal That Will Not Bend: National Union of Metalworkers of South Africa, 1980–1995* (Johannesburg: Wits University Press, 2011): 10; Jean Fairbairn, *Flashes in her Soul: The Life of Jabu Ndlovu* (Cape Town: Buchu Books, 1991): 20, 24, 29, 30, 31, 42–43, 50, 56, 78.
- 4 Jeremy Baskin, *Striking Back: A History of COSATU* (Johannesburg: Ravan Press, 1991): 63. See Jay Naidoo, *Fighting for Justice: A Lifetime of Political and Social Activism* (Johannesburg: Picador Africa, 2010): 71, 74, 78, 79–80, 83.
- 5 Thomas G. Karis and Gail M. Gerhart, *From Protest to Challenge: A Documentary History of African Politics in South Africa, 1882–1990: Volume 6, Challenge and Victory, 1980–1990* (Johannesburg: Jacana, 2013): 64.
- 6 Forrest, *Metal That Will Not Bend*: 50.
- 7 *NW* 8 February 1972.
- 8 Baskin, *Striking Back*: 31, 36; *NW* 12 February 1972.
- 9 Gerhard Maré and Georgina Hamilton. *An Appetite for Power: Buthelezi's Inkatha and South Africa* (Johannesburg: Ravan Press, 1987): 103.
- 10 Carole Cooper, 'Bantustan attitudes to trade unions' *South African Review (SAR)* 2 (1984): 182–183. Bata had its main factory at Pinetown and others at Greytown and Keate's Drift.
- 11 Rob and Lynne Lambert, 'State reform and working class resistance, 1982' *SAR* 1 (1983): 222, 225, 230.
- 12 Steven Friedman, *Building Tomorrow Today: African Workers in Trade Unions, 1970–1984* (Johannesburg: Ravan Press, 1987): 301–302.
- 13 Nicoli Nattrass and Jeremy Seekings, 'The economy and poverty in the twentieth century' in *The Cambridge History of South Africa, Volume 2, 1885–1994*, ed. by Robert Ross, Anne Kelk Mager and Bill Nasson (Cambridge: Cambridge University Press, 2012): 553; Denis MacShane, Martin Plaut and David Ward, *Power!: Black Workers, Their Unions and the Struggle for Freedom in South Africa* (Nottingham: Spokesman, 1984): 140.
- 14 Jeremy Seekings, 'Workers and the politics of consumer boycotts' *South African Labour Bulletin (SALB)* 11(6) 1986: 21–26, 28, 33.
- 15 Friedman, *Building Tomorrow Today*: 348.
- 16 Eddie Webster, 'New force on the shop floor' *SAR* 2 (1984): 80–83, 85, 86; Friedman, *Building Tomorrow Today*: 394, 395.
- 17 Forrest, *Metal That Will Not Bend*: 131.
- 18 Marcel Golding, 'The Corobrik strike' *SALB* 10(8) 1985: 7–10.
- 19 *NW* 3 and 7 August 1985.
- 20 *Pietermaritzburg Corporation Yearbook* 1986: 15.
- 21 William Cobbett and Mark Beitel (comp.), 'May Day stay-away 1986' *SALB* 11(6) 1986: 82, 89; Christopher Merrett, 'Monitoring boycotts: black consumers and white businesses in Pietermaritzburg, August 1985' *Natalia* 45 (2015): 69–72.
- 22 Yusuf Bhamjee, 'The May 5th–6th worker-stayaway in Pietermaritzburg' *Reality* 19(4) 1987: 14–15.
- 23 John Aitchison, *Numbering the Dead: The Course and Pattern of Political Violence in the Natal Midlands, 1987–1989* (Pietermaritzburg: Natal Society Foundation Trust, 2015): 19; MacShane, Plaut and Ward, *Power!*: 109.

- 24 Mark Bennett, 'Recent trends in industrial action' *SAR* 5 (1989): 297.
- 25 Phillip van Niekerk, 'Drawing the battle lines' *WIP* 42 (1986): 4, 6–7; Mike Morris, 'Lessons from May Day' *WIP* 43 (1986): 19–24; Senior Cosatu Official, 'Winning away Cosatu's base' *WIP* 45 (1986): 31; Forrest, *Metal That Will Not Bend*: 374; Geoff Schreiner, 'Cosatu strategy in Natal' *WIP* 46 (1987): 22, 25.
- 26 Alan Fine, 'Trends and developments in organised labour' *SAR* 4 (1987): 222; Steven Friedman, 'From classroom to class struggle: radical academics and the rebirth of trade unionism in the 1970s' *Journal of Asian and African Studies* 49(5) 2014: 534.
- 27 Yunus Carrim, 'Working-class politics to the fore' *WIP* 40 (1986): 4, 6–7, 10, 12; Alan Fine and Robyn Rafel, 'Introduction: trends in organised labour' *SAR* 3 (1986): 9; 'Trade union membership in South Africa' *SAR* 3 (1986): 99–100.
- 28 Maré and Hamilton, *An Appetite for Power*: 117.
- 29 Fine, 'Trends and developments in organised labour': 220, 227.
- 30 Baskin, *Striking Back*: 132, 134; Maré and Hamilton, *An Appetite for Power*: 132.
- 31 Nalini Naidoo and Christopher Merrett, 'A history too painful to be remembered' *Witness* 12 December 2011. This also contains a recalled eyewitness account by Wendy Leeb headed 'Activists murdered, an old woman cries out and the people mourn'. The victims were Phineas Sibiyi (chairperson of the shop stewards' committee at Sarmcol, SAWCO chair and a MAWU national executive committee member), Simon Ngubane (MAWU striker and member of the shop stewards' committee as well as an actor in the play, *The Long March*) and Flomena Mnikathi (daughter of a MAWU member and a SAWCO health committee member).
- 32 The car belonged to Philip Dladla, a member of the shop stewards' committee.
- 33 Micca Sibiyi was Phineas' half-brother and a member of the shop stewards' committee. He was shot in the hand and sanctuary was arranged for him in Durban by Archbishop Denis Hurley (Paddy Kearney, *Denis Hurley: Truth to Power* (Pietermaritzburg: University of KwaZulu-Natal Press, 2012): 169).
- 34 Peter Kerchhoff, 'The role of the churches' in *Hope beyond Apartheid: The Peter Kerchhoff Years of PACSA*, ed. by Lou Levine (Pietermaritzburg: PACSA, 2002): 166–167. Mi Hlatshwayo wrote a poem about this incident entitled 'To you comrades P Sibiyi, S Ngubane, F Mnikathi, A Nkibande [sic]' *SALB* 12(2) 1987: 2–3.
- 35 Mzala [Jabulani Nxumalo], *Gatsha Buthelezi: Chief with a Double Agenda* (London: Zed, 1988): 181–183.
- 36 Matthew Kentridge, *An Unofficial War: Inside the Conflict in Pietermaritzburg* (Cape Town: David Philip, 1990): 198; Shamim Marie, 'Sarmcol killings' *SALB* 12(2) 1987: 3–4. Police insisted on three funerals for the four murdered unionists, two of whom were Catholics, and the release of one body at a time from a Pietermaritzburg funeral parlour (Kearney, *Denis Hurley*: 169).
- 37 *NW* 10 December 1986.
- 38 Kentridge, *An Unofficial War*: 191–192, 198; Richard L. Abel, *Politics by other Means: Law in the Struggle against Apartheid* (New York: Routledge, 1995): 179–192.
- 39 Truth and Reconciliation Commission of South Africa (TRC), *Report Volume 3* (Cape Town: TRC, 1998): 239.
- 40 Abel, *Politics by other Means*: 208.
- 41 Deborah R. Bonnini, 'Class, consciousness and conflict in the Natal Midlands, 1940–1987: the case of the B.T.R. Sarmcol workers' (M.Soc.Sci. thesis – Durban: University of Natal, 1987): 250.
- 42 *WIP* 49 (1987): [46].
- 43 Sarmcol's Howick factory had been opened in 1921, one third of its power needs drawn from the nearby waterfall. From the outset it showed an interest in cheap 'native' labour (Eric Rosenthal, *The Sarmcol Story* (Howick: Sarmcol, 1981): 65). Rosenthal's book is a classic example of a colonial and apartheid South African company history, in which black workers are almost invisible. A workers' perspective is provided in Bonnini, 'Class, consciousness and conflict in the Natal Midlands, 1940–1987'.
- 44 *Ibid*: 178–179.
- 45 *Ibid*: 185.
- 46 MAWU, 'The BTR Sarmcol strike' *SALB* 10(8) 1985: 37.
- 47 *WIP* 35 (1985): [43].
- 48 Abel, *Politics by other Means*: 132–133, 137.

- 49 Georgina Jaffee, 'The retrenchment process' *SAR* 2 (1984): 126, 131; Mondli Hlatshwayo, 'Neo-liberal restructuring and the fate of South Africa's labour unions: a case study' in *The New South Africa at Twenty: Critical Perspectives*, ed. by Peter Vale and Estelle H. Prinsloo (Pietermaritzburg: University of KwaZulu-Natal Press, 2014): 118.
- 50 *WIP* 36 (1985): 42–43; Bonnin, 'Class, consciousness and conflict': 209; Abel, *Politics by other Means*: 167. Sarmcol had a penchant for explaining every development of which it disapproved as illegal.
- 51 Ari Sitas, 'The Dunlop strike: a trial of strength' *SALB* 10(3) 1984: 62–84.
- 52 'Sarmcol dispute escalates' *WIP* 38 (1985): 37.
- 53 MAWU, 'BTR Sarmcol strike': 38.
- 54 'BTR: the international factor' *SALB* 11(1) 1985: 4.
- 55 Kerchhoff, 'Role of the churches': 166–167; 'Sarmcol BTR strike' *SALB* 10(8): 33; Labour Monitoring Group, 'Monitoring the Sarmcol struggle' *SALB* 1(2) 1985: 101–103, 105–110.
- 56 Bonnin, 'Class, consciousness and conflict in the Natal Midlands, 1940–1987': 220.
- 57 'Sarmcol dispute escalates': 38.
- 58 Baskin, *Striking Back*: 332.
- 59 Yunus Carrim, 'Pietermaritzburg: unions take the lead' *WIP* 39 (1985): 25. In the background, the 1985 partial State of Emergency was in force.
- 60 Nkosinathi Gwala, 'Political violence and the struggle for control in the Pietermaritzburg area' *Journal of Southern African Studies* 15(3) 1989: 515.
- 61 Radley Keys, 'Mpophomeni: the ANC's dilemma' in *Patterns of Violence: Case Studies of Conflict in Natal*, ed. by Anthony Minnaar (Pretoria: Human Sciences Research Council, 1992): 134.
- 62 Eddie Webster, 'Stay-aways and the black working class: evaluating a strategy' *Labour, Capital and Society* 14(1) 1981: 12, 33.
- 63 Labour Monitoring Group, 'Monitoring the Sarmcol struggle': 109.
- 64 Maré and Hamilton. *An Appetite for Power*: 130–131, 212; Carrim, 'Pietermaritzburg': 27.
- 65 Glenn Moss, 'Stay-aways: mass strike or demonstration?' *WIP* 25 (1983): 32, 34, 35; Karis and Gerhart, *From Protest to Challenge: Volume 6*: 84–85.
- 66 *NW* advert, 26 September 1985; Labour Monitoring Group, 'Monitoring the Sarmcol struggle': 97.
- 67 Karis and Gerhart, *From Protest to Challenge: Volume 6*: 85, 86.
- 68 Bonnin, 'Class, consciousness and conflict in the Natal Midlands, 1940–1987': 191. Of the remainder, 14% were from Haza and KwaMafakathini and 6% from Sweetwaters. For general socio-economic and psycho-social background see Wendy Leeb and John Radford, 'Research in the black township of Mpophomeni' *Reality* 19(1) 1987: 17–20.
- 69 Keys, 'Mpophomeni': 129.
- 70 Kearney, *Denis Hurley*: 170; Bonnin, 'Class, consciousness and conflict in the Natal Midlands, 1940–1987': 239; Pippa Green, 'Review: Sarmcol workers' play' *SALB* 11(5) 1986: 121–122. White clip-on noses were used to depict managers and scabs were represented as rats. Margaret Thatcher was also written into the script. When the play was taken to Johannesburg, the SAWCO kombi was destroyed en route (Rob Lambert, 'Trade unions, nationalism and the socialist project in South Africa' *SAR* 4 (1987): 250).
- 71 'Worker-controlled production' *WIP* 46 (1987): 14–15; Bonnin, 'Class, consciousness and conflict in the Natal Midlands, 1940–1987': 241; Pippa Green, 'Sarmcol co-ops' *SALB* 11 (1986): 19, 20, 21.
- 72 Kerchhoff, 'Role of the churches': 166.
- 73 Kearney, *Denis Hurley*: 171.
- 74 'Worker-controlled production': 13–15; Shareen Singh, 'Sarmcol forces rethink on Industrial Court' *WIP* 50–51 (1987): 63; Leeb and Radford, 'Research in the black township of Mpophomeni'; Georgina Jaffee, 'Co-operative development in South Africa' *SAR* 6 (1992): 268; Green, 'Sarmcol co-ops': 20, 21. Other co-operatives were set up at Phalaborwa among Foscok workers and at Brits by metal workers (Ingrid Obery and Shareen Singh, 'Labour' *WIP* 56–57 (1988): 40).
- 75 Keys, 'Mpophomeni': 130, 132.
- 76 Labour Monitoring Group, 'Monitoring the Sarmcol struggle': 98–99.
- 77 *NW* 11 September, 16 November 1985.
- 78 Carmel Rickard, 'Keepers of the peace are the "very cause of our fears"' *Weekly Mail* 5 May 1989.

- 79 WIP 45 (1986): [48]; Paul Benjamin, 'Trade unions and the Industrial Court' SAR 4 (1987): 260; Abel, *Politics by other Means*: 155.
- 80 Singh, 'Sarmcol forces rethink': 63–65.
- 81 WIP 58 (1989): [32].
- 82 Abel, *Politics by other Means*: 172.
- 83 WIP 48 (1987): [42], 49 (1987): [46]; Abel, *Politics by other Means*: 165, 167.
- 84 Forrest, *Metal That Will Not Bend*: 373–374, 375; Bonnin, 'Class, consciousness and conflict in the Natal Midlands, 1940–1987': 180–181 notes that police interest in MAWU at Sarmcol stretched back to 1974, recording the car number plates of union officials and even harassing Kupugani workers.
- 85 TRC, *Report Volume 3*: 238–239.
- 86 Tom Lodge, 'Resistance and reform, 1973–1994' in *The Cambridge History of South Africa, Volume 2, 1885–1994*, ed. by Robert Ross, Anne Kelk Mager and Bill Nasson (Cambridge: Cambridge University Press, 2012): 483.
- 87 David Niddrie, 'The Cosatu congress: it's testing time for Cosatu' WIP 54 (1988): 9–10.
- 88 Ingrid Obery, 'A new road to socialism' WIP 48 (1987): 8, 9; Alan Fine and Eddie Webster, 'Transcending traditions: trade unions and political unity' SAR 5 (1989): 261.
- 89 Greg Ruiters, Ingrid Obery and David Niddrie, 'Metal industry negotiations: more than wages at stake' WIP 53 (1988): 8.
- 90 Baskin, *Striking Back*: 332.
- 91 Ari Sitas, 'Thirty years since the Durban strikes: black working-class leadership and the South African transition' *Current Sociology* 52(5) 2004: 832.
- 92 Aitchison, *Numbering the Dead*: 9, 16, 21, 22–23.
- 93 Jeremy Seekings, *The UDF: A History of the United Democratic Front in South Africa, 1983–1991* (Cape Town: David Philip, 2000): 249.
- 94 Forrest, *Metal That Will Not Bend*: 377; Geoff Schreiner, 'A "salt of the earth" comrade' SALB 20(2) 1996: 8.
- 95 Pippa Green, 'Trade unions and the State of Emergency' SALB 11(7) 1986: 78–79, 86, 91, 92–93.
- 96 Fairbairn, *Flashes in her Soul*: 53, 54, 55, 58, 63, 64, 69, 71–74, 75, 77, 78, 80, 83. Loop Street in Pietermaritzburg was later renamed Jabu Ndlovu Street. Jerome Mncwabe and three others from Imbali were charged, but Mncwabe was shot dead in May 1990.
- 97 Aitchison, *Numbering the Dead*: 30–37, 39–40, 119.
- 98 Ibid: 153–154, 168, 182, 206, 209, 211. TGWU bus drivers were also attacked on occasion by UDF comrades (*amaqabane*).
- 99 Forrest, *Metal That Will Not Bend*: 390.
- 100 Seekings, *The UDF*: 249.
- 101 Cooper, 'Bantustan attitudes to trade unions': 165, 167, 168, 169.
- 102 'Wages in the clothing industry' WIP 23 (1982): 47. A learner earned only R18.30 per week.
- 103 'Strikes in southern Africa: implications for working class strategy' WIP 11 (1980): 57; PB and FH, 'The IC Bill and industrial councils' WIP 19 (1981): 1.
- 104 Jeremy Keenan, 'The recession and its effects on the African working class' SAR 2 (1984): 140.
- 105 For numerous case studies see Mary Kleinenberg and Christopher Merrett, *Standing on Street Corners: A History of the Natal Midlands Region of the Black Sash* (Pietermaritzburg: Natal Society Foundation Trust, 2015): chapters 7–10.
- 106 Mark Swilling, 'Stayaways, urban protest and the State' SAR 3 (1986): 32–34, 46.
- 107 Andrew Nash, 'The moment of Western Marxism in South Africa' in *Rethinking the Labour Movement in the 'New South Africa'*, ed. by Tom Bramble and Franco Barchiesi (Aldershot: Ashgate, 2003): 97.
- 108 Karl von Holdt, *Transition from Below: Forging Trade Unionism and Workplace Change in South Africa* (Pietermaritzburg: University of Natal Press, 2003): 19.
- 109 Jean Leger and Eddie Webster, 'Introduction: labour at the crossroads' SAR 5 (1989): 251.
- 110 Steven Friedman, 'The struggle within the struggle: South African resistance strategies' *Transformation* 3 (1987): 58–59, 66, 69.
- 111 Richard Turner, *The Eye of the Needle: Towards Participatory Democracy in South Africa* (Johannesburg: Ravan Press, 1980): 121, 122.

6

THEATRE OF REPRESSION: POLITICAL TRIALS IN PIETERMARITZBURG IN THE 1970s AND 1980s

The one who tried to serve justice through the rule of law, or the one who betrayed justice by trying to serve it through the rule of unjust law?¹

The main purpose of the political trial is to eliminate or discredit a political opponent according to established rules²

WITH NEAT SYMMETRY and symbolism, on 21 March and 21 April 1983 explosive devices were detonated at the New and Old Supreme Courts in Pietermaritzburg.³ The former was still under construction and was damaged by a 6 kilogramme SZ-6 device. Its explosion, heard as far away as Chase Valley, knocked a hole in the wall, caused damage on all floors, and shattered windows in nearby flats. In the second incident, a guard kicked a wired black box and was subsequently injured when what police described as a Soviet TG-50 naval demolition mine exploded. Blasts had previously occurred at the College Road Supreme Court (formerly the Native High Court), the Sobantu offices of the Drakensberg Administration Board (DAB) and Eskom pylons in Ashdown and Prestbury in 1982 and 1983.⁴ There were no fatalities and the damage caused in all these incidents was largely superficial. This was armed propaganda in the true tradition of the African National Congress (ANC), four of 55 attacks that year according to Brigadier Herman Stadler of the police Special Branch (SB) based in Durban.⁵

A typical political trial⁶

Just over a year later on 2 May 1984 at the College Road Supreme Court, having been held under s.29 of the Internal Security Act (ISA), Sthembiso Edgar Mahlobo (25) from Mhubeni, Estcourt, who had trained in Angola, Benedict Dikobe Martins (27), an Edendale youth leader and underground ANC operative, and Duma Gqubule (19) appeared on charges of high treason, terrorism, ANC activity, causing explosions, and possession of arms and ammunition.⁷ Gqubule was barely out of his teens, but had been detained twice before.⁸ Multiple charges were laid as a tactic designed to suggest conspiracy. This was an unusual trial in that all the defendants were local – venues were

often deliberately chosen far from the support bases of those accused. With the courtroom packed, singing in the cells and the exchange of salutes, one hundred demonstrators outside, and shouts of 'Amandla' it turned out to be a classic, highly charged political trial. This was a time of great tension with increasingly bold opposition and a sense that the apartheid state was being pushed to crisis point. The following year the government embarked on a five-year sequence of states of emergency.

Ingrid Oellermann, court reporter for the *Natal Witness*, many years later commented on the role of the press:

Covering terrorism trials in the 1980s was generally a tense and tricky affair. This was a time of extreme distrust between the security forces and journalists, as well as the public whose mere presence at a terrorism trial would attract intense scrutiny. There was a real risk of violent confrontation between demonstrators and the police as courts were considered to be a legitimate target to vent frustration against apartheid. It was also a period when premeditated murder and high treason still attracted the death penalty, an always chilling and emotional prospect.⁹

All the defendants and Mvuyo Tom, a 31-year-old doctor at Edendale Hospital, had been held in detention since 23 November 1983 together with another doctor, Faith Matlaopane. A third orthopaedic doctor, Nomasonto Nkosi, had been detained and released. Duma Gqubule's father, Simon, recalls how his son was picked up from home at 6.00 am during the holidays from University of Transkei. Permission was granted for a visit, 'but the parents of the other two were not allowed to visit. However, when we visited we insisted on seeing the others as well.'¹⁰ As Raghmatt Jaffer later put it, 'With ordinary criminals there are visiting hours ... For political prisoners, there's no such thing. They were kept totally incommunicado ... Are they still alive? You don't know.'¹¹ Tom, involved in the D.C.O. Matiwane Youth League,¹² refused to testify on the grounds of conscience. He reasoned he had no allegiance to the State and was not prepared to be a traitor to the cause of liberation. His principled stand cost him a jail term of three years.¹³

There were forty witnesses originally listed by the State, thirty of them policemen, although some other names were omitted from court papers.¹⁴ The judge ruled that witnesses were in danger, justifying holding part of the trial in camera. There was an attempt to exclude the press, but its presence was allowed subject to the withholding of witness names.¹⁵ The prosecution alleged that arms and explosives (including an AK-47 and ninety rounds) had been cached at Georgetown High School and Marawa Flats near Edendale Hospital. A pistol (a 9mm Luger and eight rounds) was later found at KwaShange. State

witness Mr E, testifying in camera, spoke about training in the use of limpet mines in Angola and Mozambique and described a mission from Maputo via Swaziland with Mahlobo to establish a base from which to attack police and petrol stations, military bases and power installations.¹⁶ Mahlobo, who had left South Africa in 1980 to train at Vianna and Pango in Angola, had suggested that the base for guerrilla attacks might be set up above Nxamalala.¹⁷ Among the alleged targets in Pietermaritzburg – seen as ideal for operations for its communications links, and the extent and political leanings of surrounding townships – were Hulets, police stations at Plessislaer, Loop Street and Alexandra Road, the Trust Bank, and electricity sub-stations. Objectives at Wembezi (Estcourt) were similar, together with the Bergville Eskom plant and police station at Ntabamhlophe. At some stage Mahlobo stayed at the Federal Theological Seminary in Imbali, which, together with the Lay Ecumenical Centre in Edendale, was a key point for ANC activity.

Another anonymous witness, Mr F, travelled from Maputo with Mahlobo, got drunk on the train, and having alighted at Pietermaritzburg managed to lose his gun and grenades. He was arrested the next day. Mr H described a D.C.O. Matiwane Youth League group visit to Maseru at Easter in 1983 organised by Martins at which tapes recorded by Oliver Tambo were played and contact made with the ANC. Martins had made seven trips to Lesotho in a year on ANC business and almost the entire youth group executive was detained in late 1983.¹⁸

Mahlobo, who had initially escaped to Lesotho and returned in November 1983 via Mozambique with David Bhengu, claimed assault in detention. A document written by him headed 'A year of united action' was presented to the court. Like Tom, he argued that as a person without political rights he could not be held liable for supposed offences as he had no allegiance to South Africa.

All three defendants were found guilty in what was a relatively quiet, but typically abrupt, end to a high-profile event. Mahlobo received a twenty-year sentence for high treason; Martins ten years for terrorism; and Gqubule thirty months suspended for ANC activity, having provided accommodation and transport. Judge Donald Kannemeyer from the Eastern Cape, who believed he was being merciful, accepted that Mahlobo had no intention to kill, but argued he had shown a reckless disregard for life. Martins was linked to ANC recruitment and the two arms caches in the Edendale area. Their sentencing on 21 May was accompanied by a demonstration outside the court at which two

people were arrested.¹⁹ Inside the court Martins was involved in a scuffle with the police after shouting 'We will win'.²⁰

Interviewed 35 years later, Mahlobo confirmed that the explosions were symbolic protest against the apartheid system and not intended to harm. He had joined MK in 1979 and been trained in Angola and East Germany, but served only nine years in prison before political change allowed him to join the national army.²¹

Bureaucracy and brutality were cornerstones of apartheid. But it was a system firmly grounded in law, albeit made by an illegitimate parliament. From time to time the State saw virtue in applying to its repressive ways a public veneer of legality to criminalise the political struggle of its opponents. 'A political trial,' argues Don Foster, 'can be identified by its being based upon legislation specifically designed to protect the government from activity directed against its existence or political interests. Alternatively a political trial can be characterised by the nature of the political motives and interests of the accused.'²² From 1956 onwards a series of sometimes spectacularly long treason and terrorism trials took place and in the 1970s and 1980s these became a regular feature in Pietermaritzburg's courts, part of the theatre of repression. As Steve Biko commented, 'To [the government] it looks as if something would be dangerously wrong if no major political trial was held for a period of one year.'²³ The irony of this situation was that as these took place, the rule of law was being systematically eroded. As an SB colonel famously responded during the inquest into the death of Steve Biko, 'We do not operate under any law.'²⁴

During the trial process a version of the underground activities of the ANC became fleetingly visible to the general public. Max Coleman estimates that from 1948 to 1989, 15 000 persons were charged in what he regards as South African security trials; about 5 000 of them in 500 trials in the second half of the 1980s. In 1989, the Human Rights Committee claimed 395 trials involving over 3 000 accused of whom 493 were convicted, over a quarter for treason.²⁵

The accused often vanished into prolonged detention and their appearance in court, usually unrepresented, frequently provided the first solid indication that they were still alive. Lawyers described this process of interrogation after effective abduction as a witness factory, in which evidence was easy to concoct. Duress, both physical and psychological, was 'epidemic in scale' and should have rendered much of the evidence presented at trials inadmissible.²⁶ Detention without trial 'was the basis of all the cruelties: the tortures, the manipulation of witnesses, and the total undermining of the possibility of

political suspects getting a fair trial.’²⁷ Very long periods in detention preceded charges drawn up on the eve of trials. Charges were frequently multiplied for basically the same offence and covered the whole gamut from treason to possession of banned publications. The ultimate charge of high treason tied accused together in supposed conspiracies.²⁸

The role of state witnesses was consistently controversial, often following prolonged interrogative detention involving incriminating statements made from solitary confinement after intimidation and torture. In the words of Tony Mathews, ‘Indefinite detention for purposes of interrogation and without adequate safeguards is a legal invitation or incentive to the ill-treatment and abuse of detainees.’²⁹ In effect, they were detainees of the Attorney-General.³⁰ Having agreed to give evidence for the State, witnesses could be detained for six months.³¹ Recalcitrant witnesses faced up to five years in prison and if their evidence in court diverged from statements made under duress they could be charged with perjury. Nevertheless, admissions and confessions were largely accepted as valid evidence, with complaints about admissibility treated as trials within trials and generally dismissed. A confession, together with evidence that an offence had taken place, was usually enough for a conviction, although lengthy detention should have rendered statements inadmissible on the grounds that they were not freely given. Indeed, it was the issue of solitary confinement of both accused and state witnesses that was a defining characteristic of political trials, a relationship described by Jacob Dlamini as that of ‘intimate strangers’; and the evidence gained was a topic of major controversy. It was at this point of giving evidence in court that witnesses often first came to realise the enormity of their betrayal.³²

Trials were frequently moved to remote locations or far from defendants’ homes and tightly controlled using the Demonstrations In or Near Court Buildings Prohibition Act. Parts of trials were often held in camera with an official summary supplied to the press. Accused generally had a first court appearance either without legal representation or with a pro bono lawyer; and once fully represented often reversed their pleas. Their lawyers faced obstruction, including the withholding of evidence.

Prolonged proceedings were a means of keeping the government’s political opponents out of circulation, although trials did have a habit of ending abruptly. There was a high level of conviction with increasingly severe sentences. Under a system of parliamentary rather than constitutional sovereignty, judges tended to follow the lead of politicians. Some critics of the judiciary for their neglect of human rights, as in cases involving detention without trial, were

prosecuted. Under apartheid, judges had an essentially political role, although not all were supporters of the system. In the early 1980s, legal academic John Dugard showed how in political cases declaratory theory, legal formalism and a narrow choice of judges provided a view from the bench essentially sympathetic to the prosecution.³³ As the internal challenge to the State became more vigorous in the 1980s following the 1976 Soweto uprising, the purpose of political trials became one of showing the United Democratic Front (UDF) to be a surrogate for the ANC, although the grounds for this were debatable. While UDF personalities had ANC backgrounds and the ANC had indeed called for a united front, the UDF was multi-faceted, especially in the Asian and coloured communities. It focused on human rights rather than revolution.³⁴

Pietermaritzburg's initial political trials, 1964–1972

The reason why so many political trials were held in Pietermaritzburg is not entirely clear. The first appears to have been held in 1964 with the appearance in court of David Evans and John Laredo on 12 October to face charges of sabotage relating to explosions in the Durban area. They were part of a national network, the African Resistance Movement/National Committee for Liberation, and parallel trials of other members took place in Pretoria and Cape Town as well as that of John Harris for the Johannesburg station bombing.³⁵ Laredo and Evans were found guilty on a lesser charge of possessing explosives and each received five years in prison.³⁶

In 1967 a man whose identity remains unknown was found guilty of recruiting for the South African Communist Party (SACP) and the ANC and given a six-year sentence.³⁷ Two years later, a high-profile trial came to a conclusion on 26 March 1969. Ten men and one woman, Dorothy Nyembe, were found guilty (one man was acquitted) of various charges under the Terrorism Act. This was a composite trial with defendants from a variety of backgrounds, some of them having taken part in the Wankie campaign.³⁸ A sixteen-page indictment alleged that between June 1962 and November 1968 they had been involved in subversion, terrorism, revolution and warfare: 'In the case of Amos Lengisi ... he and his team had "offered basic military training to a number of recruits."'”³⁹ The alleged co-conspirators were ambitiously named as Nelson Mandela, Bram Fischer, Walter Sisulu, Joe Slovo, Oliver Tambo and Duma Nokwe; in other words the leadership of the ANC and SACP. A number of detainees gave evidence against the defendants and military weapons were exhibited.⁴⁰ The court heard about military training abroad in Africa and the

Soviet Union, infiltration of South Africa (often as ship stowaways), the search for submarine landing sites, identification of training sites, and recruitment of and assistance to guerrillas. Nyembe received fifteen years, one man twenty, and others eighteen (six), ten (two) and five (one).⁴¹ One of those recruited, Donald S. Mathangela, received a seven-year sentence in December 1969 in the Supreme Court for having received military training abroad. The judge claimed to have reduced the sentence since the defendant originally believed he was leaving the country for educational purposes.⁴²

James April was a former University of Cape Town student detained and assaulted in Durban who appeared in the Pietermaritzburg Supreme Court in May 1971. Evidence against him was given by an askari who claimed to have met April in Zambia.⁴³ The latter was said to have left South Africa in 1962 for training in East Germany and the Soviet Union and to have participated in the Luthuli Battalion infiltration of Rhodesia in August 1967. Having escaped via Botswana and a one-year jail term, he was deported to Zambia and went to London for further training with Joe Slovo and Jack Hodgson aimed at infiltrating him back into South Africa. Addressing the court, April spoke of a 'people in despair' resorting to violence. His fifteen-year sentence resulted from three convictions under the Terrorism Act. Justice Kennedy was reported as having expressed sympathy for coloured people, but said he could not condone subversion and must uphold the law.⁴⁴

Michael Lobban points out that 'In the 1970s, the field of ideas was ... a major battleground'. The choice of trials rather than the exercise of executive power such as banning can be explained by the loopholes presented by the latter and the supposed legitimacy of open legal proceedings, which were used to criminalise opposition in an exercise of dominant political power. State witnesses and defendants were equally important and essentially interchangeable, and the police decided who should be which. The discrediting and jailing of individuals achieved the same ends: 'formal charges could be a distortion of what had been investigated' and shaped at the whim of police.⁴⁵ A typical case was that brought against the African Peoples Democratic Union of South Africa (APDUSA) in a trial that started in Pietermaritzburg in June 1971.

APDUSA had been founded in 1961, part of the Unity Movement, as a non-racial revolutionary organisation working largely among rural Africans and focusing on land issues. Much of it was in exile in Lusaka and Dar-es-Salaam, but it had a South African affiliate named the Society of Young Africans. In 1970 exiled members infiltrated South Africa on a recruiting mission prior to

the mass round-up of early 1971. In the APDUSA trial of fourteen men that began on 16 June 1971, 99 witnesses were called. It is not clear how many of those accused under the Terrorism Act of recruiting for military training had been in exile, but the best known, Kader Hassim, was a Pietermaritzburg lawyer. Four of the others were from Pondoland. Their number was reduced to thirteen when the trial resumed before Judge-President James on 16 August as the case of Joseph Maleka was dealt with separately. By the time it concluded on 6 April 1972, the accused had been in custody for twelve to sixteen months.

Counts under the Terrorism Act involved conspiracy to overthrow the government by force, recruiting for military training, and assisting terrorists. Evidence given in court suggested that a military option was not supported by all APDUSA members. Indeed, the case against Hassim was based on no more than an unsolicited visit at his home from emissaries of the exiled Isaac Bongani Tabata in 1970. The Pondoland contingent had been detained and tortured at the secret SB Mkambathi camp near Lusikisiki under Proclamation 400 of the Transkei Emergency Regulations of 1960.⁴⁶ The use by the defence of psychologist Ronald Albino as a witness, intended collection of evidence on commission from exiles, and an attempt to use the testimony of earlier detainees came to naught on various technicalities. This was to the relief of Judge James, who was recorded as saying he dreaded an effective commission on police interrogation methods. However, witnesses revealed a great deal of information about conditions and methods at Mkambathi and James drew attention to the strong possibility that they might influence testimony. Perversely, he chose to accept the police version of events, a reflection on white hegemony and the virtually unassailable position of the police in court proceedings.⁴⁷ All thirteen were found guilty on at least two counts and sentences of five to eight years were handed down. Maleka had previously been acquitted, while an action for damages on behalf of those claiming ill-treatment was instituted against the minister of police.⁴⁸

There was another Terrorism Act case in October the following year when Fana Mzimela was remanded until 20 November. He was accused of conspiracy to leave the country to undergo military and espionage training. Appearing before Justice Henning, evidence was given by two state witnesses who had participated in the same activities. This resulted in conviction on two counts under the Terrorism Act and fifteen years' imprisonment.⁴⁹

The Gwala Terrorism Trial

One of Pietermaritzburg's most celebrated, and significant, political trials, held between July 1976 and July 1977, was that of Harry Gwala and nine others (sometimes known as the Pietermaritzburg Ten).⁵⁰ It was part of a new trend in the second half of the 1970s in which the State increasingly prosecuted political acts rather than political belief.⁵¹

Most of the defendants had been at a meeting at Gwala's house on 10 August 1974 with Jacob Zuma at which communications from Moses Mabhida and Albert Dhlomo were discussed. This meeting appeared to lack basic measures of security.⁵² The accused had been detained in late 1975 in various parts of Natal and first appeared in court on 14 May 1976, after long periods in solitary confinement, charged under the Terrorism Act as members or supporters of the ANC with recruiting for overseas training aimed at the violent overthrow of the South African government. In a nutshell, this case was about working for Umkhonto we Sizwe (MK), the maintenance of a supply line via Swaziland to Mozambique reputedly used by recruits ('parcels'), and the revival of the ANC in Natal. The route and crossing point near Hlangano were also used to smuggle into South Africa 'messages, money and literature'.⁵³ Details of these trips between Pietermaritzburg and Manzini, aided by two taxi operators, Samson Lukele and Alson Nzama, were revealed in court together with some names that would later become famous such as Thabo Mbeki and Jacob Zuma.

The veteran ANC and South African Congress of Trade Unions (SACTU) member Harold Bhekisisa Nxasana was involved and became a state witness. Some of the defendants, including Gwala, claimed they were sending recruits overseas for training as trade unionists as a SACTU network of twelve organisers was envisaged for Natal, a far-fetched explanation given that the boundary between SACTU and MK had long since been elided and those involved were untrained youth, not workers, who left the country without luggage. A number of witnesses claimed to have been tricked regarding the real reason for their recruitment.⁵⁴ Nxasana confirmed that the purpose of recruitment was ANC/MK activity.⁵⁵ Among those detained as a potential witness was Stephen Dlamini, one of the founders of SACTU, who was held for six months and seriously tortured. He refused to co-operate, was released, and fled the country.

The trial was due to start on 2 July before Justice van Heerden, by which time Joseph Mdluli, the eleventh potential trialist had died at the Durban headquarters of the SB on 19 March. He allegedly fell against a chair after

a heart attack the day after his detention as a perfectly healthy man – further SB fiction at which it was so adept.⁵⁶ The state pathologist, B.J. van Straaten, initially diagnosed strangulation, and also identified multiple bruises and abrasions, three cracked ribs, head, neck and eye injuries, and congested lungs. The police claimed, implausibly, that Mdluli had tried to escape and had to be subdued. Judge Howard decided that in all likelihood the SB were responsible for the death, but that this could not be sustained beyond speculation. His judgment is, however, revealing: ‘we do not think that the evidence excludes the reasonable possibility that the police assaulted Mdluli in the course of interrogation, but we cannot make any positive findings in that regard.’⁵⁷ In the context of the times in a vicious police state increasingly reliant on the persuasive power of sheer brutality this can be regarded as a courageous finding; or, perhaps, in terms of the rule of law, a highly negligent one. But he was supported by the Appellate Division: as Rieckert poignantly observed, a logical outcome of the detention-in-isolation provisions of laws passed by South Africa’s parliament that minimised the possibility of justice being served in cases of fatal police assault.⁵⁸ In a rare criminal case resulting from the death of a detainee, four policemen were acquitted of Mdluli’s death by strangulation. The finding of Justice James was convoluted in its reasoning, failing to recognise the visceral brutality of the SB. However, a civil claim in March 1979 did result in the payment of damages of R15 000 and a written implication of liability.⁵⁹

Cleopas Ndhlovu sought a *rule nisi* on the grounds that he and Mdluli had been kidnapped from Swaziland on 15 March 1976 by police with blackened faces, who had tortured them. Responding documents stated that they would first have to stand trial; while the Swazi government demanded the men’s return should the abduction claim prove to be true. On 9 July Judge Howard decided, confusingly, that the court did have jurisdiction over the men even though customary international law appeared to have been breached. Ndhlovu appealed, but the trial proper started on 12 July 1976 and concluded on 14–15 July 1977. The other nine defendants (Mdluli would have been the eleventh) pleaded not guilty. The usual, numerous detained witnesses were paraded before the court. One was former MK operative Bartholomew Hlapane, thought to have been discredited in the National Union of South African Students trial of 1975–1976.⁶⁰

In September six defendants, claiming torture that included electric shocks, demanded R40 000 damages from the SB that naturally failed to materialise.⁶¹ However, state witnesses Frans Kunene and Nxasana complained to the court

about severe treatment under interrogation, which had persuaded them to give evidence required by the State that involved coaching. The existence of this was emphasised by the weekly reporting of another witness, William Zondi, to Loop Street police station where he was reminded of the contents of his statement. Kunene and Nxasana were presumably the two detainees who had complained to a visiting magistrate, but as he had no investigative powers he made the futile gesture of referring them to the station commander. These claims were rejected by the police, but defence lawyer George Muller cautioned the court about accepting evidence from witnesses detained in solitary confinement under section 6 of the Terrorism Act and recalled Nxasana, already held for ten months in detention. Before the judge he questioned the existence of God and told 'a shocking tale of abuse', multiple assault by four policemen.⁶² This brutality aside, Nxasana was haunted by the fate of Mdluli. It became apparent that under such systematic abuse Nxasana was unable to distinguish falsehood from truth. The police argued that Nxasana was taking this line because he was about to be released and had to justify himself to the liberation movement. The issue of torture became a trial within a trial, a 'key fault line in the state's defence', that took up half the court's time.⁶³ During the trial there emerged details of an isolated police torture camp called Island Rock at Sodwana Bay where electric shock treatment was administered. It was claimed that the Swaziland abductees, Ndhlovu and Mdluli, were assaulted and subjected to sleep deprivation there.⁶⁴

This situation was put in perspective in dramatic fashion by the testimony of defence witness, Louis West, a physician and psychiatrist from the University of California in Los Angeles and an expert on the DDD (debility, dependency and dread) syndrome mainly derived from research on American airmen held by the Chinese during the Korean War who had given false confessions at show trials. Much of the research evidence related to sleep deprivation and pain.⁶⁵ West believed that the conditions under which Terrorism Act detainees were held could produce some degree of dependence and compliance to the extent that it would not be possible to ascertain which elements of a statement were true and which were not; even where there were points of coincidence between the testimonies of accused and witnesses.⁶⁶ As Riekert put it, the 'lines of demarcation between reality and fiction' were too blurred.⁶⁷ Perhaps not surprisingly, Colonel J.G. Dreyer, head of the SB in Pietermaritzburg, believed that 'detainees were humanely treated' although he admitted that Gwala, an asthmatic, may have been interrogated continuously for two days and nights.⁶⁸ He was indeed subjected to non-stop questioning for 43 hours, standing most

of the time, at Loop Street and Town Hill police stations in Pietermaritzburg. Anton Xaba was threatened with defenestration at Loop Street: reminding detainees of the fate of Ahmed Timol was a favourite ploy. Psychological pressure from the likes of Dreyer was commonplace.⁶⁹

Judge Howard evaded the issue by finding there was no evidence of a systematic police attempt to induce DDD, ignoring the fact that 'solitary confinement, or even the threat of indefinite solitary confinement, was itself capable of distorting the accuracy of a witness's power of rational thought and recollection and undermining the probative value of any evidence subsequently obtained' in spite of the cautionary words of other judges such as Sandy Milne in 1965. For instance, Gerald Mdlalose gave evidence for the State on 8 September 1976 having been detained since 7 December the previous year (276 days). He was subsequently recalled by the defence after mentioning that he had been assaulted, but the court chose to accept a police version as it did in the case of two other complainants. Indeed, two SB officers were described as 'compassionate' and 'a gentle giant'. In the case of defence witness Lawrence Kuny, who had been detained in connection with the trial of Raymond Suttner, the judge not only dismissed his evidence but effectively defamed him by describing him as a weakling.⁷⁰

In this case, Howard did reject certain evidence as unreliable on the grounds of police abuse and coaching; and the fact that some was totally implausible. Four old ladies, two in advanced ill-health after prolonged solitary confinement, were supposed to have reconnoitered the Ixopo bush for a military training ground. The evidence of twelve witnesses was rejected as fabricated in police detention. Nevertheless the judge deferred to police versions, praising the performance of officers who gave evidence in court and denigrating that of defendants and state witnesses. Among other factors Howard was hoodwinked by inconsistent lying. He also refused to accept the fact of torture and acknowledge that further witnesses who could throw light on it remained inaccessible in detention. Howard preferred prosecution to defence versions and, most startling of all, drew no general conclusions from the admitted fact that Mdluli died at the hands of police. The latter, and the prosecution, literally got away with murder.⁷¹

The trial concluded on 15 July 1977 with nine convictions, William Khanyile being found not guilty. Five defendants (Gwala, Nene, Meyiwa, Xaba and Mdlalose) received life sentences, others terms of imprisonment ranging from seven to eighteen years, and leave to appeal was refused. In the case of those sentenced to life, Howard applauded their 'remov[al] from

the scene permanently.' Michael Lobban argues that this indicated 'judicial schizophrenia' in South African courts since the evidence of a mere two prosecution witnesses (of 31) seemed to support the prosecution case: 'the judge worked from such small seeds of certainty to overcome a forest of potential doubts ... [and] ... shut his mind to the question of how evidence ... was obtained'. Ultimately, the police had killed, and the defendants had not.⁷² In March 1980 the Appellate Division sidelined West's evidence and basically endorsed Howard's judgment. It also dismissed the appeals of those who had been abducted on the grounds that their kidnapping had not been authorised by government. Much depended in such cases on the predilections of different judges; and 'provided that the police version was consistent, and that some witnesses remained with concrete allegations, courts were prepared to convict.'⁷³

Somewhat surprisingly, this trial was considered by the Rabie Commission on Security Legislation, which concluded that the police were aware of the futility of mistreating detainees since the evidence gained would not be admissible. Yet the Appeal Court judgment in the Gwala case showed that the judiciary had minimal understanding of the 'closed nature of the detention system', suggesting that detainees were 'not wholly' at the mercy of their interrogators. In practice, the onus was on detainees to prove in court that they had been subject to untoward pressure, a challenging task given the circumstances, especially since 'Solitary confinement over prolonged periods clearly strengthens the dependency upon captors.'⁷⁴

Further trials, 1977 onwards

Another trial relating to the Terrorism Act started on 1 August 1977 with four much younger men – Isaac Zimu (28), Veli Mthembu (22), Themba Khumalo (18) and Walter Mtshali (29) – who had been detained for a year accused first of recruiting others for military training; and second, arranging it for themselves in September 1976. This trial exhibited a number of disturbing characteristics that were peculiar to South African political trials at the time. To the latter charge on the advice of a pro deo counsel named Menge they pleaded guilty; and except for Mtshali they did the same to the first charge. The judge convicted them all, but after adjournment for mitigation of sentence Mtshali requested another advocate. New counsel for all defendants (Harry Pitman, Ismail Mohamed and J. Poswa) were appointed, but objected to by Natal Attorney-General Cecil Rees. Zimu, supporting the application,



Treason Trial: supporters of the accused outside the court (Natal Witness, 14 November 1979)



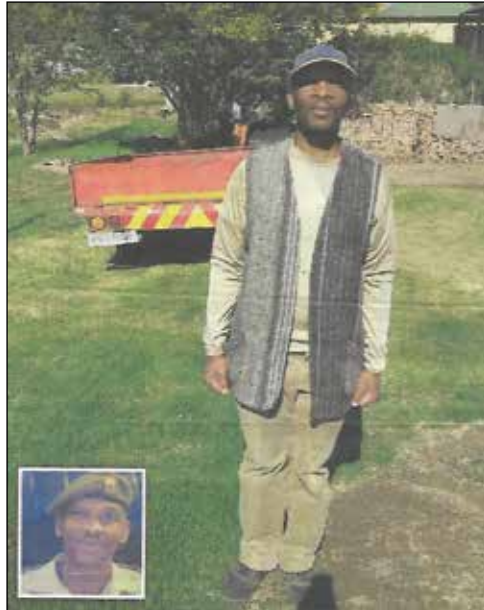
Treason Trial: supporters of the accused at the end of the trial (Natal Witness, 16 November 1979)



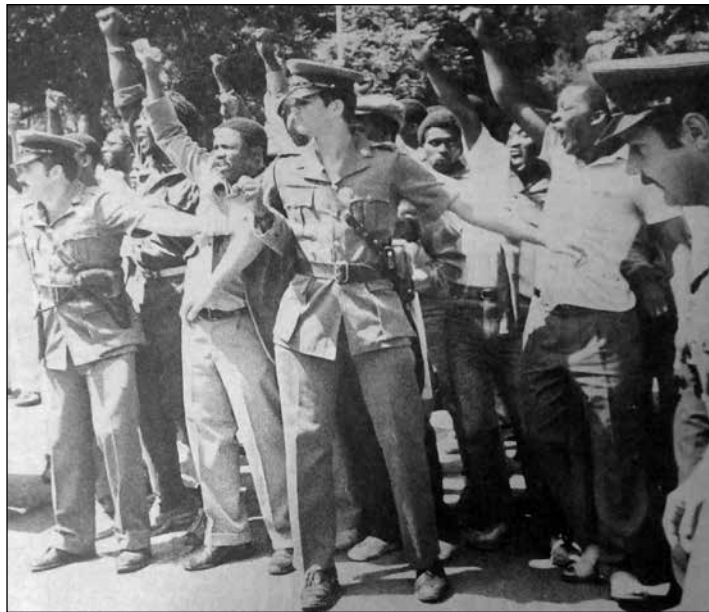
*Treason Trial: tight security at the start of the trial
(Natal Witness, 3 August 1982)*



*Treason Trial: effects of teargas used in court at the trial's conclusion
(Natal Witness, 8 September 1982)*



*Treason Trial, 1984: Sthembiso Edgar Mahlobo
in retirement, 2019 (Weekend Witness, 1 June 2019)*



*Terrorism Trial 1984: supporters at the conclusion of the trial of
Theminkosi Ngcobo of Imbali (Natal Witness, 16 March 1984)*

argued that he had been misled by pro deo counsel Advocate Menge, had misunderstood the earlier trial proceedings, and after further consultation did not now believe he was guilty. But he refused to answer questions under cross-examination citing ill-health: he had been detained for twelve months, suffering solitary confinement, electric shocks to the head, and various forms of assault. Nevertheless, a psychiatrist confirmed that he was fit to stand trial. Khumalo also voiced misgivings about Menge and said he had no opportunity to organise alternative representation. Mtshali was sent for mental observation on the advice of a psychiatrist.

When questioned, Menge confirmed that he had met the defendants for the first time on day one of the trial. Previously they had dealt with another advocate and planned to enter a plea of not guilty. Menge denied that his advice to plead guilty involved a proposed sentencing deal. The role of the court interpreter was also called into question by Advocate Poswa on the grounds of ability and interpretation of 'certain key words'. In November, Justice Kriek rejected the application for reversal of pleas and handed out sentences ranging from three to thirteen years and said he was satisfied that those convicted understood the charges sufficiently. Leave to appeal conviction and sentence was refused. Mtshali ended up institutionalised as a State President's patient.⁷⁵

Mzilikazi Khumalo from KwaMashu (Durban) was sentenced to an effective sixteen years in prison in March 1979 under the Terrorism Act for military training in Mozambique and Zambia, recruiting, bringing arms and ammunition into South Africa, conspiracy to murder a Durban SB police officer and damage to property – particularly railway infrastructure. He had been arrested in Newcastle and this case clearly illustrated the significance of Swaziland to the supply of arms to MK. Found near Piet Retief were a Tokarev pistol and a Czech Scorpion machine gun. The State was content to use a murder suspect as a witness and the judge dismissed Khumalo's alibi that he had been dealing in dagga in Transkei.⁷⁶

The Pietermaritzburg Treason Trial of 1979, South Africa's first such trial since 1961, featured twelve defendants, a collective charge of high treason, 43 alternative counts of terrorism, and one count under the Riotous Assemblies Act of conspiracy to commit murder.⁷⁷ As MK soldiers the accused were alleged to have trained overseas (five camps in Angola and others in Zambia, Ukraine and Russia were listed) to overthrow the government of South Africa. Their missions were various: attacking police stations and the Bophuthatswana police in the Vryburg area; establishing bases; caching arms, ammunition and explosives; recruiting cadres in Soweto and Bophuthatswana; sabotaging

pipelines in the Merebank area near Durban; and planning attacks on the magistrate's court and police station at Whittlesea in the Eastern Cape. Other than Merebank, the only direct reference to Natal was the stashing of weaponry and recruitment at Msinga by two accused.⁷⁸

The original defendants were Mandlenkosi Christopher Hadebe (from Sobantu) and Mandla Mthethwa, detained since 12 March after their capture at Njondo (Msinga) with an arms cache of two AK-47s and ninety rounds sourced from Swaziland. They appeared without legal representation in the Pietermaritzburg Regional Court on 15 June 1979 on charges of treason. Admitting culpability, they announced their intention to conduct their own defence.⁷⁹ It was alleged that the defendants had left the country in 1975 and 1976 and received training in Angola and Russia. At their next appearance, now represented by H.K. Naidu, application was made to reverse their pleas on the grounds that the indictment had been served just two hours before pleading. Both also claimed police assault and that this had encouraged guilty pleas in the dual hope of avoiding further physical abuse and attracting lighter sentences.

The reversal was accepted and the trial proper opened on 4 September, by which time the prosecution had added the ten other defendants, effectively merging two trials. Special security provisions included confinement of the accused to a shatterproof glass enclosure from which communication with friends and relatives was difficult. Armed police controlled all the court's doors and outside SB officers 'mingled with the crowd'.⁸⁰ Ten days later Justice J.J.F. Hefer said he had received a letter from the ANC in Swaziland announcing their intention to free the accused. This letter was allegedly posted in Manzini in August and contained challenging advice to Hefer and the 'fascist regime'.⁸¹ Simultaneously, the State applied for the trial to be held in camera to protect some witnesses, of whom 79 were named. The judge agreed, but said he would treat each case on its merits.

This had a dramatic effect with the accused dismissing their counsel, Ernie Wentzel, saying they would take no further part in proceedings, singing freedom songs, and shouting slogans. ANC accused in general objected to in camera rulings as this limited the possibility of getting a message across to the public. Number two accused, Tladitsagae Molefe, told the judge that he would participate as long as the trial was open to the public.⁸² The accused were removed from the court and from then on admitted individually as proceedings required. As they had indicated, they refused to cross-examine witnesses or challenge prosecution evidence. Two of them, John Sekete and Mandlenkosi

Hadebe, were sentenced on 19 September to six months for contempt of court: pacing around the dock, smoking, and refusing to acknowledge the judge. Hadebe reacted particularly emotionally, trying to demolish the glass enclosure.⁸³ The following day, reporters were excluded on the grounds that any reference to four witnesses could betray their identities.

Demonstrations by the anti-apartheid movement in London called for prisoner-of-war status for the accused in this trial, but in November they were convicted. High security on 12 November provided a 'siege-like atmosphere ... [while] ... the 12 accused filed into the specially constructed shatter-proof glass dock singing freedom songs and shouting slogans'. They then turned their backs on the judge.⁸⁴ Justice Hefer sentenced James Mange (accused number twelve) to death even though no one had died (he had been responsible for the Whittlesea reconnaissance) and a ludicrous eighteen months for contempt of court. This was the first death sentence imposed for treason since Robey Leibbrandt in 1943 and was roundly condemned as likely to be counter-productive.⁸⁵ The others all received sentences ranging from thirteen to eighteen years, plus one year for contempt. One of them was Thibe Jimmy Ngobeni (MK Mizizi), accused number four, who was convicted for establishing bases in Malamulele, Gazankulu (north-eastern Transvaal) and eventually sent to Robben Island.⁸⁶ Immediately after sentencing the trialists were flown to Pretoria.⁸⁷ Stanley Manong maintains that all those on trial were trained by MK at Novo Catuenge in Angola, for example accused number one, John Sekete, Moses Molefe (accused number two) and Vusumuzi Nicholas Zulu (MK Mogomane Seretse, accused number eleven); and that the security forces obtained a great deal of information about ANC camps as a result of interrogation that culminated in the aerial attack on Catuenge in March 1979.⁸⁸ Nevertheless, this trial was notable for the 'firmness of resolve of the 12 ... accused.'⁸⁹

These sentences were received with widespread unease in the local press while there were protests in Britain and the Netherlands. The Pietermaritzburg Council of Churches Justice and Reconciliation Commission spoke of an 'appalling tragedy'.⁹⁰ In January 1980, Mange was granted leave to appeal his sentence. Chief Justice Rumpff commuted it on 11 September to twenty years. Sydney Kentridge had argued that the death sentence was wildly disproportionate to the sentences of the other defendants in this trial and others. His case was also based on the fact that the evidence of an accomplice witness had not been challenged and that the trial judge's perception of Mange had been adversely affected by the general atmosphere in court. Rumpff agreed

that the sentence was unreasonable, although he perversely denied that the trial judge had misdirected himself and had some harsh words to say about treason.⁹¹ This was, however, seen as a 'crucial turning point' in sentencing. It was frequently argued that in terms of South Africa's turbulent history, today's rebels had become tomorrow's likely rulers. As a leader in the *Natal Witness* put it, 'Our political history weighs heavily on us all'.⁹²

This treason trial made a great impression upon Pietermaritzburg and inspired a poem by Vortex. It recorded the backdrop of steady spring rain, jacaranda trees, the presence of many police armed with rifles, and the defiance of the accused. In a long poem, a couple of passages stand out:

It is all quite clear.
It is all legal:
there can be no dispute ...

From this event, partly, there will emerge the future,
in all its well-sculpted
and no doubt excellently-documented confusion.⁹³

In November 1980 the Natal Supreme Court (NSC) heard an appeal by Fatima Meer and Baptiste Marie against their conviction for breaking banning orders by attending a social gathering the previous year, for which they had received suspended sentences of three months. The NSC upheld the appeal, finding the terms of the banning order 'too obscure to have any legal meaning', particularly with respect to social gatherings. This did not prevent the attorney-general of Natal appealing against the ruling.⁹⁴ Another appeal in April 1981 was not so successful when Sithembiso Ernest Ngobese and Patrick Nxumalo had their terrorism convictions and five-year sentences confirmed and right of appeal to the Appellate Division denied. They had argued that evidence led against them was unsound because those giving it had been detained for so long.⁹⁵

In 1982 Patrick Maqubela (an attorney from Clermont), Richard Maqhutyana (a bakery worker from Mlazi) and Seth Gaba (from East London) stood trial in the College Road Supreme Court before Justice Auret van Heerden on 57 charges that included high treason, terrorism, sabotage, attempted murder, and possession of arms, ammunition and explosives.⁹⁶ Various Durban bomb blasts in 1981 were attributed to them and they had chosen an eclectic range of targets: a post box in Field Street, the Cenotaph, two car showrooms in Smith Street, two government offices (including Indian Affairs in Stanger Street), a South African Defence Force recruiting centre also in Smith Street, and a railway line to Mlazi. They were alleged to be part of a network that

organised arms caches (grenades, limpet mines, a machine rifle and Makarov pistols, an AK-47 rifle, plastic explosives, TNT and detonators) and recruited for military training inside and outside South Africa; and were connected with ANC structures in Swaziland. Maqubela was said to be the Durban organiser of transport and weaponry.

The trial began on 2 August. Five witnesses refused to testify and were handed sentences of three to five years, Van Heerden arguing that their loyalty to the State outweighed any other influence. These were among the heaviest ever imposed on recalcitrant witnesses, who were Litha Jolobe (a law student at University of Swaziland), Mbulelo Hongo (a legal clerk), Bulelani Ngcuka (an attorney and cousin of Maqhubela),⁹⁷ Mpilo Taho (a former University of Fort Hare student and trade unionist who was sentenced to the maximum of five years); and Ayanda Mpahlwa (a Durban student).

A trial within a trial took place over the admissibility of evidence from Gaba, who alleged severe assault in detention in East London, but Van Heerden decided it had been made 'freely and voluntarily'. Proceedings revealed that the architecture branch library of the University of Natal in Durban was used as a place to exchange messages, with envelopes taped underneath tables. The defendants each received twenty years after their advocate, Ernie Wentzel, argued that as notional Transkei citizens their loyalty to South Africa was questionable; although the judge countered this by pointing out that they lived and worked in South Africa. Heavyweight evidence in mitigation was given by clerics Denis Hurley and Simon Gqubule who testified, apparently successfully, that death sentences would exacerbate conflict. After sentencing, the convicted shouted slogans and gave ANC salutes, which were reciprocated by the public gallery. The police then fired teargas into the court, action that was bitterly criticised by lawyers.⁹⁸ Joan Kerchhoff provides an eyewitness account in her diary:

Court full so waited on verandah. Masses of police, uniformed and SB in plain clothes – in cars with dogs, standing around, walking up and down – very much in evidence at gates with machine guns. At last heard singing and chanting inside so knew it was over. A few people trickled out and then suddenly there was a mad rush of people squeezing through the doors, their faces red and contorted, coughing and spitting. I caught a whiff of something [that] burned my tongue and eyes. I realised it was teargas. Many were in a bad way. But there was much talk, laughing, bantering – we were overjoyed to hear there was no death sentence ... People were congratulating Ernie Wentzel.⁹⁹

The following year, 21-year-old Khaya Skweyiya from New Brighton appeared on similar charges (a total of twelve involving high treason, terrorism,

possession of arms, murder and attempted murder). He had been arrested in October 1982 at Mahlabathini after a gun battle in which an ANC cadre and an SB policeman had been killed. Skweyiya had left the country in 1978 after the school boycotts, been trained at Funda in Angola, and then sent back in June 1982 to destroy a fuel pumping station. Having collected arms at Ulundi the mission was aborted because of the danger of civilian casualties, a judgement apparently made in the context of advice given by Joe Slovo. Skweyiya was acquitted of murder and attempted murder but sentenced to fifteen years for high treason, Judge P.M. Nienaber accepting that the accused had avoided killing innocent people.¹⁰⁰

Another terrorism trial in 1983, presided over by Justice van Heerden at the College Road Supreme Court, was unusual for the fact that it was held largely in camera in terms of s.153 of the Criminal Procedure Act (CPA).¹⁰¹ Only lawyers and court officials were present, although a summary of evidence compiled by defence and prosecution was released to the press. Siphiwe Makhathini was accused of possession of weaponry, undergoing military training in Mozambique, Angola and Tanzania from 1977 to 1982, and of a number of bombings during 1982: water pipelines in Mlazi (25 April) and Chesterville (25 May), the Department of Coloured Affairs building in Hermitage Street, Durban, and a target in Pinetown. Arms caches discovered in Clermont and Phoenix were substantial and included five AK-47s with over 500 rounds, hand grenades and mines. In this connection Nthokozisi Nobleman Shezi (18) and his sister Makhozi (26) were detained on 18 December 1982 under s.29 of the ISA, prompting questions from Helen Suzman in the House of Assembly about family visiting rights.¹⁰² Makhathini had been arrested at Madola (Piet Retief) and pleaded guilty to some of the charges. The State dropped the rest and he was sentenced to eighteen years in prison.¹⁰³

The 1983 terrorism trial had a sequel a year later when Thembinkosi Paulson Ngcobo of Imbali (23) appeared on seven counts of terrorism and one of possessing explosives.¹⁰⁴ He had been arrested on 27 October 1983 in sensational circumstances, carrying a Russian demolition mine near the Capital Towers Hotel in central Pietermaritzburg while Prime Minister P.W. Botha was attending a political meeting about the upcoming referendum at the nearby city hall. Ngcobo testified that he had been ordered by the ANC to explode the device near the City Hall, but to avoid casualties. Realising he could not do this, he was walking away when arrested. The mine lay on the pavement until an explosives expert defused it, noting that although primed it was not connected to a power source.¹⁰⁵ It was Ngcobo who had bombed the

College Road Supreme Court on 30 January 1983, the Sobantu offices of the Drakensberg Bantu Administration Board on 11 February 1983, and pylons at Ashdown (15 August and 14 October 1983) and Morcom Road in Prestbury (also 14 October 1983). He pleaded guilty at College Road Supreme Court on 4 March 1984, and without legal representation, to various explosions in Pietermaritzburg in 1983. He had been trained in the use of explosives and briefed in Swaziland. He, too, was eventually represented by Ernie Wentzel, but only after his family had heard about his first appearance in court. Justice H.R. Jacobs handed down three twenty-year sentences for the use of TG-50 demolition mines and four ten-year sentences for the use and caching of other explosives at Dambuza Road. Although this totalled 100 years in prison, the sentence was an effective twenty years. Again there was acceptance by the judge of the symbolic nature of the bombings and that there was no intention to harm anyone.¹⁰⁶

On 11 July 1985 another massive show trial got underway in Pietermaritzburg involving sixteen members of the UDF, Release Mandela Committee, Natal and Transvaal Indian Congresses and the South African Allied Workers Union (SAAWU) charged with high treason (alternatively terrorism).¹⁰⁷ Ambitiously, the prosecutor sought to show that the accused had conspired with a revolutionary alliance of the ANC, SACP and SACTU formed around the Freedom Charter to overthrow the State by violence even though none had been perpetrated and the accused were all involved in non-violent forms of protest. Michael Lobban compares this with 'its attempt in the 1950s to link the Defiance Campaign with an international revolutionary communist movement.'¹⁰⁸ It was akin to putting the whole extra-parliamentary opposition on trial for its activities over the past five years and the charge sheet ran to 588 pages.

In spite of section 30 of the ISA that turned bail in political cases into an administrative matter within the purview of the Attorney-General, Judge D.B. Friedman granted it and attracted supportive comment from Judge-President A.J. Milne about the desirability of amending the law. Friedman argued that 'it is to me a complete anathema that an attorney general should be, in a manner of speaking, a judge in his own cause.'¹⁰⁹ Such arbitrary powers, however, had long been fundamental to the apartheid state.

The State's ambitious case deteriorated further when Ismail Mahomed SC for the defence challenged the indictment on a number of points with success. The trial ran from August until 9 December when twelve of the accused were discharged. This followed evidence by expert state witness

Isaak de Vries of Rand Afrikaans University who had made something of a profession of testifying in such trials. This was apparently the twentieth; and probably the last since his bumbling, inaudible and long-winded evidence seems to have achieved the near-impossible in uniting judge, prosecution and defence in frustration.¹¹⁰ Liberal opinion dwelt on the blasé fashion in which the State accused its opponents of treason without being able to back this up in court, producing ‘the flimsiest of evidence built upon far-fetched and unsubstantiated inferences.’ There could be no better demonstration of the blatant political use of detention without trial.¹¹¹ Given the context of the times there was considerable open, public support for the trialists and meals and accommodation were provided by DESCOM and other groups.¹¹²

The remaining accused were from the SAAWU and they too were discharged on 23 June 1986, by which time a national State of Emergency (SoE) had been in force for a week.¹¹³ In essence the State had attempted to put on trial, and delegitimise through the courts, the philosophy of the UDF: ‘the prosecution was primarily directed at the campaigns, meetings, speeches and publications of the UDF ... [but] ... a spirited and aggressive defence before a receptive judge ... force[d] the prosecution to crumble.’ While the case failed spectacularly, partly under foreign pressure, it had taken out of circulation opposition leaders at a crucial moment of inherent instability. Yet the State had not managed to criminalise the UDF even though it had declared a virtual SoE against it long before the Public Safety Act was invoked on 12 June 1986, forcing it in part underground.¹¹⁴

A final political trial, *S. v. Buthelezi* started in the NSC on 3 November 1986. Eleven students from the University of Durban-Westville and the University of Natal Medical School faced charges of terrorism. Two of the accused, Phumezo Nxiweni and Sipho Bhila, were discharged for lack of evidence, but the former was subsequently murdered by the SB.¹¹⁵

Overview

The Pietermaritzburg Treason Trial of 1985–1986 signalled an end to the government’s desire to put its opponents on trial, particularly where this required the complicated task of proving conspiracy. Although many trials had involved indisputable acts of violence against the State, they all suffered from the fact that they were held under laws made by an illegitimate parliament and that in apartheid society there was no equality before the law. A veneer of legality was never sufficient to convince a sceptical world that they were anything more than another form of repression seeking to criminalise the anti-apartheid

movement. Even after the ISA came into force in 1983, definitions of offences remained 'unacceptably wide and loose'. Rules of procedure and evidence differed from the norm, including acceptance of solitary confinement, denial of access to lawyers, and an absence of court jurisdiction while in pre-trial detention; and a shifting of the burden of proof in relation to statements during proceedings.¹¹⁶ The Pietermaritzburg trials emphasised both these and many other characteristics of such prosecutions.

Most were preceded by lengthy spells of detention and interrogation for both accused and those held as witnesses in terms of the ISA during which the chances of self-incrimination were very high. One study put the average detention period of witnesses at 132 days with solitary confinement experienced by 30%.¹¹⁷ The detention cells were regarded by defence lawyers such as Charles Nupen as witness factories where evidence was often concocted. People effectively vanished, an appearance in court whether as defendant or witness often the first sign that a detainee was actually still alive. Legally, the most problematic part of political trials was the evidence. It was largely obtained under various levels of duress that should have rendered all of it inadmissible as tainted,¹¹⁸ whether true or not: a fact that unfortunately calls into question its usefulness as historical source material. This put the prosecution at a great advantage over the defence and often resulted in admissibility complaints that involved trials within trials, although they were usually dismissed even when they clearly had merit.

State witnesses could be detained for up to six months under s.31 of the ISA, although this often followed interrogative detention under s.29. Solitary confinement and physical and psychological torture resulted in incriminating statements that should have been rendered inadmissible, although torture was often difficult to prove especially to courts that were 'generally deferent' to the State.¹¹⁹ The imprisonment of witnesses often took place while trials were proceeding in camera. As Hugh Lewin summed up many years later, while most people cracked under prolonged detention and interrogation by the SB, the ultimate betrayal was to testify against comrades in a court of law.¹²⁰

Defendants were forced to plead before they were fully legally advised and represented and the initial use of pro bono lawyers frequently resulted in the reversal of pleas. This fact was highlighted in the NSC during the trial of Rex Gibson, editor, and Jennifer Hyman, senior reporter, of the *Sunday Express*. Hyman had written an article about lack of communication with appointed lawyers and the fact that pro deo representatives did not always act in defendants' best interests. According to the bizarre fashion of apartheid South Africa,

she and Gibson were charged with criminal defamation and contempt of court. Unsurprisingly, they were found not guilty on 30 April 1979.¹²¹ Dugard makes the point that while many eminent advocates involved themselves in political trials, instructing attorneys were often hard to find as such work carried few advantages.¹²² Extremely serious charges such as treason and terrorism were often framed on the eve of a trial despite long detention periods and it was a matter of routine that they were multiplied with lesser offences included for the same event. Charges were deliberately framed in ways disadvantageous to the accused: terrorism rather than arson or damage to property, for instance. And one act often attracted a string of separate charges that allowed judges to accumulate penalties on conviction.¹²³ The inclusion of other defendants was designed to suggest conspiracy where none existed. Evidence was routinely withheld by the State.

Since bail was almost always denied, often by special order of the Attorney-General, prisoners had to conduct their defence from prison at a considerable disadvantage. Denial of bail, most notoriously in cases involving high-profile political opponents of the government at times of crisis, was a way of keeping them out of circulation; and once acquitted they had spent many months in prison.¹²⁴ The trials themselves were often located in relatively inaccessible places, although this was not true of those taking place in Pietermaritzburg where there was an active support network for defendants. All trials took place in an atmosphere of tight control, such as the provisions of the Demonstrations In or Near Court Buildings Prohibition Act. Demonstrators were even prosecuted for singing.

Trials often ended abruptly, with a high level of conviction and increasingly severe sentences. Prisoners convicted of political offences received no remission, and conditions in prison were particularly onerous. Many of South Africa's judges were undoubted political appointees; and critics, often academic lawyers, who argued that judges should be promoting human rights were prosecuted for their outspokenness.¹²⁵ Perhaps the most famous was the academic lawyer Barend van Niekerk, who addressed a meeting in the Durban City Hall on the iniquities of the Terrorism Act and the response of the legal profession while the Hassim trial was in progress in Pietermaritzburg. He was charged with contempt of court and defeating or obstructing the ends of justice: convicted on the first charge; acquitted on the second; and unsuccessful in his appeal. Julian Riekert drily observed that 'Since this decision most academic discussion of solitary confinement and its effects on the reliability of evidence obtained under it has tended to be restrained and uttered sotto voce.'¹²⁶ Political

trials were an integral part of apartheid from the early 1950s until the mid-1980s. The judiciary was staffed accordingly.

The State argued strenuously that political trials were unknown in South Africa. After all, its objective was to label political opposition criminal. But many of the characteristics of such trials enumerated above did not apply to criminal trials: police control over suspects and witnesses and the high incidence of confessions; the fact that the Terrorism Act was both retrospective and extra-territorial in its reach and required a low level of evidential proof; the frequency of in camera proceedings; provision of minimum sentences without hope of remission or parole; and separate imprisonment of those convicted and the severity of their treatment, for instance regarding study rights. Above all, those brought to trial exhibited high levels of idealism.¹²⁷ This fact had been admitted in 1973 by the acting judge-president of the Cape Provincial Division who also had no compunction about referring to 'political offence[s]'.¹²⁸

As Suttner argues, political trials were used, in the main through prosecution of figures previously low-key, to discredit resistance to white hegemony. Courts were employed in an attempt to persuade opinion, local and international, that political repression was just. In the 1960s a series of obscure trials of largely unknown people was held across the Eastern Cape, part of an exercise in sheer repression. But from the 1970s, the State's ambitions grew. As Suttner convincingly argues, court proceedings removed the specific actions of individuals from their historic and social roots, subjected them to strictly legal judgment, and thus 'attribute[d] to them a moral guilt' that discounted the actions of the State. Nonetheless, political trials represented a risk for the State if they appeared unfair or earned the defendants public sympathy, both of which happened with regularity. Prior to 1977 and the amendments to the CPA, defendants made unsworn statements from the dock to put their case; the most famous being from Nelson Mandela. After 1977, defendants used evidence or mitigation to put forward their views.¹²⁹

The legitimacy of trials lost traction internationally with growing pressure to treat captured MK soldiers as prisoners of war. In general, the image of South African courts and their judiciary was severely compromised, even though the ISA was a clear attempt to 'narrow the definition of offences and make penalties less extreme'.¹³⁰ Apartheid continued to be underwritten by harsh legislation and wide-ranging administrative powers. Cases in the higher courts, whether they were designed to criminalise anti-apartheid movements or turned out to advance the cause of human rights marginally as happened at the beginning of the 1986 SoE, tended largely to be political theatre. The Pietermaritzburg

Treason Trial of 1985–1986 marked the beginning of the end of this form of repression as it began to dawn on the judicial establishment that it might be wise to distance itself from apartheid. Increasingly, it adopted an interest in human rights in anticipation of black majority rule.¹³¹ The government, weakening during the twilight years of apartheid, turned desperately to multiple forms of violent oppression. The national pattern of political trials over the years is a reflection of the State's self-perception of its strength.¹³²

'For years, political trials provided one of the few legal sources of material on the nature and development of armed struggle, and developments and policies within resistance organisations.' However, by the late 1980s the State was finding trials less useful and resorting more to emergency detention and extra-judicial repression (see Chapters 2 and 3). There was an increasing tendency to kill MK soldiers, or turn them, rather than put them on trial. Given growing instability, the show trial, argue some, was not as crucial to the militarists and securocrats of the P.W. Botha regime as it had been to the administrations of H.F. Verwoerd or J.B. Vorster. Secrecy had become a paramount tactic, judicial proceedings less useful. In particular, charges of treason became less common as the State preferred to place its opponents in a criminal context.¹³³

It is appropriate to end on a cautionary note from Jeremy Seekings. He argues that trial evidence should be treated with scepticism as historical material given that the prosecution made up falsehoods and suppressed truth. Defence teams also tended to be selective and defendants lied. Treason and security trials were indeed political theatre rather than 'clear evidence into [the] past'. On the other hand, self-serving evidence was not necessarily false.¹³⁴

ENDNOTES

- 1 Nadine Gordimer, *A Sport of Nature* (New York: Penguin, 1988).
- 2 Otto Kirchheimer, *Political Justice: The Use of Legal Procedure for Political Ends* (Princeton: Princeton University Press, 1961).
- 3 *Natal Witness* (NW) 22 March and 22 April 1983. The latter is now the Tatham Art Gallery.
- 4 Jabulani Sithole, 'The ANC underground, armed actions and popular resistance in Pietermaritzburg and the surrounding Natal Midlands townships' in *The Road to Democracy in South Africa, volume 4 (1980–1990)* (Pretoria: UNISA Press, 2010): 226.
- 5 NW 4 May 1984. Stadler gave a national figure of 225 acts of sabotage since 1976.
- 6 The choice of cases to illustrate this chapter is necessarily selective. It tends to exclude those trials that involved charges of murder and attempted murder because the political motive was sometimes obscure. For this reason the trial of Timothy Nxumalo and seven others in 1978 before Justice Kriek at the College Road Supreme Court for the shooting of Chesterville councillor Albert Mteku has been excluded.
- 7 The trial was covered in NW 3, 4, 5, 8, 9, 10, 12, 16, 17, 22 and 23 May 1984 and *Survey of Race Relations (SRR)* 1984: 808–809. The full indictment is available at APC PC11/1/9/1/1. For years the old College Road Supreme (Native High) Court lay derelict. Fittingly, in view of its role in the liberation

- struggle, it has been carefully restored for the Department of Correctional Services. An earlier account of this trial was published as: Christopher Merrett, 'The day Maritzburg shook' *Witness* 28 June 2013.
- 8 He had first been arrested at Louis Botha Airport in Durban in 1980 at the age of 15 on his return from Waterford Kahlamba School in Swaziland and effectively disappeared for five days (*NW* 9, 10, 11, 13 December 1980). His second spell in detention at the age of 17 was from 10 June to 6 September 1982 under s.6 of the Terrorism Act together with two others from Imbali. He was then charged under the ISA (1950, formerly the Suppression of Communism Act) for recruiting for military training and appeared in the Durban Regional Court in September when he was released on R500 bail. The trial resulted in acquittal, twenty of the 25 witnesses having been detainees (*NW* 26 June 1982; *Echo* 16 December 1982; Simon Gqubule, e-mail, 19 March 2012). The annexure to the charge sheet can be found at APC PC11/1/8/5/4.
 - 9 Ingrid Oellermann, e-mail, 3 September 2012.
 - 10 Simon Gqubule, e-mail, 19 March 2012; *Echo* 15 December 1983.
 - 11 Janice Warman, *Class of '79: The Story of Three Fellow Students who Risked their Lives to Destroy Apartheid* (Johannesburg: Jacana, 2014): 113. Raghmat Jaffer was the mother of Zubeida Jaffer.
 - 12 Jabulani Sithole argues that the impact of the D.C.O. Matiwane Youth League has been underestimated in the development of resistance in the Edendale area (Sithole, 'The ANC underground, armed actions and popular resistance in Pietermaritzburg and the surrounding Natal Midlands townships': 230).
 - 13 Recalcitrant witnesses could earn up to five years in prison under the CPA (51 of 1977) s.189(1). Prior to 1964 the penalty was a repeatable sentence of eight days; and from 1964 to 1977, twelve months (Anthony S. Mathews, *Law, Order and Liberty in South Africa* (Cape Town: Juta, 1971): 255).
 - 14 Omissions were allowed on grounds of security under s.144 of the CPA. Among the witnesses listed was well-known Pietermaritzburg SB Warrant Officer Rolf Warber.
 - 15 *Work in Progress* (WIP) 32 (1984): 51.
 - 16 For an explanation of the significance of Swaziland to the ANC's eastern front, see Thula Simpson, 'The bay and the ocean: a history of the ANC in Swaziland, 1960–1979' *African Historical Review* 41(1) 2009: 109, 112.
 - 17 Sithole, 'The ANC underground, armed actions and popular resistance in Pietermaritzburg and the surrounding Natal Midlands townships': 228.
 - 18 The detainees included schoolgirls and sisters of Duma Gqubule, Thandeka (17) and Pumla (15), both at Epworth (Philippe Denis and Graham Duncan, *The Native School that Caused all the Trouble: A History of the Federal Theological Seminary of Southern Africa* (Pietermaritzburg: Cluster Publications, 2011): 168).
 - 19 In terms of the Demonstrations In or Near Court Buildings Prohibition Act (1982) that prevented protests within 500 metres of a court. The two were not named, but reported as a white woman (40) and a black man (24).
 - 20 Those convicted in the 1984 trial eventually prospered. In 2009 Mahlobo became a brigadier-general in the South African National Defence Force, although not without controversy. In 2001 during peacekeeping operations in the DRC his management style required the intervention of a special team and in 2002 he was found guilty of exam fraud and demoted to lieutenant-colonel. Martins served in parliament for many years and in June 2012 was promoted to minister of transport, although he was later dropped from government. Gqubule is a businessman involved in matters of black economic empowerment and Tom became vice-chancellor at the University of Fort Hare.
 - 21 Kerushan Pillay, 'The man behind '83 Maritzburg blasts' *Weekend Witness* 1 June 2019: 3.
 - 22 Don Foster, Dennis Davis and Diane Sandler, *Detention and Torture in South Africa: Psychological, Legal and Historical Studies* (Cape Town: David Philip, 1987): 43.
 - 23 Steve Biko, *I Write What I Like* (Johannesburg: Picador Africa, 2004): 81.
 - 24 Dennis M. Davis, 'The historical context of security legislation in South Africa' in *Detention and Security Legislation in South Africa: Proceedings of a Conference held at the University of Natal, September 1982*, ed. by A.N. Bell and R.D.A. Mackie (Durban: Centre for Adult Education, University of Natal, 1985): 19; Raymond Tucker, 'Protection of detainees: facts & fiction' in *Detention and Security Legislation in South Africa: Proceedings of a Conference held at the University of Natal, September 1982*, ed. by A.N. Bell and R.D.A. Mackie (Durban: Centre for Adult Education, University of Natal, 1985): 27.

- 25 Max Coleman (ed.), *A Crime Against Humanity: Analysing the Repression of the Apartheid State* (Johannesburg: Human Rights Committee; Bellville: Mayibuye Books; and Cape Town: David Philip, 1998): 12, 36, 79.
- 26 Foster, Davis and Sandler, *Detention and Torture in South Africa*: 165–166.
- 27 Albie Sachs, *We the People: Insights of an Activist Judge* (Johannesburg: Wits University Press, 2016): 308.
- 28 For a critique of such trials see *Political Trials in South Africa: Judicial Instruments of Repression* (Johannesburg: Southern Africa The Imprisoned Society, 1985).
- 29 Anthony S. Mathews, *Freedom, State Security and the Rule of Law: Dilemmas of the Apartheid Society* (Cape Town: Juta, 1986): 79.
- 30 Tucker, 'Protection of detainees': 32–33.
- 31 ISA s.31.
- 32 Arthur Chaskalson, 'Opening address' in *Detention and Security Legislation in South Africa: Proceedings of a Conference held at the University of Natal, September 1982*, ed. by A.N. Bell and R.D.A. Mackie (Durban: Centre for Adult Education, University of Natal, 1985): 5; Jacob Dlamini, *Askari: A Story of Collaboration and Betrayal in the Anti-Apartheid Struggle* (Auckland Park: Jacana, 2014): 164, 168–169.
- 33 John Dugard, 'The judiciary and national security' in *Detention and Security Legislation in South Africa: Proceedings of a Conference held at the University of Natal, September 1982*, ed. by A.N. Bell and R.D.A. Mackie (Durban: Centre for Adult Education, University of Natal, 1985): 45–47.
- 34 Tom Lodge, 'Resistance and reform, 1973–1994' in *The Cambridge History of South Africa, Volume 2, 1885–1994*, ed. by Robert Ross, Anne Kelk Mager and Bill Nasson (Cambridge: Cambridge University Press, 2012): 458.
- 35 Hugh Lewin, *Bandiet out of Jail* (Johannesburg: Random House, 2002): 50.
- 36 *SRR* 1964: 92–93. Evans was a journalist who went into exile in Britain after his prison sentence and worked as a writer, producing plays, poetry and short stories. His novel *A Touch of the Sun* (Manchester: Crocus, 2005) is a little-known, but evocative, tale of a small town (Victoria) in the Eastern Cape at the height of apartheid.
- 37 *SRR* 1967: 55.
- 38 The Wankie/Sipolilo campaigns were a poorly organised and failed attempt by MK in 1967 and 1968 to infiltrate South Africa via Rhodesia. They led to conflict between Chris Hani and the ANC hierarchy.
- 39 Raymond Suttner, *The ANC Underground in South Africa to 1976: A Social and Historical Study* (Johannesburg: Jacana, 2008): 66.
- 40 Among those who gave evidence were members of the dissident Makiwane group within the ANC (Janet Smith and Beauregard Tromp, *Hani: A Life Too Short* (Johannesburg: Jonathan Ball, 2009): 123.
- 41 *SRR* 1969: 64.
- 42 *SRR* 1970: 65.
- 43 An askari was a former liberation movement operative turned by the South African security forces. For further information on April see Imtiaz Cajee, *The Murder of Ahmed Timol: My Search for the Truth* (Johannesburg: Jacana, 2020): 106–107.
- 44 *SRR* 1971: 86–87.
- 45 Michael Lobban, *White Man's Justice: South African Political Trials in the Black Consciousness Era* (Oxford: Clarendon Press, 1996): 4, 5, 7, 8, 13, 138–139; M.L. Norton, 'The political trial in South Africa: the quest for legitimacy' *Natal University Law Review* 3(1–2) 1982–1983: 76, 77, 78, 79; Chris Nicholson, 'Admissibility and reliability of detainee evidence' *South African Journal of Criminal Law and Criminology* 6 (1982): 255.
- 46 Glenn Moss provides a brief description of this detention camp run by the notorious Theuns 'Rooi Rus' Swanepoel. At least one detainee, Mthayeni Cuthsela, died there under interrogation (*The New Radicals: A Generational Memoir of the 1970s* (Johannesburg: Jacana, 2014): 140). There were also allegations that two others had attempted suicide (Lobban, *White Man's Justice*: 163).
- 47 *Ibid*: 163–165.
- 48 *SRR* 1971: 89–90; 1972: 96–98.
- 49 *SRR* 1972: 105.
- 50 This trial is considered in detail in Julian Riekert, 'The DDD syndrome: solitary confinement and a South African security law trial' in *Detention and Security Legislation in South Africa: Proceedings*

- of a Conference held at the University of Natal, September 1982, ed. by A.N. Bell and R.D.A. Mackie (Durban: Centre for Adult Education, University of Natal, 1985): 125–141. The trial record extended to 4 700 pages. Judge Howard's judgment was 532 pages long and that of appeal Judge Wessels another 131 pages.
- 51 Lobban, *White Man's Justice*: 251.
 - 52 Ibid: 172–173, 174.
 - 53 Ibid: 167–168.
 - 54 Darcy du Toit, *Capital and Labour in South Africa: Class Struggle in the 1970s* (London: Kegan Paul, 1981): 425; Lobban, *White Man's Justice*: 171, 173.
 - 55 Ibid: 172.
 - 56 Coleman (ed.), *A Crime Against Humanity*: 58. Mdluli's was the 23rd death in detention according to human rights monitoring organisations, but the first since Ahmed Timol in October 1971, and caused an international stir.
 - 57 Riekert, 'The DDD syndrome': 127.
 - 58 Ibid: 128.
 - 59 Ibid: 144; Lobban, *White Man's Justice*: 170; Truth and Reconciliation Commission of South Africa (TRC), *Report Volume 3*: 179. The four SB officers were Frederick van Zyl, Andrew Taylor, Mandlakayise Makhanya and Zabulon Ngobese. The payment (R28 616 according to the TRC) was made for failure to secure Mdluli's welfare in custody.
 - 60 Moss, *The New Radicals*: 252. Having testified before an American Senate committee, Hlapane was assassinated in Soweto in December 1982 by MK.
 - 61 *SRR* 1976: 143–144. The accused, apart from Gwala (aged 55), were (spellings as given in *SRR* but corrected where errors are known to the writer): William Khanyile (40), Zakhele Mdlalose (51), Joseph Nduli (35), Cleopas Ndhlovu (42), Anton Xaba (42), John Nene (32), Vusimusi Magubane (32), Matthews Meyiwa (51) and Azaria Ndebele (40).
 - 62 Nxasana, a SACTU veteran who had been a key figure in the Durban strikes of 1973 (see Chapter 4) involved with the General Factory Workers Benefit Fund and the setting up of the non-racial Trade Union Advisory and Co-ordinating Council, was detained in December 1975, assaulted, and held for nineteen months. Having appeared as a state witness and explained that he was aware of plans to revive the ANC and SACTU using three-person cells, he retracted his testimony as a witness and described his torture. He was released in August 1977 at the end of the trial, banned and restricted to Mlazi for five years. Kunene said he had been forced to sign a statement written by the police after torture inflicted on his hands: 'When the police attempted to re-arrest him in the courtroom ... [he] lay down on the floor and screamed that the police would kill him ... [they] subsequently charged him with perjury' for which he subsequently served six months. The policemen named were Louis Botha, Cornelius McDuling, and constables Strumpher and De Wet. Under s.6 of the Terrorism Act any officer of the rank of lieutenant-colonel or above could detain indefinitely until questions were satisfactorily addressed and no court could question any action committed in its name. It was largely used to prepare for prosecution and often proved the key to convictions based on fabrication. Reputedly designed to counter SWAPO activity, it proved ideal for the criminalisation of political opposition (Du Toit, *Capital and Labour in South Africa*: 425–426; Lobban, *White Man's Justice*: 6, 48, 175, 179, 180).
 - 63 Ibid: 174, 176; Anthony S. Mathews, *The Darker Reaches of Government: Access to Information about Public Administration in Three Societies* (Cape Town: Juta, 1978): 149.
 - 64 Lobban, *White Man's Justice*: 177–178; TRC, *Report Volume 3*: 177.
 - 65 Louis J. West, 'Effects of isolation on the evidence of detainees' in *Detention and Security Legislation in South Africa: Proceedings of a Conference held at the University of Natal, September 1982*, ed. by A.N. Bell and R.D.A. Mackie (Durban: Centre for Adult Education, University of Natal, 1985): 69–80.
 - 66 Chris Nicholson, 'Admissibility and reliability of detainee evidence' in *Detention and Security Legislation in South Africa: Proceedings of a Conference held at the University of Natal, September 1982*, ed. by A.N. Bell and R.D.A. Mackie (Durban: Centre for Adult Education, University of Natal, 1985): 109–110.
 - 67 Riekert, 'The DDD syndrome': 135.
 - 68 Du Toit, *Capital and Labour in South Africa*: 358.
 - 69 Lobban, *White Man's Justice*: 178–179.
 - 70 Riekert, 'The DDD syndrome': 139–140.

- 71 Lobban, *White Man's Justice*: 181–184.
- 72 However, on 8 September 1977 Leonard Nkosi, who had given evidence for the prosecution, was killed by the ANC (TRC, *Report Volume 3*: 171–172).
- 73 *SRR* 1977: 133–134; Lobban, *White Man's Justice*: 184–186, 217, 258.
- 74 Foster, Davis and Sandler, *Detention and Torture in South Africa*: 41, 42, 48, 79.
- 75 *SRR* 1977: 136–137.
- 76 *WIP* 6 (1978): 27; 7 (1979): 87–88; *Natal Mercury* 24 November 1978; *NW* 2 March 1979.
- 77 The full indictment is available at APC PC11/1/7/4/1.
- 78 'The treason trial' *WIP* 10 (1979): 39–41.
- 79 The indictment may be found at APC PC11/1/7/5/1. *NW* 16 June 1979; *Natal Mercury* 16 June 1979.
- 80 'The treason trial': 41.
- 81 *NW* 11 September 1979.
- 82 Raymond Suttner, 'Political trials and the legal process' *South African Review (SAR)* 2: 71.
- 83 *NW* 21 September 1979, *Sunday Post* 30 September 1979.
- 84 'The treason trial: "never on our knees"' *WIP* 11 (1980): 42.
- 85 'Death for treason' [editorial] *Reality* 12(1) 1980: 3.
- 86 Stanley Manong, *If We Must Die: An Autobiography of a Former Commander of uMkhonto we Sizwe* (n.p: Nkululeko, 2015): 91.
- 87 *NW* 16 November 1979.
- 88 Manong, *If We Must Die*: 124, 136, 175. The complete list of defendants was: Mandlenkosi Christopher Hadebe (aged 27), Mandla Jack Mthethwa (22), John Mofokeng Sekete (24), Jeffrey Ramasaka Legoabe (30), Thibe Jimmy Ngobeni (27), Andrew Mapheto (20), Bennet Pantese Komane (46), Titus Mogaletoe Malaka (25), Sydney Sekwati Choma (23), Vusumuzi Nicholas Zulu (28), James Daniel Mange (24) and Tladitsagae Moses Molefe (23).
- 89 'The treason trial': 44.
- 90 *Daily News (DN)* 16 November 1979; 'The treason trial': 44.
- 91 *SRR* 1979: 128–130; *SRR* 1980: 251; *WIP* 15 (1980): 42–43.
- 92 'Sentencing political "criminals"' *WIP* 23 (1982): 20; *NW* 13 September 1980.
- 93 Vortex, 'Pietermaritzburg treason trial' [poem] *Reality* 12(1) 1980: 3.
- 94 *WIP* 16 (1981): 9.
- 95 *WIP* 18 (1981): 21.
- 96 The indictment can be found at APC PC11/1/8/10/1.
- 97 Ngcuka was a 28-year-old attorney who received a three-year sentence after eight months of detention (*DN* 5 August 1982). He was later to become director of the National Prosecuting Authority in a liberated South Africa.
- 98 *SRR* 1982: 237–238; *WIP* 23 (1982): 56; 24 (1982): 52–54; *NW* 7 September 1982; *DN* 8 September 1982. Two library staff, Johanna van Schoor and Hazel Sherwood (later Bond) found the messages, informed the authorities, and a trap was laid by the police (*DN* 3 August 1982).
- 99 Joan Kerchhoff, e-mail, 21 January 2012. The other defence advocate was Pius Langa.
- 100 *SRR* 1983: 560; *WIP* 27 (1983): 58.
- 101 The indictment may be found at APC PC11/1/8/8/1.
- 102 *Questions and Replies: House of Assembly* 110, 27 April 1983: 1126–1127.
- 103 *WIP* 29 (1983): 56; *NW* 6 August 1983.
- 104 The indictment may be found at APC PC11/1/9/5/1.
- 105 For a detailed account of this arrest see Sithole, 'The ANC underground, armed actions and popular resistance in Pietermaritzburg and the surrounding Natal Midlands townships': 249; *Sunday Times* 11 December 1983.
- 106 *SRR* 1983: 810–811; *DN* 15 December 1983; *Sunday Tribune* 18 December 1983; *NW* 10 March 1984.
- 107 Detailed biographies of fourteen of the defendants, and notes on the other two, are contained in Fatima Meer (ed.), *Treason Trial – 1985* (Durban: Madiba Publications, 1989): 68–177. Songs, chants and abstracts from speeches used in the indictment are also listed (53–67).
- 108 Lobban, *White Man's Justice*: 261; 'UDF treason trial' *WIP* 37 (1985): 35–36. The accused were Mewalal Ramgobin, Chanderdeo Sewpersadh, M.J. Naidoo, Essop Jassat, Aubrey Mokoena, Curtis Nkondo, Archie Gumede, Paul David, Albertina Sisulu, Frank Chikane, Ebrahim Saloojee, Ismail

- Mohamed, Thozamile Gqweta, Sisa Njikelana, Bhekuyise Kikine and Isaac Ngcobo (the last four from SAAWU).
- 109 'Bail and the law' *WIP* 37 (1985): 34–35.
 - 110 Meer (ed.), *Treason Trial – 1985*: 18–24.
 - 111 Foster, Davis and Sandler, *Detention and Torture in South Africa*: 192.
 - 112 PACSA, *Annual Report* 1985–1986.
 - 113 *SRR* 1985: 512–513. The other treason trial that took place in 1985 was staged in Pretoria and involved members of the UDF and the Vaal Civic Association with charges that related to disturbances in the Vaal Triangle in 1984.
 - 114 Jeremy Seekings, *The UDF: A History of the United Democratic Front in South Africa, 1983–1991* (Cape Town: David Philip, 2000): 145, 163, 301; Nicholas Haysom and Steven Kahanovitz, 'Courts and the State of Emergency' *SAR* 4: 191.
 - 115 Dlamini, *Askari*: 265–266, n.1.
 - 116 Foster, Davis and Sandler, *Detention and Torture in South Africa*: 5.
 - 117 Norton, 'The political trial in South Africa': 90.
 - 118 Julian Riekert, 'The silent scream: detention without trial, solitary confinement and evidence in South African "security law" trials' *South African Journal on Human Rights* 1(3) 1985: 249.
 - 119 Mia Swart and James Fowkes, 'The regulation of detention in the "age of terror"' *South African Law Journal* 126(4) 2009: 781, 800.
 - 120 Hugh Lewin, *Stones against the Mirror: Friendship in the Time of the South African Struggle* (Cape Town: Umuzi, 2011): 99–102. For a more sympathetic view of state witnesses (the case of Bartholomew Hlapane) see Moss, *The New Radicals*: 224–225.
 - 121 *WIP* 7 (1979): 87; 8 (1979): 46.
 - 122 John Dugard, *Human Rights and the South African Legal Order* (Princeton: Princeton University Press, 1978): 243–244, 256.
 - 123 *Ibid*: 67–68.
 - 124 Suttner, 'Political trials and the legal process': 66–67.
 - 125 See, for example, the career of Barend van Niekerk, professor of law at the University of Natal in Durban who had been born in Pietermaritzburg in 1939. Considered a maverick for his vigorous attacks on the judicial system under apartheid, he was prosecuted twice, convicted once, and sued in a civil action for his defence of the rule of law and freedom of speech. He died in 1981.
 - 126 Riekert, 'The DDD syndrome': 124–125.
 - 127 'The nature of political trials' *WIP* 12 (1980): 37–40.
 - 128 'Sentencing political "criminals"': 19.
 - 129 Suttner, 'Political trials and the legal process': 64, 68, 69–71.
 - 130 *Ibid*: 72.
 - 131 Haysom and Kahanovitz, 'Courts and the State of Emergency': 188, 198.
 - 132 Graeme Bloch, 'Sounds in the silence: painting a picture of the 1960s' *Africa Perspective* 25 (1984): 7.
 - 133 'Courts' *WIP* 56/57 (1988): 48–50; Glenn Moss, 'Taking the politics out of political trials' *WIP* 61 (1989): 2–3.
 - 134 Seekings, *The UDF*: 26–27.

7

INKOSI MHLABUNZIMA JOSEPH MAPHUMULO

Jill E. Kelly

INKOSI MHLABUNZIMA JOSEPH MAPHUMULO (1949–1991) believed his name, meaning ‘the earth that is heavy’ in the Zulu language, foretold that he would live in troubled times and have many responsibilities.¹ Indeed, this traditional leader of the Maphumulo at Table Mountain near Pietermaritzburg led his people in an era of unprecedented repression and internecine violence in a country on the brink of political transformation. He understood the chieftaincy as an institution through which he should serve as ‘a shield for his people’, accountable for their security and well-being.² He took this vocation seriously, but he also relished the good life and the controversies brought by public life. He promoted political tolerance in his community, where he welcomed refugees from South Africa’s transition-era civil war, and organised peace efforts in the Natal Midlands. He travelled the country and around the world to call attention to the violence and, as first president of the Congress of Traditional Leaders of South Africa (CONTRALESA), to recruit chiefs into the anti-apartheid movement and ensure a place for traditional authority in the new South Africa. At times, he courted danger and provoked powerful individuals. During his eventful life – one cut short by an apartheid death squad – Maphumulo earned a reputation of almost mythical proportions as a ‘maverick’, ‘rebel chief’, and ‘peace chief’ for his resistance to Inkatha domination and for his struggle to quell the civil war plaguing KwaZulu/Natal in the 1980s and early 1990s. His actions, ambiguities and complexities are interesting in their own right. But his life is also significant for the manner in which his actions shaped ethnic politics in the KwaZulu bantustan, the unfolding of KwaZulu/Natal’s civil war, and the embrace of traditional authority by the African National Congress (ANC) in the last years of apartheid.

Early life

Maphumulo was born at Table Mountain (also known as eMkhambathini, the place of the paperbark acacia tree) on 9 June 1949, the first son of Nosibhedlela

Mdlalose and Inkosi Funizwe Maphumulo. The Maphumulo chieftdom emerged in 1905 when a section of the Gcumisa chieftdom sought to remove themselves from the authority of Inkosi Swayimane Gcumisa. British officials appointed Maguzu Maphumulo, a colonial induna attached to magisterial offices and who arrived in Natal in the 1850s from the Maphumulo district, to lead the breakaway faction. Maguzu's son, Ndlovu, took up the chieftaincy in 1922; and Funizwe succeeded him in 1952. Funizwe died in 1954, leaving his young heir, Mhlabunzima, and second son, Kwenzokuhle, under the care of neglectful regents. Mhlabunzima's mother was so persistent in her complaints about the negligence of Ibamba (Regent) Khangela Maphumulo that the local Bantu Affairs Commissioner issued her with pauper rations.³

Like many heirs to the chieftainship, Mhlabunzima spent much of his adolescence away from home. Education, church and football shaped his youth. He stayed with extended family in Edendale where he schooled at Nichols Primary and Edendale Higher Primary. There, he attended the amaNazareth church and grew close to Mini Shembe, the son of amaNazareth leader Johannes Shembe. After Johannes' death, Maphumulo joined the Ebuhleni faction of the church under Amos Shembe and later promoted Mini as a potential heir to its leadership.⁴ He left Edendale in 1966 to attend boarding school at the Lourdes Mission in East Griqualand.

The following year he started at Bhhekuzulu College for the Sons of Chiefs and Headmen, a Bantu Education institution reserved for the children of traditional leaders, where he overlapped with the young heir to the Zulu throne, Goodwill Zwelithini, and many other soon-to-be chiefs and bantustan administrators. He played football, hated drawing amoeba in science class, and despised Afrikaner teachers. In 1969, he transferred to KwaDlangezwa, a new government high school at Ngoye, where he preferred instruction by African teachers and completed his junior certificate. Many of his followers remember how this education made him stand out as a leader and recall with pride contributing to the fund for his schooling.⁵ His obsession with football did not end with his education. Throughout the 1980s he became involved with sporting initiatives and pushed for a Pietermaritzburg team to achieve professional status, an effort that briefly succeeded when his Maritzburg City team entered the non-racial National Soccer League at the second division level. He worked as a labour clerk with the Pietermaritzburg Corporation for almost a year before assuming the chieftainship.⁶

The chieftaincy and the making of a rebel chief

There was initially little to suggest that Inkosi Maphumulo might become any sort of rebel chief, let alone one committed to the destruction of apartheid. From his installation in 1973,⁷ he carried out the duties of the chieftaincy – applications for birth and death certificates, identity documents, pensions, and disability grants, and the trial of civil and criminal judicial cases – and integrated himself into the Bantu Authorities system. From 1974 he represented the Mpumalanga district as a member of the KwaZulu Legislative Assembly (KZLA), where the battle for political supremacy in the new KwaZulu bantustan was just beginning, and he chaired the Mpumalanga Regional Authority (MRA) from 1975. The young chief drew upon apartheid investment in the bantustans for the benefit of his chieftaindom, opening a new Maphumulo court, a secondary school and a clinic, offering employment opportunities such as a brick-making project, and initiating a water scheme. As an aspiring member of the new class of bantustan administrators, he planned a shopping development for the region. He tirelessly pursued a contested strip of land that bisected his territory, petitioning government officials and allocating residential sites there despite lack of jurisdiction and a proclamation that wrested such responsibility from chiefs.

He first earned the moniker of rebel chief when he became embroiled in KZLA politics, taking an anti-Inkatha and pro-royalist stance. From the establishment of the Zulu Territorial Authority in 1970, Inkosi Mangosuthu Buthelezi worked to sideline the royal family – who wanted an executive monarch similar to the Swazi king – in bantustan structures and to consolidate his own control.⁸ By the time Maphumulo became chief, a number of ‘king’s parties’ promoted by the Zulu princes and the apartheid regime had begun to undermine Buthelezi by supporting executive power for the king. Shortly after Inkatha’s formation in 1975, the young Maphumulo became involved with the Inala Party (Inala being the name of King Goodwill Zwelithini’s regiment). Prompted by several members of the Zulu royal family and Zulu businessmen, and initially with the blessing of the king, the group opposed several aspects of the Inkatha constitution, such as the article that required a chief to be a patron of the movement, as well as KZLA encouragement of tripartite businesses (tripcos) that enabled white investment in KwaZulu.

Maphumulo and Zwelithini had attended Bhekuzulu College together and such institutions played key roles in the creation of these regionally rooted elite networks. In a later investigation into his actions, Maphumulo explained

his participation: '[The Ingonyama] maintained that he had no powers – was not allowed to speak – that is speaking on political matters ... I was concerned about the grievances of the Ingonyama'.⁹ Maphumulo was also a budding businessperson, as evidenced by his applications for a general store and a shopping centre, the latter to be funded by the KwaZulu Development Corporation.¹⁰ Zulu traders threatened by the expansion of white capital into KwaZulu with tripcos found political allies with the royalists and the central State who saw the king as a rallying point against Buthelezi's total control.¹¹ According to Maphumulo, the Inala Party existed only in principle because they had neither a constitution nor funds and faced significant threats from Buthelezi.¹²

There is little evidence that the apartheid State instigated Inala as it did previous royalist parties, other than the possible attendance of an apartheid agent at one of the initial discussions. If the State did support Inala in principle or practice, the extent to which followers and founders of these royalist parties were aware of its involvement is hard to ascertain. But Buthelezi wielded this as evidence against opponents.¹³ He swiftly moved to end Inala with these allegations, ostracising its supporters and ensuring the Zulu king could not compete with him. In Inala's aftermath, the KZLA resolved that the Ingonyama should be above politics. The Assembly identified Maphumulo as the mastermind of the party and charged him with involving the king in politics, for which the Mpumalanga Magistrate suspended him from the chieftaincy and the KZLA in 1978. He fought the suspension in the High Court and won, but by then his two-year abeyance had already passed.

Maphumulo's involvement with the party is now remembered as a principled stance against Inkatha and denial of authority to the Zulu king and is historically important for the role it played in prompting Buthelezi to formalise the Ingonyama's marginalisation in Zulu politics.¹⁴ The young Maphumulo made it clear in a statement to the KwaZulu government at the time that his involvement in Inala was not a criticism of separate development – certainly said to protect himself whether he felt that way or not – but of an Inkatha movement that had allowed its leader to become a dictator.¹⁵

Despite Buthelezi's canvassing against him and his suspension, Maphumulo was a popular regional leader who continued to oppose Inkatha's dominance. He won in Mpumalanga in the 1978 elections and was the sole independent candidate to win a seat in the KZLA, though he could not take it given his suspension.¹⁶ Upon reinstatement as chief in early 1980, Maphumulo banned Inkatha meetings at Table Mountain and ordered a boycott of a visit by

Buthelezi.¹⁷ In his first session back in the KZLA, Buthelezi rebuked him and the minister of justice derided Maphumulo as ‘only the fourth chief’ of a chiefdom created out of colonial collaboration.¹⁸ In May 1980, the Reverend Amos K. Shembe of the amaNazaretha excommunicated Maphumulo until he repaired relations with KwaZulu.¹⁹ Maphumulo apologised and agreed to invite the minister of justice to launch an Inkatha branch at Table Mountain.²⁰

While Maphumulo promised future co-operation, he did not maintain the peace for long. While campaigning for KwaZulu elections in 1983, he had an altercation with Inkatha’s Simon Chonco at a meeting in Maqongqo. Maphumulo believed that Chonco was forcing people to join Inkatha.²¹ Maphumulo won re-election in Mpumalanga, one of only four constituencies where independent candidates contested seats. He was also re-elected as the chairman of the MRA.²² During the first session of the new KZLA in October, Inkatha Youth Brigade members, under the direction of Chonco and Inkosi Khawula, launched a physical attack on Maphumulo. Members of the KwaZulu Police (KZP) and a massive crowd watched as they beat him unconscious for his renewed refusal to join Inkatha and the affront to Chonco. In the KZLA, Buthelezi again accused Maphumulo of working for the National Intelligence Service.²³ Maphumulo had cemented his standing as a maverick and rebel chief.

Rebel turned peace chief

Inkosi Maphumulo temporarily ceased open resistance to Inkatha after his football and business colleague, Mpumalanga Mayor R.D. Sishi, mediated the dispute in 1984.²⁴ But as civil war began to plague KwaZulu/Natal in the 1980s, Maphumulo started to earn a new reputation – that of a peace chief. Conservative estimates hold that nearly 13 000 people died between 1985 and 1996 in KwaZulu/Natal.²⁵ Thousands more were wounded and made homeless. By mid-1989, when the war began to spread towards the rural areas, there were at least 10 000 permanent refugees and another 10 000 to 15 000 temporary ones in the Natal Midlands.²⁶ Maphumulo welcomed those displaced by the violence to Table Mountain, promoted peace efforts in war-torn Mpumalanga, and pursued an inquiry into the causes of the violence. Despite the brokered reconciliation with Buthelezi between 1984 and 1988, Maphumulo’s reputation as an independent chief who promoted political tolerance brought him to the attention of ANC and United Democratic Front (UDF) activists and into the purview of the Mass Democratic Movement (MDM). He began to criticise

apartheid in the press and sought an end to the violence, even as he grew willing to arm his people in self-defence.

As the war intensified, Inkosi Maphumulo's Table Mountain remained quiet. As word spread about his 'haven of peace,' some of the people fleeing from the violence moved to Table Mountain, camping at his court or pledging allegiance (*ukukhonza*) for access to their own pieces of land. In October 1988, Maphumulo reported that already 500 families had fled to his region. By 1989, he estimated that the number of refugees had reached 10 000. In the beginning they were largely Inkatha-supporting refugees, but later influxes brought unaffiliated and UDF-aligned families. Maphumulo welcomed all, as long as they understood the necessity of political tolerance.

In addition to welcoming refugees to Table Mountain, in late 1988 he began to organise a series of well-publicised peace initiatives. In August that year, he convened a peace meeting of clergymen, Inkatha members and representatives of the Edendale Crisis Committee with the assistance of Inkatha Central Committee member Ben Jele, but other senior Inkatha officials ignored the meeting. In October, Maphumulo threw a peace party to celebrate his fifteen-year reign as chief and the calm that had prevailed there under his rule. Jele and Bheki Ngidi of the Congress of South African Trade Unions (COSATU) attributed the lack of violence to his neutrality. The chief described his success: 'I have to accommodate every member of my tribe irrespective of their political allegiance, be it UDF, Cosatu, Inkatha, or Azapo. I will not tolerate people who go house to house forcing others to join their organization'.²⁷ He also spearheaded peace efforts in war-torn Mpumalanga, organising meetings where residents could air their grievances about kitskonstabels (hastily trained special police auxiliaries) with senior police officials.

While Maphumulo's followers took refuge in his haven of peace in a region at war, his political tolerance and increasingly anti-apartheid stance faced serious opposition. At the peace gathering, Maphumulo told the press about hostility he confronted from other chiefs who 'say I must not accept any UDF members in my community'. After the meeting, he received multiple threats to his life and rumours about a hit squad stationed at KwaSwayimane, where KZLA MP Psychology Ndlovu was beginning to earn a reputation as an Inkatha strongman, began to circulate. Callers to the chief threatened that he would die like his friend, the Ximba traditional leader, Msinga Mlaba, who had been assassinated earlier that year. In the light of these threats, the Maphumulo Tribal Authority arranged for young men who had played soccer for Maphumulo to drive and serve as bodyguards for the chief.²⁸

Maphumulo's awareness of the plight of his new followers at Table Mountain and those in Mpumalanga drove him to campaign for a judicial commission of inquiry into the violence. He explained the reasons behind his quest, telling the press he believed that 'a chief is a shield for his people, protecting them at all times like an umbrella and that violence increased when chiefs took sides and the people lost that umbrella.'²⁹ Throughout 1988, Anglican Bishop of Natal Michael Nuttall, the *Natal Witness*, COSATU, the Progressive Federal Party and several local organisations unsuccessfully advocated such a commission.³⁰ Maphumulo took up their call, dedicating himself to understanding what he then recognised as civil war. He channeled his efforts into a petition, with assistance from violence monitors at the Centre for Adult Education at the University of Natal (Pietermaritzburg), to President P.W. Botha requesting a judicial commission of inquiry. Maphumulo increasingly saw Inkatha as the instigator of the violence. On 7 April 1989, Maphumulo and Lawyers for Human Rights members Ann Skelton, Pat Stilwell and Jules Browde handed the petition to Botha's representatives in Cape Town.³¹ Buthelezi took offence at the petition and met Minister of Law and Order Adriaan Vlok, after which Vlok made the incredible announcement there was no breakdown of law and order to investigate.³²

These actions of the 'peace chief' attracted the attention of ANC and UDF activists who recruited Maphumulo into a new organisation of traditional leaders against apartheid, CONTRALESA. When the Ndzundza royal family joined their followers in protests against KwaNdebele independence in 1986, UDF activists in the region recognised the opportunity to develop rural alliances. They proposed CONTRALESA to the ANC, which in the 1980s had also begun to think about how to distinguish puppet chiefs from progressive chiefs.³³ According to the national organiser for CONTRALESA, Sipiwe Thusi, ANC head of international affairs Johnny Makhathini identified four leaders with royal connections from the KwaZulu/Natal region as potential members, including Maphumulo, Inkosi Elphas Molefe, the attorney Kwenza Mlaba, and the banned UDF co-president Archie Gumede.³⁴ Maphumulo's attitude to the Congress movement in 1989 was important in the context of South Africa's civil war. The ANC and UDF needed chiefs, but particularly so in KwaZulu and Natal where traditional leaders allied with Inkatha enabled rural mobilisation campaigns.³⁵ Maphumulo explained his choice: 'One has to move with the people. If one is leading a people who are progressive, I think it is right and proper to be also progressive as a leader. Because my people are in the Mass Democratic Movement, I have to be with them.'³⁶ At the first meeting

of CONTRALESA national representatives in June 1989, members elected Maphumulo interim president.³⁷

Maphumulo used his new position with CONTRALESA to further his peace efforts and shape South Africa's transition to democracy. Under his guidance, CONTRALESA resolved to remain neutral to recruit traditional leaders but also to meet the ANC-in-exile. Maphumulo explained that it was 'imperative to know what the ANC had in store for chiefs'. Funded by the Swedish government after an introduction from the ANC, Maphumulo led a CONTRALESA delegation to Lusaka in August 1989.³⁸ There, he met some of the most powerful men in exile. Maphumulo joked with Chris Hani about how to engage with traditional leaders respectfully and reminded the ANC, South African Communist Party (SACP) and Umkhonto we Sizwe (MK) leaders of the role of chiefs in administering land.³⁹ The meeting resulted in a joint memorandum that recognised the role of traditional leadership in resisting apartheid and promised a place for chiefs in the new South Africa.⁴⁰ Upon his return to Pietermaritzburg, Maphumulo embraced CONTRALESA's relationship with the MDM, meeting Harry Gwala and organising a rally to welcome newly released ANC leaders at the Edendale Lay Ecumenical Centre where he stood on stage with Winnie Mandela and Inkosi Elphas Molefe.⁴¹

While Maphumulo was in Lusaka with CONTRALESA, he and Zibuse Mlaba, the Ximba regent who took over after the assassination of his brother Msinga, asked MK commander Joe Modise to deploy people to assist them. An MK member known as Dumi was sent to protect Mlaba and Maphumulo. Later, the two chiefs identified local young men such as Mzamo Thabani Mlaba to be sent to the Transkei bantustan for military training. After Transkei Defence Force Brigadier Bantu Holomisa overthrew the Transkei government in 1987 and declared his support for the liberation movement, the bantustan developed into a transit point for ANC exiles returning to South Africa. MK cadres also trained self-defence units (SDUs) there.⁴² These SDUs protected Maphumulo as he traversed South Africa's bantustans to mobilise leaders and organise rallies.

By the time Maphumulo returned from Lusaka, the negotiated reconciliation with Buthelezi was over. The Inkatha leader called efforts to organise CONTRALESA in Natal 'an attempt to thrust the spear into the very heart of Zulu unity'. He criticised Maphumulo for keeping company with revolutionaries opposed to the institution of traditional authority and chastised him for attempting to recruit the king. He concluded that the chiefs must 'close ranks and to rejoice in our unity and to tell Inkosi Maphumulo to go to hell.'⁴³



Inkosi Mhlabunzima Maphumulo



*Inkosi Mhlabunzima Maphumulo House (Department of Transport), Burger Street:
unveiling of plaque, July 2018*



Maphumulo's car after assassination attempt, 10 June 1990



Site of Maphumulo's assassination, 95 Havelock Road, 25 February 1991

The king, now firmly allied with Buthelezi and regardless of their previous friendship, instructed the chiefs: 'Let the amakhosi of kwaZulu now speak finally and let us bury Inkosi Maphumulo in yesterday's problems. Let us make him totally irrelevant for the future.'⁴⁴ The chiefs resolved to isolate Maphumulo and CONTRALESA members.

While Maphumulo had initially failed to initiate a commission of inquiry into the violence, with CONTRALESA he succeeded. At the meeting where he was elected, he gave a report on the violence in KwaZulu/Natal in which he explained the relationship between chiefs and security: 'While we are not responsible for the external factors that systematically create social disorder, internally it is our responsibility to do everything we can to solve the problem.'⁴⁵ Maphumulo mandated Advocate Robert S. Douglas to investigate and report on the causes of the violence.⁴⁶ The South African Council of Churches funded the commission with the expectation that CONTRALESA would reimburse them.⁴⁷ The commission opened at Pietermaritzburg's Ubunye House on 5 December 1989 and later heard testimony in Durban. As the press ran headlines such as 'Forced Inkatha recruitment to blame', Buthelezi threatened to sue Douglas for defamation.⁴⁸

As the world watched Mandela walk free and his country burn, Maphumulo took the commission's findings to the international community. At the end of March 1990, he flew to Switzerland to present an interim report to the International Commission of Jurists (ICJ). The report, based on the testimonies of nearly 100 witnesses, identified Inkatha as perpetrators and convinced the ICJ of government collusion. The ICJ then sent a mission to Natal to investigate.⁴⁹ Maphumulo travelled to Sweden to meet CONTRALESA funders and to London where he met O.R. Tambo. At a press conference there, Maphumulo turned Buthelezi's tactic of alleging apartheid collaboration against him. He proclaimed Inkatha funding came from the South African regime and made his strongest statement about violence and apartheid: 'The only realistic, meaningful and long term solution to this problem is to arm the people in self-defence. The total elimination of apartheid and its structures lies to the centre of the irreversible solution to the Natal violence. Any suggested solution that falls short of this will be short-lived.'⁵⁰

Death of the peace chief

Over the weekend of 26–28 January 1990, the war came to Table Mountain. Violence erupted over a contested piece of land as the neighbouring Nyavu

chiefdom allied itself with Inkatha and a small faction among the Maphumulo dissatisfied with the chief's leadership.⁵¹ It would continue over the course of the next six years. Thousands of Maphumulo's followers fled to Pietermaritzburg to seek assistance from churches, COSATU and the Democratic Party. The municipality established a camp at Mason's Mill on Edendale Road after the city's medical officer demanded action. As the refugees worried over their fate, Inkosi Maphumulo was on the move, travelling to Lusaka with CONTRALESA to consult the ANC, back to Table Mountain, and then to Europe to raise funds for CONTRALESA and awareness of the findings of the commission of inquiry. He narrowly escaped several attempts on his life before an apartheid hit squad succeeded. The peace chief, then only 42 years old, would not live to see peace and democracy in South Africa.

Maphumulo long recognised the danger his actions put him in and suspected collaboration between Inkatha and apartheid agents. On 10 June 1990, an ambush on his car killed brothers Alson and Nelson Kunene and injured Edendale businessman Deda Hlophe. The chief survived because he took the bus when his ride was late. Maphumulo alleged that KwaZulu ordered an Mpumalanga-based hit squad including Caprivian-trained Daluxolo Luthuli and Sbu Bhengu to assassinate him.⁵² In Durban in July police chased Maphumulo and his MK bodyguard before detaining them overnight.⁵³ The chief's homestead was attacked multiple times. Like many of his subjects who fled to refugee camps, Maphumulo decided that life in the shadow of Table Mountain had become too perilous. He moved home to 95 Havelock Road in Pietermaritzburg.

On 25 February 1991, an apartheid hit squad assassinated Maphumulo. Bullets from a 9mm pistol struck him in the back as he pulled into the driveway of his city home. He was returning from a parents' meeting at Clarendon Primary School, where one of his children became one of its first African pupils in early 1991. He was alone, an irregularity that led some to suspect one of his bodyguards, Jabulani Dennis Hudla, was a police informant.⁵⁴ Neighbours found him slumped at the wheel and rushed him to Northdale Hospital, but he was certified dead upon arrival. His murder so soon after a 29 January 1991 ceasefire agreement between the ANC and Inkatha sparked fears that nascent peace talks would halt.

The ANC organised a mass political funeral for the chief, mourning him as a struggle hero. The memorial service and funeral served as a site of mobilisation in the struggle against apartheid.⁵⁵ Two thousand people gathered at a 7 March service at Edendale Lay Ecumenical Centre with representatives from the

ANC, CONTRALESA and COSATU. On 10 March, thousands attended the funeral at Wadley Stadium. ANC Youth League president Peter Mokaba called upon youth to take up the chief's spear and join MK. The SACP's Blade Nzimande declared, 'Maphumulo laid down his life so as to attain the aims of the Freedom Charter. Those of us who continue to live must fight on with his spear until the objectives of the Freedom Charter are realised.'⁵⁶ From the funeral, a procession of buses travelled to Maqongqo to bury the late chief. Happiness Memela recalled that Jacob Zuma, Chris Hani, and Tokyo Sexwale were there and that during the salute of the late chief, Hani leapt upon the grave.⁵⁷

The ANC pushed for an investigation into the assassination after Sipho Madlala confessed to being a member of the hit squad that murdered him. Just days after his death, a man claiming to be a state intelligence agent with information about the chief's death phoned the *Natal Witness*. Several months later, Madlala confessed to operating as part of a five-man team acting on the orders of the Security Branch (SB) of the South African Police (SAP) and South African Defence Force (SADF) Military Police based at Natal Command. Madlala, in an interview with *Witness* reporter Lakela Kaunda, detailed the events leading up to the assassination.⁵⁸ Madlala's claims sparked a high-profile investigation or, more accurately, a state cover-up of their counter-revolutionary activities.

Individuals with reputations for obfuscation oversaw the police investigation and inconsistencies plagued the eventual inquest into Maphumulo's death. SAP's Major-General Ronnie van der Westhuizen, known as 'General Fix-It', headed the special team.⁵⁹ Many in the ANC, Democratic Party and the press expressed disbelief that a police investigation would carry the weight of a judicial inquiry.⁶⁰ Police began to discredit Madlala in the press, labelling him an unreliable informer and on 30 April announced that Van der Westhuizen's investigations revealed no evidence to substantiate Madlala's claims.⁶¹ Proof of such collusion, including the Inkathagate scandal that revealed police funding to Inkatha, mounted throughout 1991 and forced officials to set up a provincial inquiry to consider Maphumulo's murder. When the inquest opened in August, the audience overflowed from the courtroom. Madlala implicated SB Warrant Officer Rolf Warber (now known for supplying weapons to Inkatha and overseeing kitskonstabels charged with attacking the UDF), Corporal James Sabasaba and Lance Corporal Roy Gumede, as well as an unnamed fourth person. But the inquest was riddled with discrepancies from the start, especially after Lucky James Mntambo came forward to admit participation

in the hit squad and the operation that killed Maphumulo's bodyguard, Hudla. It quickly became clear that the State was sowing confusion. In the end, the judge found that 'persons unknown' murdered the chief.⁶²

We may never know who pulled the trigger on 25 February 1991, but evidence from the Truth and Reconciliation Commission (TRC) connects Inkatha, the KZP and the SADF to the chief's death and suggests that local individuals may have helped to target him. Daluxolo Luthuli, MK soldier turned commissar of Inkatha's paramilitary wing, oversaw 200 Inkatha soldiers trained in the Caprivi Strip by the SADF. These Caprivians were deployed to local Inkatha leaders and chiefs across KwaZulu/Natal and integrated among the kitskonstabels. While Caprivian efforts were centrally organised between 1986 and 1989, thereafter command and control eroded.⁶³ According to Luthuli, there was great reliance upon local leadership to identify targets. After an attack, the Caprivians would report back to Luthuli. When asked directly about Maphumulo's death, Luthuli told the commission that Caprivian Phumlani Xolani Mshengu and Captain Khanyile of the KZP's Bureau of State Intelligence in Mpumalanga informed him that they were responsible for the death of the chief.⁶⁴ Luthuli's revelation does not rule out Madlala's claims about SB involvement, given all that is now known about the close relationship between SADF Military Intelligence, the SB and Inkatha, while other evidence suggests Table Mountain opposition stood to gain much from Maphumulo's death. In 1999, the TRC granted Luthuli amnesty. No one else was ever held accountable for the chief's murder.

Remembering the peace chief

Despite shaping the resurgence of Zulu politics in the 1970s, the civil war in KwaZulu/Natal and the ANC's embrace of traditional authority, Inkosi Maphumulo remains largely unknown outside the Midlands and local efforts to memorialise him tend to obscure the fullness of his life and influence. In 2005, the city of Pietermaritzburg renamed the Baynes Drift Road to Table Mountain in honour of the chief. When it came to erecting the new road sign, the municipality misspelled his name and the commemoration misdated his death. The *Natal Witness* heralded the change and described the chief as one 'widely respected for leading a peaceful community at the height of the [transition-era] violence ... He did not side with either the ANC or the IFP'.⁶⁵ The paper captures well the chief's efforts to end the civil war. But the focus on peace also conceals his rebellious spirit and firm embrace of the ANC at the end of his life. The views of Inkosi Phatekile Holomisa, who succeeded

Maphumulo as CONTRALESA president and led for over twenty years, now dominate its platform, burying the brief window when the organisation under Maphumulo envisioned the chieftaincy as an institution *of* the people, dedicated to their security, rather than one from which to *lead* the people.⁶⁶

This tendency to resort to the peace chief may also be because the leader escapes any easy classification and means so many different things to those who survived the civil war. He promoted political tolerance, but was rarely politically neutral. He sought to provide peace and security, but did not hesitate to consider violence as a means to achieve them. He believed in traditional authority, but also democracy, maintaining chiefly control of territory but endorsing individual rights to land. He insisted his children wear *iziphandla* (hide armlets) to their model C schools. He behaved as if he was invincible, although he recognised his mortality. Some of his followers recall that he did not act like a chief, giving rides to those in need and playing football with children. He participated in apartheid structures and benefited from them; then he resisted them.

Inkosi Maphumulo is best remembered by recognising the vigour with which he embraced the responsibilities his name foretold. In 2018, President Cyril Ramaphosa honored the late chief with the Order of Luthuli in Gold for his resistance against injustice and because he ‘lost his life fighting for his people.’⁶⁷ That same year, the provincial government renamed the Department of Transport’s head office building in Pietermaritzburg after him.⁶⁸ He had four wives – Thobekile Majozi, Nombulelo, Gaye and Benyelise Shembe – and nine children – Thokozani, Xolile, Nhlakanipho, Mlungiselwa, Buyiswa, Phakama, Thandokuhle, Bamele and Nqobile.

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8

WOMEN OF CONSCIENCE: THE NATAL MIDLANDS BLACK SASH

Mary Kleinenberg

IN FEBRUARY 1990, in his first public speech after release from prison, Nelson Mandela referred to the Black Sash as ‘the conscience of white South Africa’ – perhaps the greatest compliment ever paid to this organisation.

The Black Sash developed from a tea party in Johannesburg on 19 May 1955 when six feisty women, close friends, resolved to protest against the National Party (NP) government’s intention to remove coloured voters from the electoral roll, thus tampering with the 1910 Act of Union. These principled women were Ruth Foley, Jean Sinclair, Jean Bosazza, Helen Newton Thompson, Tertia Pybus and Elizabeth McLaren.¹ Amazingly, within six days a march of approximately two thousand women was organised in Johannesburg, as well as numerous countrywide petitions. This was followed by a convoy of cars that drove from Johannesburg to Cape Town to be present for the 1956 parliamentary debate that would disenfranchise coloured voters. However, in spite of the support of growing numbers of women from all around the country, and huge protests, the Senate Bill was finally passed achieving the government’s aim to prevent coloured South African men from voting. Coloured women had never been eligible.

Originally known as the Women’s Defence of the Constitution League, the women wearing a black sash across the right shoulder to indicate mourning for the death of the Constitution soon became known as the Black Sash. After losing the coloured voter campaign, the organisation quickly embraced the broader struggle against apartheid, becoming a powerful force for protest.

The Natal Midlands Black Sash (NMBS),² a small but effective region, started work in 1955 after Else Schreiner, who eventually settled in Pietermaritzburg, was deputed by the Johannesburg committee to tour Natal to recruit members. Following the initiative of other regions, the Pietermaritzburg Advice Office (AO) opened in 1975, providing a unique opportunity for middle-class white women to study repressive laws, assist those in need, and gain real empathy for lives rendered invisible by apartheid.

The importance of advice offices, which provided the Black Sash with first-hand information about the reality of the struggles of black communities, should not be underestimated. Every courageous woman who joined the Black Sash contributed in some way to its goals, which were designed to put persistent pressure on the State and educate Sash members and the public about current injustices. Public meetings, unrelenting letters to the press and peaceful protest stands all provided a way to stir consciences.

In this article the lives and work of four very different NMBS women – Bunty Biggs, Marie Dyer, Pat Merrett and Busi Nyide, all of whom in their passion for justice made impressive contributions to the NMBS – are highlighted.

Bunty Biggs (1919–2017)

The child, born of missionary parents in Bangalore, India in 1919, was called Alanur, a name that came to her father in a dream. Later she was known as Ida after her mother, which somehow became Bunty and that is the name that stuck.³ At eighteen months old in 1921, Bunty returned to England with her family when her mother became severely ill during the influenza epidemic after World War I. Her father then taught at a Quaker school in Somerset where they lived until 1948. She describes her father's influence on her as traditionally Christian, being deeply involved in the local community, concerned with unemployment during the 1930s Depression, and even spending time with his family in a Welsh work camp. The whole family attended weekly Quaker meetings at the school, hearing speakers from all over the world who, Biggs thought, had some considerable impact on her.

After exploring other possibilities, at the age of 21 Biggs decided to become a Quaker. She described Quakers as accepting that people are not born in sin, but born with God within them to use, develop, share and find each other. This simple reality meant that all people are equal, each having riches and experiences to share with others. She emphasised that the question of peace was always central to the work of Quakers. Although Biggs was never an activist of a political party, she grew up with the conviction that democracy and democratic processes were important. She regarded politics as a way of relating to people in the way they live and the social issues they have to cope with, which meant to her that politics was essentially about human rights.

After developing an interest in languages at school, instead of going to university Biggs spent time learning French at an institute in France; and then, during the years leading up to World War II lived for six months with a family

in Germany, which she described as an intense experience. This was followed by a stint in a Quaker school in Holland set up to take in children, mostly Jewish, who were at risk in Nazi Germany. In 1938 Biggs enrolled at the University of Birmingham to study languages. Europe Now, a contemporary movement, and the many interesting people she met as well as the general turmoil of Nazi Germany soon persuaded her to change courses to do social work. She registered for lectures at Birmingham and did her practical training in the slums of the city, an experience she described as absolutely horrendous.

Biggs lived through the bombing of Birmingham during 1940 and recalled the destruction of the much-loved gothic cathedral in Coventry. At the end of 1940 she took a position as a social worker for Quaker Relief. She describes this as an important part of her life when she learnt not to be judgemental, but to stand back and look at things from other people's points of view. After the war, in 1945, she went with Quaker Relief to Europe: 'we wore a grey uniform with Quaker Relief tabs, and a Quaker star on it, so we were not identified as part of the occupying forces'. Biggs said two very thought-provoking things about her German experience: that she was amazed by what could be achieved by dedicated, unselfish commitment; and that 'no situation is so dire that nothing can be done to improve it'.

She married her husband David Biggs, an orthopaedic surgeon, in October 1951 in England. Their decision to settle in South Africa meant that her husband was required to spend a year in a South African hospital to become registered as a specialist. This they did in Cape Town, but later choosing to live in Natal they settled in 1954 in Pietermaritzburg where they made their home until 1981.

During their stay in Cape Town, Biggs attended a meeting of the Liberal Association, a group formed to weld disparate liberal groups from around the country into a single entity.⁴ In May 1953 it became the Liberal Party, which Biggs joined when she settled in Pietermaritzburg. She was particularly impressed by the fact that membership was open to anyone who accepted their principles and practices, and that no distinction was made between men, women, class or colour. She also considered it an important learning place because meetings were stimulating and she gained insights into the lives of people she did not normally meet on a social level.

When Biggs visited Edendale Hospital, where her husband worked, she describes being completely taken aback by the huge wards crowded with people, and was particularly concerned by children sitting in cots with absolutely nothing to do. Finding this situation 'ridiculous' she wrote to people

in England who sent 'masses' of gifts that came on a regular basis over a long period of time, and the toys and games were soon followed by clothes and handicraft materials. This in turn enabled poor women in Edendale to organise sewing groups that became self-sustaining.

Having been deeply involved in social welfare, Biggs said she finally realised there was no hope of real improvement unless it came from a political level. She was convinced that change was necessary; but thought it would come not from liberal thinkers, but oppressed people themselves refusing to be oppressed any longer. During Pat Merrett's interview with Biggs, the question of how this might come about was discussed and Biggs said she felt that it was always difficult for pacifists to deal with reality, like the possibility of an armed struggle; but one had to understand that sometimes a different route might be necessary, although she stressed that in the end reconciliation would be essential.

Following a demonstration against the pass laws in Sharpeville on 21 March 1960 when South African police fired on an unarmed crowd, killing 69 people and injuring 180, the first State of Emergency was declared on 31 March and many people countrywide were detained. This prompted Biggs to become involved in aid to detainees and at the same time she joined the Black Sash. She explained that the reason for her involvement was that friends were in prison and the names that came to mind were Peter Brown, Derick Marsh, Hans Meidner, Vasu Chetty and Chota Motala. The wives of these detainees, along with Biggs, Maimie Corrigall, Meg Strauss, Pessa Weinberg (all members of the NMBS) and one or two others, got together to see how they could assist in relieving the stress of life in prison. With permission from the Chief Magistrate the group was able to take changes of clothes, some food, books (thought to have been censored) and some greatly appreciated playing cards to the detainees.

When asked her reasons for joining the Black Sash, Biggs said:

I think both for its activities and its objectives. It was also a women's organisation, and South Africa was a very male-dominated society, so an organisation which gave women opportunities to do their own thing in their own way was very attractive. I liked the way that it challenged without being aggressive. That it was thoughtful, and the people who worked there did their homework; they were well-informed, they knew what they were talking about. When we protested against things, or when we stood on poster stands, we knew the message that we were getting across was valid. And the other thing that attracted me, apart from the quality of the people, was the fact that it was also an educational body. Whenever a new law came out, and there were endless new laws, or regulations, or amendments, the Black Sash took the trouble to find out what it meant and then reduce it to literature, or hold

public meetings to explain, and to get people aware of what was going on so that it was really a public opinion monitor that kept track of what the government was doing, as well as being a protest organisation.

Biggs was on the committee of the NMBS for twelve years, chaired the region for three years from 1977 to 1979, and was an enthusiastic volunteer in the AO. She was also an avid letter writer to the press. An example of her astute analysis was her letter written after the death in detention of Steve Biko in 1977:

So Steve Biko is the latest to die in the maximum security of the detention cells of the secret police. To have removed forever one of the most gifted, intelligent, dedicated and courageous leaders of an oppressed people may no doubt be considered an achievement in some quarters. For those who are concerned for an understanding of what he stood for and the need to implement the things he was working for, namely justice, freedom from discrimination, personal dignity and worth, equality of opportunity, his death is an occasion for mourning. Shock waves will be felt throughout the Black community and hopefully among those Whites who still have a conscience. How many more have still to die, uncharged and in isolation, deprived of legal aid, before the authorities will agree to a judicial inquiry into these untimely deaths.⁵

Biggs reminisced about other women in the Black Sash with affection, describing the group as friendly, with great camaraderie. She liked Maimie Corrigan although, like some others, she found her sharp and critical at times: she would not suffer fools gladly and was definitely one of the more radical members. However, Meg Strauss, with her gentle and generous personality, was a good balance to Corrigan and Pessa Weinberg had a cautious and moderating influence on everyone, but especially on Corrigan. Marie Dyer was clear, thoughtful and a hard worker; while Biggs remembered Heather Morkel as rather incautious. She went on to say that there were many more women who all enriched the organisation, and each other, in different ways. Biggs also remembered Doctor Kurt Strauss, Meg's husband, who always supported protest stands by walking slowly past and taking his hat off to each one of the protesters.

When discussing the work of the Black Sash, Biggs said that protest stands gave her the opportunity to stand up and be counted; and their importance lay in showing passers-by that what was happening in the country was unjust, unfair and unacceptable. Even if they appeared not to be very effective, she wanted her voice heard; wanted black people to see that there were some whites who advocated change. She remembered protesters having stink bombs and bits of toilet roll thrown at them, as well as people shouting rude names; but what

made them feel most uncomfortable was the inevitable photography indulged in by the police Security Branch (SB) even in those early days.

When Biggs was asked how history would judge the role of the Black Sash in South African political protest, she considered two things important. First, it was significant that in 1995 the Black Sash was a valid organisation that had matured, had authority, and was supported by a strong group of women whose opinions were sought by commissions and government ministers; which she considered an amazing achievement. Second, Biggs said that she believed the Black Sash had demonstrated that women's organisations had the capacity to achieve their aims and influence events in the country as well as provide education to members who grew and developed enough to recognise their own significance.

In 1981, Biggs and her husband left South Africa to retire in England. The NMBS, and the many organisations with whom she had worked, including the now defunct Liberal Party, said farewell with heavy hearts. Maggie Clarke, secretary to the NMBS committee at the time, wrote:

Black Sash Natal Midlands region can be grateful for Bunty's clear thinking and energetic concern in matters as diverse as removals, tours of welfare organizations by schoolchildren, conditions of Swartkop Location and the curfew. Bunty served on the Committee for twelve years, often taking the chair temporarily until she was elected in 1977. Under her chairmanship meetings were never dull; indeed they were often hilarious. She was a vigorous correspondent to the local Press, and her letters on behalf of Sash or in her private capacity were always relevant and telling.⁶

Marie Dyer (1930–1995)

Marie Phillips⁷ was born on 27 April 1930 and grew up on North Mine, a small mining community just outside Johannesburg.⁸ Although this community tended to be very conservative, she describes her parents as having 'enlightened colonial attitudes'. She attended school at Jeppe High in Johannesburg and obtained her bachelor and honours degrees, majoring in English, at the University of the Witwatersrand (Wits) where she taught in the English Department after graduating. As a very young student Marie was not involved in any political activity; she was, in fact, rather wary of those students immersed in the Student Liberal Association (SLA),⁹ but described her influential teaching colleagues as 'politically to the left'. In the early fifties she and her friends were active in ensuring that Helen Suzman was voted into parliament.¹⁰

Phillips met Michael Dyer, an engineer, in Pretoria and they were married in Boksburg on 16 June 1951,¹¹ a date that 25 years later became synonymous with the brutal reaction of apartheid police to the Soweto high school students protesting against the use of Afrikaans as a medium of instruction. Towards the end of 1953 the Dyers moved to Pietermaritzburg so that Michael could follow his passion to study architecture, which was being offered as a correspondence course by the University of Natal. Marie then completed a masters degree at the same university.

Very impressed by Peter Brown,¹² Dyer quickly became involved in Pietermaritzburg politics by joining the Liberal Party when it was launched in 1954. With encouragement from her friend Olga Meidner, she also enthusiastically joined the Women's Defence of the Constitution League (Black Sash) at the end of 1955. With the huge amount of publicity around this women's organisation, and the focused protests, she hoped that the 'extraordinary machinations' of the apartheid government would be halted. She recalled the attitudes of the day were such that it was surprising that an all-women's organisation could be so efficient and capable, and she felt that there was enough general outrage at what the government was doing to ensure that they could not continue to 'bulldoze' their policies, especially with so many women there to 'bear witness'.

In the mid- to late fifties a number of groups were involved in concerted general resistance. In 1955 the Freedom Charter was launched in Kliptown with its best-known phrase 'South Africa belongs to all who live in it, black and white'. This important document was a reflection of the aspirations of thousands of ordinary people who had been consulted by African National Congress (ANC) volunteers. It was a dream of an ideal South Africa, one to which all citizens could aspire. And, in 1956, 20 000 women led by Lillian Ngoyi and Helen Joseph and affiliated to the Federation of South African Women, protested against the extension of pass laws to women by marching to the Union Buildings in Pretoria. There they stood in silence for half an hour before chanting: 'You strike a woman, you strike a rock'.

During the mid-fifties in Pietermaritzburg, NMBS demonstrations against the Senate Act were common, many taking place outside the Old Colonial Building in Church Street where senators were elected. NMBS arranged well-supported public meetings and panel discussions, chaired by one of their members, where people from all political persuasions were invited to speak. Dyer clearly remembered one of these gatherings at which Chief Albert Luthuli,¹³ representing the ANC, and Val Volker, a NP member of parliament,

were on the same panel. This sort of even-handed discussion came to an end as the NP became more entrenched, banning both individuals and political parties including the ANC (1960) and forcing the Liberal Party into dissolution (1968).¹⁴

An additional approach of the NMBS was to issue press statements when unjust laws were passed and write letters to newspapers that kept the public informed. Dyer was an avid letter writer to the *Natal Witness* for many years. An example of her succinct analysis in response to bannings follows:

The Black Sash is not often at a loss for words; but these latest bannings are almost impossible to comment on coherently. What will these thousands of socially conscious and articulate Black people do – what can they do, when the Government blocks every legal means they have of discussing and expressing their views – views determinedly and passionately held? Is there the remotest chance that they will all accept the restrictions with humility and submissiveness, and acknowledge from now on the humanity, justice, and virtue of apartheid? There is no short-term sense or reason (not to mention justice or humanity) in these bans. They must have doubled the extent of Black anger and the probability of violent confrontation in South Africa.¹⁵

In an attempt to build bridges across the colour line the NMBS held social gatherings with women from other race groups, often with activities rather like a Tupperware party. Although these get-togethers proved to be convivial, and some friendships were formed, Dyer considered that such limited crossing of the colour line did not really have much political effect.

Along with Bunty Biggs, Dyer organised visits to welfare institutions for school pupils so that they could ‘get some insight into how the other half of Maritzburg lived’. Although these visits were preceded by a talk, this initiative did not continue for long largely because NMBS members considered it in the realm of welfare, not political enough, and the activity was not replicated in other regions. While some of the pupils visiting these institutions were shocked at the disparities, most simply thought that the less privileged were lucky to be cared for by such dedicated people. This was corroborated by Dyer’s memory of visiting, as a schoolgirl, Diepkloof, a reformatory for young black offenders, when Alan Paton was principal. Although it might have influenced her political leanings to some extent, it was Paton the person who impressed her rather than the huge inequalities between life in this reformatory and the wider South African context.

In 1959 Dyer became branch organiser on the Pietermaritzburg Black Sash committee, a tiring but very worthwhile job. This was a time when the organisation had a large membership and Dyer talks about ‘toiling’ out on dirt

roads in the rain to encourage branches and keep them up to date, attend house meetings, and address enthusiastic groups in country towns. Among the active branches she mentioned were Matatiele, Kokstad, Underberg, Greytown, New Hanover, Cramond and Eston.¹⁶ However, by late 1960, having lost the coloured voter campaign and after the Black Sash national conference had decided to embrace the broader struggle against apartheid, this originally vibrant membership began to dwindle, largely because more conservative rural members thought the organisation was becoming too radical. The Mooi River branch continued to be active mostly because it was led by the feisty Puck Woods. Likewise, in Ladysmith Sheila Henderson, Sheila Burnett and Tina Barlow kept a branch alive.

Reminiscing about colleagues involved in the Black Sash in the fifties Dyer said that in Pietermaritzburg the very radical Maimie Corrigan was always the 'moving spirit', ably supported by her good friend Meg Strauss, who had a calming influence on her. Corrigan and her husband had been members of the Communist Party of South Africa with very strong activist and political backgrounds. It is not surprising that at this time there was in all conservative communities a profound distrust of communism; seen as revolutionary and viewed with the fear that it could destabilise societies and replace Christianity with atheism. Other members Dyer remembered were Doreen Tarboton, Mary Park-Ross, Unity Harrison, Olive Forsythe, Betty Lund and the formidable, sometimes domineering, Eleanor Russell.¹⁷

In 1963 when a decision was made to open Black Sash membership to all races there were a few resignations in Pietermaritzburg, the most prominent being Eleanor Russell. Previously membership had been open only to women voters, but since the Black Sash was now advocating universal suffrage it would have appeared somewhat inconsistent not to open its own membership. Dyer thought that in principle it was the correct thing to do, but it was too late and had little effect because the organisation already had a middle-class, white ethos and she did not believe that at that stage black women would want to join.

In the 1960s and 1970s annual national Black Sash conferences were filled with immense energy and the delivery of many excellent, 'high-powered' papers with a great deal of challenging political insight and analysis that Dyer thought was very difficult to take back to the regions and convey to the membership. Pietermaritzburg members did not deliver papers, almost on principle, largely because Maimie Corrigan thought that the role of the Black Sash was not to produce academic work, but be a strong political pressure

group protesting about unjust legislation. Dyer admitted that Corrigan had a powerful influence on the NMBS, presenting very definite views that were difficult to counter and she threw herself into an amazing amount of Black Sash work nobody else wanted to take on.

The opening of the Pietermaritzburg AO took place considerably later than others largely because Corrigan was very opposed to the idea of advice offices, maintaining that bad laws should be challenged head on rather than trying to find loopholes to help people to get around them. However, it is noteworthy that she was one of the first volunteers when the Pietermaritzburg AO did open. Dyer emphasised it was important to understand that although Corrigan was seen as a dominant personality she never sought to wield power; she was always very direct, but at the same time she was extremely 'warm hearted'. Corrigan was a resolute and committed woman who served the NMBS in many capacities and her death in 1981 left a huge void in the region. In his tribute to Corrigan, Peter Brown recalled her work in the NMBS, the Liberal Party and the journal *Reality* and said that she was totally honest and unbending in her adherence to principle; but mostly warm hearted with a great sense of humour often directed against herself. He concluded that she regarded social work as a waste of time, a prolonging of the agony.¹⁸ In spite of this view Buntz Biggs, a social worker who chaired the region from 1977 to 1979, and Corrigan remained good friends.

During the mid-sixties Dyer resigned from the NMBS committee, saying that 'You could never relax when you were the chairperson, there wasn't an actual focus for the Black Sash work and every time you opened the paper there was something Black Sash ought to be doing. The Nats were doing such terrible things.'¹⁹ In the late seventies, Dyer became deeply involved with the Association for Rural Advancement (AFRA)²⁰ and agreed to be their representative on the NMBS committee where she was pleased to find a 'whole new generation' of women in the organisation, naming Pat Merrett as one of them. As well as working closely with the Women's Coalition set up in 1992 to prepare a memorandum to the Constitution Negotiating Committee about what women wanted, and to conduct voter education, members of the NMBS also worked with the End Conscription Campaign and the Pietermaritzburg Agency for Christian Social Awareness (PACSA).

In the 1980s, when the Black Sash was accused, largely by Jill Wentzel,²¹ of having double standards by criticising the South African armed forces for their viciousness while remaining silent about the 'ghastly brutalities', including



Bunty Biggs



Marie Dyer



Pat Merrett



Busi Nyide and Advice Office client

the inhuman practice of necklacing, being carried out by township residents against each other, Dyer responded:

There is only one violent group in this country whose members we as citizens are *specifically* involved with, whom we are *actually* accomplices of, whose victims in a real, even a strict sense, we are *practically* responsible for. And these are the 'security forces'. We pay their salaries; those of us who are white elect the people who give them their orders, they are accountable to us. No other group ... are our responsibility in this way; no other group, I submit, can legitimately call us their 'accomplices', or implicate us 'by default' in what they do. This doesn't affect the issue of what we *feel* for the victims. We are surely all wrenched with pity and horror when any person is necklaced or hacked to death, or any home is destroyed, or any child is shot.²²

Dyer expressed delight that the first democratic election in South Africa was held on her birthday 27 April in 1994. When in May 1995 the Black Sash closed its membership organisation, concentrating its activities around the advice offices, Dyer expressed the hope that other pressure groups would emerge 'to keep an eye' on the new, democratic government.

Dyer's death in December 1995 left a huge gap in the Pietermaritzburg community. In addition to her other activities she was remembered especially for the many lengthy and informative letters she wrote to the press on behalf of the NMBS. Apart from membership of the Liberal Party, she worked for the Detainees Support Committee²³ and became involved with Amnesty International. During her 32 years of teaching in the English Department at the University of Natal, she assisted black students who needed extra help after hours as well as teaching literacy classes to factory workers at Cato Ridge. She was appointed chief examiner of the Joint Matriculation Board, and served on the board of the political journal *Reality* for 25 years. She was delighted to receive well-deserved recognition for her long involvement in the struggle against apartheid when she was invited by President Nelson Mandela to a celebratory gathering after the election of the democratic government in 1994.²⁴

Pat Merrett (1946–1997)

Pat Merrett, whose family name was Russell, was born at Grey's Hospital in Pietermaritzburg on 15 January 1946. She lived with her parents and older sister in Gutridge Street opposite the Natal Roads Department where her father worked. Merrett's sister, Margaret Latham, describes her as a very shy toddler who hid behind her mother's skirt, sucking her thumb, when in company. Merrett first attended Longmarket School, just across the road from where the

family then lived. Their large back garden provided plenty of space for games of make-believe together with her sister and neighbourhood children.²⁵

Merrett's progress through school was described by her sister as quiet and steady, while she always had 'the courage of her convictions'. In 1959 the principal of Girls' High School, Pietermaritzburg, Eve Grundy, wrote in a report that Merrett was 'a girl of high intelligence and thoroughly dependable, extremely conscientious, and has a very sensible approach to any task she undertakes. She has a very lady-like disposition, quiet and dignified and her manner is tranquil and controlled but positive'.²⁶ Merrett's parents could not afford a university education, but because, even at this early age, she showed huge determination and perseverance, she found ways to attend the University of Natal, Pietermaritzburg from 1965 to 1968 when she was awarded a Bachelor of Arts degree majoring in History and Theology.

Her first employment as assistant in the circulation department of the University Library, University of Natal, Pietermaritzburg from 1967 to 1969 ended when she was accepted at the University of Cape Town to study for the Higher Diploma in Librarianship.²⁷ After graduating, Merrett returned to Pietermaritzburg and, over a period of two years, worked as cataloguer, assistant librarian and then acting Midlands region librarian for Natal Provincial Library Service. In 1971 she went back to the University of Natal, Pietermaritzburg to complete a BA Honours degree in History, which was awarded first class.

Her MA in History was awarded in 1980, by the University of Cape Town, for a thesis entitled 'Frances Ellen Colenso: her life and times in relation to the Victorian stereotype of the middle class English woman'.²⁸ The thesis clearly articulates that Frances Ellen, the daughter of Bishop John Colenso, was not a typical middle-class woman, 'characterised as a passive, ornamental, helpless and dependent creature'. Merrett was motivated to research Colenso because of increasing interest in the 1970s in social history and academic research into feminism.

In 1972, like many young people at that time, Merrett travelled to Britain where she was first employed as clerical officer at the South African embassy in London. After a year, in 1973, she moved to the African Studies section of the library of the School of Oriental and African Studies (SOAS), University of London as a library assistant. It was probably here that she became politically aware and began to think of how she could use her considerable talents to become involved in social change. It was at SOAS that she met Christopher Merrett and they were married in Pietermaritzburg in December 1975. In 1974, before her marriage, Merrett returned to South Africa and worked for

the University of Natal, first at the Killie Campbell Library, Durban; then at the University Library, Pietermaritzburg where she became the first History subject librarian.²⁹

Merrett joined the Black Sash in the late 1970s and was not only elected to serve on the executive committee in 1980, chairing the region in 1981, but she was also the volunteer convener of AO activities over a period of nine years, with brief spells of absence largely due to ill health. This was a difficult and demanding job that required immense organisation, patience and foresight.

In an article for *Sash Magazine*, Merrett argued that the 'UDF/Inkatha violence concealed a dramatic and complex reality which put special demands on the membership of the Natal Midlands Black Sash'. She went on to say that the 1981 Indaba³⁰ process had been unable to address the roots of conflict in the region and that Inkatha's claim to be the 'voice of the people' was spurious. Due to censorship and the State of Emergency, it was difficult to unravel the causes of the violence and Merrett called for full-time research.³¹ This resulted in the employment in September 1990 of Anne Truluck (later Harley) by the NMBS to analyse the violence. Her seminal work, edited by Merrett, made a huge contribution towards gathering authentic information on the complexities of the violence.³²

Merrett also wrote about characteristics that made Pietermaritzburg somewhat of an aberration compared with other Black Sash regions in that a local magistrate, Cecil Dicks, in the 1980s gave permission to hold regular protest stands during the State of Emergency. She pointed out that the level of state repression in this region was much milder than that experienced by Grahamstown, or the larger centres, with fewer detentions and a lower incidence of torture. Merrett concluded this article with her belief that 'The voluntary nature of the Black Sash is a hallowed tradition, and is not likely to die out, for there is an increasing number of politicised women in Pietermaritzburg and elsewhere who wish to be active in progressive women's organisations'.³³

The AO was where Merrett chose to dedicate most of her energy and time. Always persuasive, she influenced many of her friends to join the Black Sash and to volunteer in the AO. Recruits were hard to find, so Merrett's efforts to entice more volunteers were absolutely essential. As well as having an analytical mind and dry sense of humour, Merrett had very definite views that she articulated well and she was completely dependable and conscientious, expecting the small band of committed volunteers to live up to her very high standards.

Her passion was to improve the system of registering for, and payment of, pensions. In 1981 when old age pension cases in the AO increased sharply, and fraud and intimidation were suspected, Merrett initiated the monitoring of pay points at Busani's and Zondi's stores in Swartkop Location, Vulindlela. The bureaucrats did not encourage these activities, and it required some courage to go into hostile areas to monitor a clearly corrupt system. Because Merrett and her colleagues were warned not to enter fenced-off property they parked on the public road and sat near the car, in the hot sun, to ask people joining the pension queue what was going on. This monitoring without doubt made a difference to the thieving from, and cavalier treatment meted out to, pensioners. A paper she probably wrote for a national AO conference sets out the systems used for old age pensions. She argued strongly that social pensions were a legal right and not a privilege and went on to point out the disparity between men eligible at 60, while women had to wait until they were 65. However, because many people had no birth certificates, age was sometimes determined at the whim of chiefs and officials. She concluded her article with the thought that: 'If the same amount of money was spent on black pensioners as is spent on white pensioners, there would be slightly less poverty and malnutrition in KwaZulu. This is a grossly unjust situation for a country as wealthy as South Africa'.³⁴

Merrett followed this up with a hard-hitting letter to the *Natal Witness* in which she pointed out that the disparity between black and white pensions could be remedied:

The Nationalist Government has recently announced an increase in White pensions of R16 per month which brings the total to R138 a month. Black pensions increase by R9 to R49 per month. The logical conclusion to be drawn from this gross disparity would be that Blacks, because of some unique racial characteristic, eat less than Whites, require fewer essential clothes than Whites, travel shorter distances than Whites, enjoy free education, are fully employed, and are generally highly privileged ... This attitude is racist, arrogant and selfish, and completely contradictory to Western ideals of justice and Christian ethics.³⁵

Merrett ran regular training sessions for volunteers at the AO, introducing a system that gave each volunteer the opportunity to study the laws relating to a particular issue, thus becoming totally familiar with any possible redress. For example, she reviewed pensions while others became familiar with matters like Unemployment Insurance or Workmens Compensation. The 'expert' in a particular field was available to be telephoned by any other volunteer if necessary. Apart from being a good strategy, it resulted in volunteers being challenged beyond their weekly efforts at client problem solving.

During a short spell away from Pietermaritzburg in 1978 and 1979, Merrett was contracted to work in Special Collections in the J.W. Jagger Library, University of Cape Town. Between 1983 and 1988 she worked as a tutor and leave substitute in the History Department and later as a lecturer in History in the part-time BA programme, University of Natal, Pietermaritzburg.³⁶

Fulfilling a long-held desire to be a journalist she spent a brief spell of ten days in March 1989 as a reporter at the *Natal Witness*. Perhaps it was her desire for accuracy, her historical training and the tight deadlines required in journalism that resulted in this very short sojourn. Much more suited to her temperament, Merrett was employed as the media and publications co-ordinator for AFRA from 1989 to 1992. She was responsible for a wide variety of newsletters, factsheets and reports, in particular: 'Maputaland: conservation and removals' (1990); 'A guide to pensions' (1990); and 'From removals to development: Cornfields: profile of a rural community' (1991). She wrote of the struggle at Cornfields to retain land now designated as a white area, pointing out that 'Many black freehold landowners in nineteenth-century Natal were successful farmers'. She challenged and rejected the entire concept of 'black spots' believing that these communities had suffered decades of underdevelopment.³⁷

It was during her employment at AFRA that Merrett's feminist views were tested when a fieldworker pinned *Playboy* centrefolds of nude women to the walls of a communal office through which she had to walk to reach her office. When asked to remove these, he simply laughed and told Merrett to get used to them. With the support of another female employee she immediately took the complaint to the director, who was similarly unable to get the posters removed. The AFRA board, which included Marie Dyer, was then consulted. Eventually, after much effort was put into resolving the matter, the intractable fieldworker was asked to resign. This is just one example of how Merrett lived her conviction that the world would benefit by being reorganised on the basis of sex equality in all human relationships.

During the years 1994 to 1996 Merrett was a volunteer interviewer for the Alan Paton Centre's oral history project, recording the anti-apartheid struggle. Thus there is plentiful and valuable information about activists like Buntz Biggs and Marie Dyer. Merrett had a particular interest in the history of Natal (now KwaZulu-Natal), writing about forgotten women and communities struggling for justice. In her work on Eleanor Russell (no relation), a much-admired, lively and somewhat difficult early member of the Black Sash, Merrett discusses the constraints suffered by middle-class women before

suffrage movements engaged in sustained campaigns for equal rights. Russell, born Columbine in 1882, would have experienced most of these restrictions.

Arriving in Natal in 1910 she was part of a deputation in 1912 to table a Bill in the Natal Provincial Council giving municipal votes to women. Only one year after white South African women were granted parliamentary and provincial votes she was elected to the Pietermaritzburg City Council where she served from 1931 until 1948. She was deputy mayor for 1940 and 1941 becoming the first female mayor of a Natal municipality in 1943. Russell was granted the Freedom of the City in 1960 when Mayor C.B. Downes talked about her 'outstanding services to the City' where as mayor she had shown 'administrative competence, moral courage and those intangible qualities so necessary in a leader of men and women'. Merrett's conclusion was that 'At the very least it can be said that, having supported the struggle to extend equal opportunities to women, her life demonstrated the justice of that cause'.³⁸

In 1993 Merrett edited the reminiscences of Piet Hogg, which 'reveal many aspects of life in the pioneering phase of Natal's early history'.³⁹ This was followed, in 1995, by editing *Alone among the Zulus*, a spirited narrative by Catherine Barter, who travelled in Zululand at a time when it was still politically and economically independent.⁴⁰ In 2003 the *South African Historical Journal* published 'The healing touch: the Guild of Loyal Women of South Africa, 1900–1912' co-authored with Elizabeth van Heyningen, once again showing her interest in women's history. The Guild, set up in 1900, arose from white, loyalist women's responses to the Anglo-Boer War of 1899–1902 and enthusiastically took up locating and caring for the graves of colonial soldiers killed in South Africa.⁴¹

That Merrett's untimely death from breast cancer was deeply felt in Pietermaritzburg communities was shown by the huge number of people from all walks of life who filled the Cathedral of the Holy Nativity where a memorial service was held for her on 14 January 1997. Friends remembered her as warm, encouraging, critical, incisive, stimulating and enriching. Among the things that she loved were music, the English countryside, the thornveld near their home where she walked, but most especially her cats Vicky and Cleo. The *Natal Witness* obituary recalled that Merrett was deeply involved in the job of pension monitoring, often in the face of hostility from bureaucrats. Fellow workers at the Black Sash AO remember Merrett's strong social conscience, her clear-sighted approach to the work and her compassion.⁴²

Busi Victoria Nyide (1932–2009)

Busi Nyide, known to AO volunteers as Victoria, was born in Paulpietersburg.⁴³ She was the last of five children, and all her siblings died before her, three when she was very young and the fourth, her brother, after she was married. The death of Nyide's father, when she was five, prompted her mother, who was born in Edendale, to come home to Pietermaritzburg.

Nyide attended a Roman Catholic primary school, Hendryville at Machibisa near Edendale, and completed Standards 7 and 8 (Grades 9 and 10) at Polela High School. This was followed in 1948 and 1949 by a teacher training course at Adams College, Amanzimtoti south of Durban.⁴⁴ In 1950 Nyide started teaching at Mpolweni Primary School near New Hanover. Later she was delighted to pass matric, for which she had studied privately. She commented that in her youth the choice of career for women, if indeed they had one, was limited to either teaching or nursing. However, the majority of black women, through economic necessity, were employed as low-paid domestic workers where exploitation was common. For example, employers withheld wages, often for minor misdemeanours like breaking a cup, overtime went unpaid, and sometimes physical and sexual abuse took place.

Nyide met her husband in 1955 when he came to teach as a holiday job at Mpolweni. At this time all teachers were required to learn Afrikaans with lessons taking place after school. At first Nyide felt annoyed by this young man who always sat next to her during Afrikaans lessons, but she soon discovered that he was good at languages and helped her when she was floundering. After the holidays he returned to University of Fort Hare to complete his B.Sc. and, in his absence, she realised she liked and missed him. Over time the relationship developed and two years later, in 1957, they were married.

When the AO first opened in 1975 Christine Stilwell undertook to raise a salary for Dora Matawane, the first interpreter, by asking for a donation of R1 per month from fifty benefactors.⁴⁵ Unfortunately, Matawane did not stay for long, but while Nyide's husband was working at the Edendale Ecumenical Centre he heard that the Black Sash was looking for an interpreter for their AO and told his wife about it. Victoria Nyide, who had no idea of the purpose of the Black Sash, had seen women holding protest posters and, liking what she saw, decided that they must be reasonable people, so she made an appointment for an interview. She was interviewed by Jane Voss, whom she described as a 'strong lady', and was immediately offered the job. The next morning she started work with volunteers Voss and Carmel Rickard at the office in Thomas

Street shared with the Federation of South African Trade Unions (FOSATU), which in 1985 became part of the Congress of South African Trade Unions. She described the relationship with the unions as really good.

Nalini Naidoo, a journalist on the *Natal Witness* who volunteered in the AO on Saturday mornings, was a great deal more effusive about working with the unions:

Oh, it was a wonderful relationship, it was lovely; that office was such a hive of activity. We would all arrive there, and there was a wonderful rapport, you know. The unions accepted all of us as part and parcel of the whole place and there was this wonderful vibe, a wonderful buzz. I think it suited the unions because it also gave them an in, because somebody would come to join the union and they would have a problem so the union would then, immediately, refer the person to the Black Sash and the Black Sash would write the letters. So it was a good symbiotic relationship because by helping people solve their problems the workers saw the union as being helpful, not realising that it was the Black Sash solving their problems. It worked very nicely, a very noisy office. On a Saturday morning, you got there early, it was packed: everybody seemed to know if you have a problem come here. We were always busy, and some very firm friendships were formed, we all got on so well. There was John Makhathini⁴⁶ ... who was highly regarded and ran that Thomas Street office, so anything we needed to organise we negotiated with him. Some really close bonds were forged there. I wish there were photographs of that office, it was such a hive of activity, it was like the nerve centre of Maritzburg and everybody knew about it, and it was busy, busy, busy. It fulfilled such an important need at that time when workers were really being treated badly and really being exploited, and for me part of the struggle, and part of where we were, is because of the important role that the Black Sash played. FOSATU actually owes a debt of gratitude to the Black Sash. I think for a lot of us we owe our personal growth to the Black Sash.⁴⁷

An important aim of the Pietermaritzburg AO was to assist people disadvantaged by racially discriminatory legislation and bureaucracy, and educate those who came into the office about their rights. Every attempt was made to empower the numerous people who came asking for help. For example, if they could write letters themselves they were given pen and paper, encouragement and any other assistance they required. It was always considered important to give clients a sense of dignity and purpose while helping them deal with their problems. Links with FOSATU were important to the AO as by helping workers with their everyday problems the image of the fledgling unions and what they could do was advanced; while those wanting to join a union became aware of the work of the Black Sash. The Pietermaritzburg AO carried a strong legacy of putting workers first, probably due to its early years of being so closely related to FOSATU. There was also an immense sense of satisfaction among volunteers that some of the myriad of problems presented could be

addressed and there is no doubt that the work identified trends that could be followed up by the Black Sash.

Nyide relayed a really ‘nasty’ event that took place in the Thomas Street office when a union member, Moses Ndlovu, was detained by the police SB, an event she said remained vividly in her mind for a long time.⁴⁸ She remembered the police barging into the shared office: ‘they came in numbers, running in with their guns, just to arrest one person’. She was very shocked by the manner in which they shoed everyone out of the room, yelling ‘out, out, out’ while shouting at Ndlovu who was later frog-marched out of the building. Unable to hear what was being said, the staff and clients of the AO and the union waited fearfully on the veranda. Nyide claimed that she was shivering with fright and was not at all sure that she could return the next day. However, she fortunately found the courage to come back.

Over the years the AO moved several times, first from the office shared with FOSATU in Thomas Street to St Saviour’s Cathedral hall in Commercial Road. From there it moved to Ubunye House, where other non-profit organisations were housed, and then to Berg Street where it shared premises with PACSA. Nyide recalled working very closely with Peter Kerchhoff, director of PACSA, describing him as ‘like a father to us’. The last move before the Pietermaritzburg AO closed on 29 February 2012 was to a building in Buchanan Street.

As an enthusiastic supporter of the Black Sash, Nyide described what working in the AO had meant to her:

It was important because communication was so important. Some of the ladies I worked with struggled with Zulu so my presence made a difference. The work was problem solving because when people came to ask for help we needed to find out what was going on, we wanted to find out both sides of the story, the employer’s and the employee’s. Many of the people [employers] we phoned shouted at us, but when you used the Black Sash name it changed everything, they would listen. The name, just the name, did the trick.

In the experience of many volunteers the use of the Black Sash name did not calm rude and sometimes abusive employers, so they had to learn how to maintain some decorum in the face of this offensive behaviour.

In 1982 Nyide was reminded of working in the FOSATU offices where the Moses Ndlovu incident took place. She watched a procession of cars belonging to the SB arrive at her house in Bisley to arrest her son, Dumisani, who was working at Edendale Hospital at the time. He was accused of attempting to skip the country. Unfortunately, the length of his detention was not discussed. Nyide was deeply affected by this arrest and found solace in the immense support given by many members of the Black Sash, but particularly remembered the

kindness shown by Fidela Fouché and Jennifer Verbeek, whose daughter Clare had also been detained.

Nyide talked about Pat Merrett as the person who co-ordinated all the AO activities with such calm efficiency. She remembered others who helped: Jennifer McKenzie, Juliet Hart, Jennifer Verbeek, Cara Pretorius, Fidela Fouché, Joan Kerchhoff, Mary Kleinenberg, Ian Calder (a supporter of the Black Sash) as well as Maureen Wright, who worked for one morning every week but never became a member of Sash. In 1985 a countrywide decision was made to employ paid AO co-ordinators, the first in Pietermaritzburg being Jenny Bowen; she was followed by Clare Kerchhoff, Gail Wannenberg, Ashnie Padarath and, just before its closure, Divya Naidoo.

At some stage in the 1990s Nyide's title was changed from interpreter to case worker, which was very pleasing to her because she felt that she had enough experience to meet the challenge. Furthermore, she was extremely proud to be the first Zulu speaker to be employed as a case worker in Pietermaritzburg. She did not think that the nature of AO work changed significantly over the years of her employment, largely because she felt that many of the clients' problems kept repeating themselves. One of the important issues that arose almost daily was pensions. For example, people still had to wait for long periods to be registered as pensioners and, once registered, payments were often delayed. Nyide said that after the AO started to monitor pension pay points in Vulindlela, due largely to Merrett, there was less chance of pensioners having their money stolen or being cheated out of some of it. She believed that the presence of the Black Sash at pay points made an enormous difference to safety and efficiency.

When the Black Sash ceased to be a membership organisation in 1996 a national AO co-ordinator, Annemarie Hendrikz, was appointed on a paid basis to take over the running of all the advice offices in the country. Previously, Sheena Duncan had done this on a voluntary basis. Nyide approved of this change, saying that it made a difference to employees because they then belonged to a big organisation overseen from Cape Town rather than being an isolated group managed by a local voluntary committee. She said that she felt 'refreshed', and wanted to find out more about how the work was done in other offices and meet the people doing this work.

The employment of a paid national AO co-ordinator was the beginning of countrywide parity in staff conditions including salaries and benefits like pensions and medical aid. Previously, advice offices had relied on the fundraising of their own region, which meant that in Johannesburg, Cape

Town and Durban employees were paid considerably more than those in the much smaller regions like Grahamstown and Pietermaritzburg.

In the 1990s advice offices started a strategy of queue education using the first half hour of the morning to teach people how to do things for themselves, like applying for Unemployment Insurance Fund payments or pensions. Nyide said it worked very well because in many cases people had their questions answered before they saw a case worker and they could then deal with their own problems. Before the 1994 general election, voter education was added to this morning slot and Nyide found that this excited many people who really wanted to engage with the issue and came into the office specifically for this purpose.

Nyide worked in the Pietermaritzburg AO for twenty years, retiring at the end of June 1997. The AO lost one of its most experienced and sympathetic case workers as well as a very skilled interpreter who was convinced that people came to the AO not only to have their questions – like how to apply for a pension – answered, but to be counselled. She always found that she needed to spend some of the interview time talking about life in general, because there were so many traumas to overcome, before assisting with the immediate problem. She also thought that over time she became much better at giving sound advice and really understanding what the underlying problems were. Colleagues said Nyide was an unforgettable presence in the AO remembered for her gentleness, compassion and patience as an interpreter.⁴⁹

And Nyide, too, felt that over the years of working in the AO she gained enormous confidence and was always gratified to be in a position to help people. She was a deeply religious woman who understood that everyone, whatever their background or problem, needed to be respected and treated with dignity.

Her interview with Mary Kleinenberg closed with Busi Nyide saying, ‘OK, well I’m saying Viva Black Sash, and continue the good work, and the battle that you started’. She died in 2009 and was remembered for her unwavering support and dedication to clients and the AO volunteers. Nalini Naidoo paid tribute to her:

Busi Nyide was the backbone of that office. She had a wonderful way with people who came in; she made them feel at ease; she was very understanding; so she helped to establish that rapport. There was an element of trust immediately established and people felt that we were there to help them. So, without her, I don’t think the office would have established such an important and vital link with the community. She was wonderful, really, really wonderful and, I think the success of the Maritzburg office owed a lot to her.⁵⁰

ENDNOTES

- 1 Mary Ingouville Burton, *The Black Sash: Women for Justice and Peace* (Johannesburg: Jacana, 2015): 21.
- 2 See Mary Kleinenberg and Christopher Merrett, *Standing on Street Corners: A History of the Natal Midlands Region of the Black Sash* (Pietermaritzburg: Natal Society Foundation Trust, 2015).
- 3 Bunty Biggs, interview with Pat Merrett, Leonard Stanley, Gloucestershire, 25 August 1996 (Alan Paton Centre (APC), 96APB9). Quotations by Bunty Biggs are taken from this interview.
- 4 Michael Cardo, *Opening Men's Eyes: Peter Brown & the Liberal Struggle for South Africa* (Johannesburg: Jonathan Ball, 2010): 79.
- 5 *Natal Witness* (NW) 16 September 1977.
- 6 *Sash Magazine* 24(2) August 1981: 20.
- 7 Marie Dyer, interview with Pat Merrett, Pietermaritzburg, 4 August 1995 (APC, 95APB9).
- 8 Rob Dyer (Marie's son), e-mail, 31 May 2016.
- 9 The SLA served as a mechanism for white students at Wits to become involved in political campaigns.
- 10 Helen Suzman was an anti-apartheid member of the South African parliament for 36 years.
- 11 Rob Dyer, e-mail, 1 June 2016.
- 12 Peter Brown was later a founder member of AFRA. See Cardo, *Opening Men's Eyes*: 79.
- 13 Chief Albert Luthuli was president-general of the ANC from 1952 until his death in July 1967. He was Africa's first Nobel Prize laureate in 1960.
- 14 The Liberal Party dissolved under protest after passage of the Prohibition of Improper Interference Act in 1968.
- 15 *NW* 25 October 1977.
- 16 Other branches were Dundee, Estcourt, Harding, Howick, Ixopo, Ladysmith, Mooi River, Richmond and Vryheid.
- 17 Eleanor Russell was the first female mayor of a Natal town, Pietermaritzburg, and held office from 1943 to 1947. See Pat Merrett, 'Mrs E.E. Russell and the role of Pietermaritzburg women in public life' in *Pietermaritzburg 1838–1988: A New Portrait of an African City*, ed. by John Laband and Robert F. Haswell (Pietermaritzburg: University of Natal Press and Shuter and Shooter, 1988): 213–216.
- 18 Peter Brown, 'Maimie Corrigan tribute' *Reality* 13(4) 1981: 16.
- 19 National Party members and supporters were known as Nats.
- 20 AFRA was established in 1979 in response to the immense hardships imposed on black people in rural Natal, particularly forced removal. The organisation sought to monitor, record and publicise the socio-economic conditions of these rural people.
- 21 Jill Wentzel is best known for her book *The Liberal Slideaway* (Johannesburg: South African Institute of Race Relations, 1995) and was a Sash member in the Transvaal.
- 22 *Sash Magazine* 30(1) May 1987: 40.
- 23 The Detainees Support Committee (later Detainees Aid Committee) was formed in 1982 to monitor detention without trial in the Natal Midlands.
- 24 Black Sash papers (APC, PC153).
- 25 Margaret Latham (Pat Merrett's sister), e-mail, 26 March 2016.
- 26 Christopher Merrett, e-mail, 8 November 2015.
- 27 *Ibid.*
- 28 *Ibid.*
- 29 *Ibid.*
- 30 Chief Mangosuthu Buthelezi, head of Inkatha, offered an alternative to the NP approach by proposing a multiracial federation to integrate white-controlled Natal with the KwaZulu homeland, resulting in the Indaba. Although there was some opposition to the proposal, it was supported by political parties, economic groups, administrative bodies, and a miscellaneous group of religious and women's organisations.
- 31 Pat Merrett, 'A personal view from the Midlands' *Sash Magazine* 30(4) 1988: 50–51.
- 32 Anne Truluck, 'No Blood on our Hands': *Political Violence in the Natal Midlands, 1987–Mid-1992, and the Role of the State, 'White' Political Parties and Business* (Pietermaritzburg: Natal Midlands Black Sash, 1992).
- 33 Merrett, 'A personal view from the Midlands': 51.

- 34 Pat Merrett, paper on old age pensions, 14 February 1983.
- 35 P.L. Merrett, 'Time to act over pensions' [letter] *NW* 1 April 1982.
- 36 Christopher Merrett, e-mail, 8 November 2015.
- 37 Pat Merrett, "'Black spots" hold fast in "white" South Africa' *Cross Times* February–March 1991: 20.
- 38 Merrett, 'Mrs E.E. Russell and the role of Pietermaritzburg women in public life': 215.
- 39 Pat Merrett, 'Piet Hogg's reminiscences' *Natalia* 23–24 (1993–1994): 15–25.
- 40 Catherine Barter, *Alone among the Zulus: The Narrative of a Journey Through the Zulu Country, South Africa*, ed. by Patricia L. Merrett (Durban: Killie Campbell Africana Library and Pietermaritzburg: University of Natal Press, 1995).
- 41 Elizabeth van Heyningen and Pat Merrett, 'The healing touch: the Guild of Loyal Women of South Africa, 1900–1912' *South African Historical Journal* 47 (2002): 24–50.
- 42 *NW* 14 January 1997.
- 43 Busi Victoria Nyide, interview with Mary Kleinenberg, 2 August 2005 (APC 05APB1).
- 44 Adams College was founded in 1853.
- 45 Pietermaritzburg AO report, 2 March 1975.
- 46 John Makhathini had been a member of the South African Congress of Trade Unions (SACTU), which was effectively banned in 1962, and had also spent time in detention.
- 47 Nalini Naidoo, interview with Mary Kleinenberg, Pietermaritzburg, 19 August 2013.
- 48 Moses Ndlovu was a trade unionist of note. He was served with a banning order from 1977 to 1981 that prohibited the company of more than three people at any one time.
- 49 *Witness* 10 June 2005.
- 50 Nalini Naidoo, interview with Mary Kleinenberg, Pietermaritzburg, 19 August 2013.

9

PACSA: CHRISTIAN WITNESS AND THE APARTHEID STATE

Joan Kerchhoff

IN JUNE 1976 the schoolchildren of Soweto revolted against being taught in Afrikaans. The revolt was put down by police, but the rebellion of people long oppressed by an illegitimate government was not halted. In October 1977 the government banned seventeen black consciousness organisations and also the Christian Institute (CI, founded by Beyers Naudé). There was a small branch of the CI in Pietermaritzburg with an office in a house in Boom Street that was also the home of the Desmond family (Cosmas Desmond was the CI director). The police Security Branch (SB) woke them in the early hours of 17 October 1977 and removed every item from the office, closing it down. So the prophetic voice of CI, both national and local, was silenced.

In the wake of these events a small group of people of different communities and backgrounds began to talk about establishing a local agency that would pick up where the CI had left off. They came from the Federal Theological Seminary, the University of Natal, St Joseph's Scholasticate and local churches of different denominations. In May 1978 an inaugurating council was established consisting of Peter and Joan Kerchhoff, Francois Bill, James Massey, Colin Gardner, Bob Clarke, Chris Richmond and Ed Dexter.¹

This was the time of Black Consciousness. It was felt that the dignity of black people had been eroded by apartheid to such an extent that only whites were seen as people of value. The Black Consciousness Movement was designed to help people regain their dignity and integrity. Steve Biko was instrumental in fostering this. So the committee of the Pietermaritzburg Agency for Christian Social Awareness (PACSA) felt their initial role was to raise the awareness of white voters to the terrible conditions under which black people suffered. They were harassed, kept powerless, without the vote, and without opportunity or decent education. Because whites were segregated, they were often ignorant of the pain felt by black South Africans. This early aim of PACSA was later added to as circumstances changed and political violence started, and also as more awareness developed of other needs and injustices. One of the ways

in which awareness was raised was through the writing and distribution of fact sheets, which highlighted conditions in black communities (see the list appended to this chapter).

In the last months of 1978, Peter Kerchhoff, who had been appointed organising secretary of PACSA and had resigned from his job at the aluminum factory, began to set up a temporary office. We had a house in Bulwer Street with a small room off the old garage. We bought a second hand desk and filing cabinet and, with a typewriter and other minor necessities, we set out to launch the agency. We wrote letters to people we thought might be interested and to any individual or organisation we hoped might supply some funding as, at the time, we had little. Archbishop Denis Hurley was the first person to come to our aid and his help in obtaining grants was crucial, extending from the Catholic Church in South Africa to overseas donor organisations. We then prepared for the inaugural meeting planned for early 1979, by travelling around the city taking photographs of the different (separate) areas, divided by apartheid's race categories, which made up Pietermaritzburg and its environs. We compared water supplies and other services, lighting, roads and pavements, schools, houses and whatever we saw that highlighted the differences. We turned these slides into a presentation called 'How my neighbour lives'.

As a family we gradually began to feel the pinch of the loss of income. Peter and I had feelings of guilt that maybe we were denying our daughters opportunities. We were grateful that they did not complain. We could not turn back; and we had the support of the PACSA Council and members and also others who were part of a network of concerned people – some in the Church and some politically aligned.

The inaugural meeting took place as planned in February 1979. The slide show on inequality was duly presented. Then, with a constitution and some funding, Peter moved into a small office in a church in Buchanan Street. A mission statement was drawn up:

The Pietermaritzburg Agency for Christian Social Awareness is an independent ecumenical organization committed to involving the local Christian community in the promotion of: human rights and justice issues; empowerment and sustainable development; wholeness in church and society. The work for justice, peace and the integrity of creation is achieved through facilitating research, analysis, education, publications, action and spiritual reflection. The Pietermaritzburg Agency for Christian Social Awareness affirms the equal rights and dignity of people.

This was a lonely start to a long road that unfolded gradually. Contact was made with many who also opposed apartheid and with people who called at

the office. Black Sash stalwart Maimie Corrigan was one of the latter and soon Peter was invited on to the Natal Midlands Black Sash executive to report on his findings in areas of concern. PACSA moved to larger premises owned by the Anglican Church. Soon afterwards the Association for Rural Advancement (AFRA) was founded. They shared the premises for a while. Forced removals became an issue researched, and opposed, by both AFRA and PACSA. These removals occurred when the presence of black communities did not correspond with the apartheid government's map, devised along the lines of separate development.

John Aitchison and Peter visited a community near Impendle called KwaPitela in 1981 and discussed the threatened removal with Percy Hlophe and others. In due course the people living there, who had established homes and gardens with communal grazing for cattle, were moved to a place in the veld called Compensation. Peter and John photographed the dismantling of the houses, the loading of the trucks, and, when the removal was complete, the dumping ground where tents were erected. This series of photographs became a slide show presented to church congregations in Pietermaritzburg. Peter travelled to many communities suffering in this way. He often took with him interested people (local and overseas) so that they could use their experience to highlight the injustice. Overseas journalists began to realise that PACSA was a good source of information.

The early 1980s saw many liberation and civil movements taking shape with trade unions becoming active in community struggles; and, in 1983, an umbrella body called the United Democratic Front (UDF) was formed. At the launch of the UDF over 500 affiliates signed up. PACSA felt this was an important affiliation, as political conflict was emerging.

In 1980 Gay Spiller joined Peter as part-time secretary and four years later Monika Wittenberg became the resource centre organiser. The three staff members, two of them part-time, were supported by PACSA members. Fellowship was important and one way to foster this was through the monthly agape held in one or other member's home. This consisted of a simple liturgy and a sharing of bread and wine as a sign of solidarity. These agapes undergirded the life of PACSA.

Around that time, Inkatha, reconstituted in 1975 by Mangosuthu Buthelezi as a Zulu cultural organisation, changed from culture to politics. Buthelezi participated in the government's plan of divide and rule and the KwaZulu bantustan was created. Buthelezi attempted to remain in the mainstream of resistance, but this proved impossible and gradually the actions of Inkatha

members and their hostility towards the UDF caused such conflict in South Africa generally, and in Natal in particular, that its horrors were to be felt for years to come. PACSA was drawn into this conflict. Young activists began to come to the office desperate for help. Some needed refuge; some had been hurt and required first aid or a doctor; some wanted legal advice. They told their stories and in due course all reports were recorded. This was not what had originally been taken into account as part of PACSA's work.

One of the original aims that did continue was distribution of information via factsheets. These were clearly set out, two-page documents on such subjects as income distribution, malnutrition, water, 'black spots', and domestic workers. Other ways of raising awareness were breakfast meetings for the public, at which speakers introduced social justice issues followed by discussion, and also workshops and weekend retreats.

PACSA began to network with anti-apartheid organisations and this co-operation proved to be of vital importance. Some of them were the End Conscription Campaign, AFRA, the Five Freedoms Forum, the UDF, the trade unions and youth organisations. Peter worked with a variety of church bodies such as the Church Liaison Programme, the Natal Church Leaders Group, the South African Council of Churches, particularly the local branch which included the Dependants Conference (ministering to local families of prisoners on Robben Island), the Anglican Justice and Reconciliation Committee, and the Standing for the Truth campaign. PACSA also had close connections with the staff and students of local theological seminaries and their associations. Another focus was on political prisoners and during locally held political trials, PACSA members supported the families of those being tried. PACSA members were also active in the Detainees Support Committee (DESCOM).

The mid-1980s saw township dwellers become more and more militant and the police and army increasingly repressive. There were many clashes between the youth of different political organisations. In June 1986 a national State of Emergency was declared and thousands of young activists were detained. This followed political rallies and mass protests that had happened around strikes and to commemorate people's resistance in the past. The PACSA annual report for 1985–1986 stated that 'we are working closely with the Pietermaritzburg crisis committee and other organisations in monitoring and recording information on vigilante and police action in the area; providing sanctuary and support for some of the victims of repression and violence.' PACSA staff helped many who fled from vigilante attacks and gave limited financial assistance to them, while members offered their homes as sanctuaries. Monika Wittenberg gave

first aid to those who came to the PACSA offices with injuries. Together with the Pietermaritzburg Council of Churches, bail money was provided for those requesting it.

On 12 June 1986 many activists in and around Pietermaritzburg were picked up by security police and taken into custody. Such detention without trial meant that detainees could remain in prison for extensive periods without any trial taking place. Peter was one of those detained. In the early hours of 12 June, he and I were awakened by a loud banging on our front door. Peter went to open it and I heard loud male voices belonging to Major McDuling and two warrant officers. A very young policewoman in uniform entered the bedroom and ordered me to get up and sit with her in the lounge, which I did, in a charged silence, broken only by the men's voices as they ordered Peter around from room to room. The security officers were armed. They examined books and papers, opened drawers and cupboards, and then they all went outside and I heard the voices of more police. I saw later that they had looked in the garage and had even lifted the cover of the drainage system. Eventually they returned.

It was 3.00 am when Peter was told to collect some toiletries, which he did. He then asked McDuling to explain to me what was happening. The major told me they were arresting my husband under Section 50 of the Internal Security Act. I asked him why and he said I would be informed. The phone rang a few times and an officer answered and spoke abruptly. The major handed me a three-page receipt for the books and papers they were taking with them. They all left. The major told me to lock the door – as though he cared about my safety. I watched as the three cars drew away into the darkness and then realised how cold I was. I wanted only to crawl under the blankets. I later tried to phone my lawyer and PACSA council members, but received no answers. I later discovered that they had had their phones (landlines) cut off. When I was finally able to make contact, I heard that many people had been picked up in the raid and detained in police stations or in the New Prison at Napierville; and that another State of Emergency had been declared. I heard that PACSA secretary, Gay Spiller, had been taken to the women's prison.

Next day the tedious search for information began. Could we leave clothing? Could we visit? Concerned people gathered in the PACSA offices and lawyers informed us that under a State of Emergency it was illegal to pass on any information about detainees, such as names and where they were being held, if we knew.

On Saturday afternoon my daughter Jenny and I waited in the Loop Street police station for hours with a small package of clothes. Eventually Lieutenant



PACSA office, Gay Spiller and Peter Kerchhoff, Buchanan Street, 1982



Water quality research by Gilbert Lukau, Sweetwaters, 1982



PACSA workshop with Mark Butler, Peter Kerchhoff and Monika Wittenberg, 1980s



*PACSA protest against the Internal Security Amendment Bill, 1985
(Sheena Duncan at back far left)*

Moon arrived and accepted the clothes and money. We knew by then that Peter was being held with other political prisoners in New Prison. On Monday morning a phone call, purportedly from a security policeman, informed me that my husband had suffered a heart attack and was in the Intensive Care Unit at Grey's Hospital. Bridget Murphy, who was with me at the time, and I rushed to the hospital. The ICU matron had no record of anyone by the name of Kerchhoff. She allowed me to use her phone and I contacted Brigadier B.J. Beukes. He asked me to hold. I waited. Then he returned with a terse message: 'Your husband is well and is in the prison.' This was one of the tricks played on me. There were others still to come: we called them police dirty tricks.

Early on Tuesday morning I traipsed up the stairs to the security section of the Loop Street police station. I was given a permit to visit my husband and joined other families outside the prison, sitting on the dry winter grass or standing, but after two visitors we were told to return in the afternoon. After most people had been called, an announcement was made that there would be no more visits but that I could see my husband briefly. I was searched and taken down a long corridor to locked gates. There was the jangle of keys and, for the first time, I was aware of the prison smell. I came to know it well. Peter was sitting behind a glass panel in the small room I entered. A warrant officer sat next to him and warned me that I could speak only about family. I was soon hustled out again. I walked alone to the parking area. Everyone had gone home. The sun was low in the sky by this time and I felt a cold wind sneaking through my clothing.

I was fortunate to have my daughter and son-in-law at home and, more and more as time went on, I was to be thankful for the support of family and friends and even strangers. Letters and messages of support began to pour in once word had got out about the State of Emergency detentions. Amnesty International and other agencies overseas began their barrage of demands for the release of detainees to the minister of justice and others. PACSA became a primary source of information. Lists of names of detainees were compiled and sent out of the country by DESCOM, in particular to Amnesty International.

I continued to visit the prison on a fortnightly basis. My application for a permit to visit led inevitably to a request from the brigadier to see me. I came to know his office well and the well-cut suits he wore. Two weeks after his detention I heard from friends who had been released that Peter had been removed from his cell mates and put into solitary confinement. This was very bad news. I now started to pin my hopes on my urgent application, through our lawyer, Leslie Weinberg, to the Supreme Court: *J. Kerchhoff vs the Minister*

of Law and Order. A concession was made to allow Peter to see his lawyer. The first hearing was on 23 July 1986 before Justice Kriek, but was postponed to 25 July to be heard by a full bench of three judges. They deliberated on the timing of the introduction of the State of Emergency, eventually concluded their discussion and we had to wait for judgment to be handed down. After an unusually long period we went to court again to listen to it. It was technical, comparing the starting of a car to the implementing of the State of Emergency. All I heard was that Peter would not be released. That evening an anonymous caller told me she had heard the news and was celebrating! That really was rubbing salt into the wound.

On 20 August I received an early morning phone call – the brigadier wanted to see me. He told me he knew it was Peter's birthday and that he, Peter, had been brought to the police station so that we could have a contact visit! It seemed the staff in that section thought this was interesting as they all turned out to watch me walk along to the room where Peter waited. We had a brief visit with no one listening in – as far as we knew. A week or two later our daughter, Sue, home on holiday from her studies in England, was also given a special permit to see her father in the police station. She had picked a small bunch of garden flowers for him. When the brigadier stopped her, saying she could not take them in, she handed the bunch to *him*! Astonishment all round, apparently! I did not actually see this as I was outside in the street watching the upstairs windows of the police station and hoping for a glimpse of my husband and daughter.

Three days before Sue was due to return to England, her father was released. There was no fanfare. An unmarked car drove up to our house one evening and, to our amazement, Peter climbed out. The word soon got round and in no time our little house was full of family and friends (and the *Natal Witness* photographer). Spring arrived that September in more ways than one!

PACSA's offices were a hive of activity. Not only did journalists, some with cameras, flock to hear the latest news, but young activists caught in the struggle came in, many with wounds to be attended to by Monika, some looking for a place to stay. Parents of missing children began depending on PACSA staff to help find them, which meant visiting the morgue.

On 11 February 1990, Nelson Mandela was released. This was a major event. He was welcomed by many and told a huge crowd at Curries Fountain in Durban that they should throw their weapons into the sea and stop the violence. PACSA members attended the gathering. But, starting on 25 March 1990 there was a major attack that came to be called the Seven Day War.

Inkatha impis descended on the Edendale valley, looting, killing and burning as they went. People fled, hiding in bushes or wherever they could. Urgent messages were sent, many to the PACSA office, and emergency plans were made. A committee was formed and met in the early hours of every morning. Churches opened their doors to house the thousands of refugees. Doctors and volunteers from the university and elsewhere offered their services. It lasted until 31 March, but unfortunately peace was still a long way away.

The violence did not abate and day after day there were houses burned, families traumatised and many individuals killed. The death toll for 1990 was around 730. PACSA staff and volunteers were kept busy recording incidents. These reports were sent to the Unrest Monitoring Project set up by John Aitchison and others in the Centre for Adult Education at the university where an extensive database was built up.

PACSA staff attended funeral after funeral as the dead were laid to rest. Many attempts were made to bring about peace. PACSA was not directly involved in the peace committees, of which there were a number, but was kept in touch through the Natal Church Leaders Group of which Peter was a member.

Looking back, PACSA played a major role in monitoring the violence and civil unrest, calling prayer vigils, supporting traumatised families, and working for peace. No specific decision was ever taken to support the organisations affiliated to the UDF, but members of the UDF flocked into the PACSA offices and this was known by the police SB who searched the offices. They were definitely hostile.

It was a great day when organisations were unbanned. The African National Congress (ANC), in particular, was seen by many as the hope for the future. However, there were indications, judging by other countries where liberation movements had taken over, that the best did not always happen – corruption and violence crept in and those in power began to wield power to defeat any opposition.

PACSA members trusted those ANC members they knew, particularly the elders. Nobody could see into the future but we felt that the voting would go ahead as planned. PACSA did, however, appoint monitors to oversee voting stations on the off-chance that there was violence. PACSA undertook voter education, travelling to different areas in the Midlands. The population was generally excited about the longed-for day when every adult in South Africa who had the right to vote could make their mark. This was felt to be a major

step forward towards the reality of democracy: there was no going back to apartheid.

There was some discussion in PACSA about how we should move ahead into the future. We had to question our aims and it was felt that development and promoting awareness would be possible directions. The Constitution was deemed to be one of the best in the world.

List of PACSA factsheets published up to 1994

Income distribution in South Africa
Malnutrition in Natal
Domestic workers in Pietermaritzburg
Racism in the church?
Hunger
1961–1981: what is there to celebrate?
Black farmers in Natal: myth and reality
Black spots on a white map
God, land and removals
Simple lifestyle
Poverty
Crisis in education
Influx control
Detainees and security legislation
The white referendum
Psychological effects of detention
Children and health
Pensions
Apartheid and sport
War and peace
Children in crisis
Children need justice
Censorship
May Day
Apartheid and taxation
Capital punishment
Human rights
Food
Detentions

Conscientious objection
The Sarmcol strike
Mpophomeni: a community under siege
Apartheid's health system
Economic injustice
Domestic worker/employer relationship
Abandoned children
Alienated youth
Election monitors and observers
Domestic workers and the law
Away from capital punishment towards respect for life

ENDNOTES

- 1 For a history of PACSA see Lou Levine (ed.), *Hope beyond Apartheid: The Peter Kerchhoff Years of PACSA, 1979–1999* (Pietermaritzburg: PACSA, 2002).

10

KUPUGANI: INTIMATIONS OF FOOD SECURITY

John Aitchison

AT THE BEGINNING of the 1960s the booming economy of South Africa was producing more than enough food to supply every person, young and old, with ample calories and protein per day. Yet this food was not equally distributed and the press was replete with stories of malnutrition among high percentages of rural and urban Africans – in the form of kwashiorkor (a severe type of protein malnutrition) and pellagra (a shortage of nicotinic acid) – and associated gastroenteritis. Bizarrely, concurrent with this malnutrition was the 11 million kilogramme butter surplus, an egg surplus, a maize surplus and excess production of fruit such as oranges and bananas.

I first met Neil Alcock, the founder of Kupugani, at the 6 September 1962 launch meeting of the Pietermaritzburg branch.¹ I was a first-year student at the University of Natal, ran the African night school there, and was asked to accompany some Student Representative Council members to the event. There was this tall, somewhat gaunt, man on the platform of the church hall. He looked slightly uncomfortable in his suit and at being where he was. He was no public speaker and he said ‘um’ about every second sentence. But he was persuasive because of the dogged intensity with which he pursued his theme: malnutrition existed, food was available, and people



Neil and Creina Alcock (undated, source unknown)

could organise to do something about it. At that first Kupugani meeting I was elected to the committee and so my association and friendship with Neil began. I don't think I ever again heard him on a public platform, but listened to him on innumerable occasions – at committee meetings and indabas, and in conversations related to Kupugani.

Kupugani was officially registered in 1962 as a non-profit company called the Nutrition Corporation of South Africa. Its trading name, Kupugani, was derived from a Zulu phrase for 'uplift yourself'. Its initial aim was to direct surplus agricultural products to the poor; and later it ran feeding schemes, undertook nutrition education, and began selling low-cost protein food. More generally it tried to assist food producers and food consumers, raise productivity, and prevent disease. I experienced the food surplus distribution component, helping pilot a 'milk run' in the Richmond area; and also paid a visit to the factory in Durban where ProNutro was being developed: to enquire about what was in it because of possible sensitivities if it contained fish.

Kupugani expanded quite quickly with seven regional offices and more than 200 local committees. The organisation bought large quantities of surplus oranges, maize, potatoes and milk; and distributed them at cost through welfare organisations, schools, churches and local committees. As Kupugani grew it could absorb larger and larger surpluses. Martiny describes how in Rustenberg they were able to clear 9 000 pockets of oranges in 24 hours, while in another area they disposed of 25 tons of oranges in a day.² In the Eastern Transvaal they had a throughput of 4 000 crates of bananas a week. Milk was sold in the Natal Midlands.

Hendrik van der Merwe records that Kupugani's national board members sought the approval of the government and had numerous interviews with senior officials and the minister of bantu administration.³ They were given some support and the Dutch Reformed Mission Church advised its members to join Kupugani: the church was particularly concerned about malnutrition and famine in the northern Cape and northern Transvaal. Its main financial support came from big business foundations such as the Chairman's Fund, the Native Recruitment Corporation and Oxfam. With this support, by 1965 Kupugani was providing food for more than two million people a month.⁴

Neil Alcock had a vision of Kupugani as a network not just of food distribution, but also of grassroots development in every magisterial district and area of the country. It was all to be democratic and participatory. But he was not an organisation man. He fitted uneasily into any organisation and I think he found himself helpless to control the direction that Kupugani took. In

part, this was self-created. Neil had a tendency to seek support (and possibly given the time of state clampdown on opposition in the early 1960s, some protection) from the well-connected and powerful. Some of them supported him loyally to the end. But many of them could not conceivably be expected to understand what Neil was about or genuinely to support him. By 1965 the Johannesburg (head) office of Kupugani looked like the executive suite of a multinational, complete with its dreadful Oxfam import in the person of Richard Exley, the general manager.

The initial government toleration of Kupugani did not last long. Many of the people involved in running Kupugani committees and regional offices were Liberal Party or Progressive Party members. In Pietermaritzburg the first two chairs, Buntj Biggs and Else Schreiner, were active Liberal Party and Black Sash members. Government was suspicious of them and was determined to crush the Liberal Party, which in due course it did through bannings and final prohibition of multiracial political parties in 1968. Press reports about malnutrition and starvation in rural areas enraged the regime. Approval of activities in rural areas was withdrawn and in June 1965 Minister of Bantu Administration M.D.C. de Wet Nel denounced Kupugani as 'left inclined' and of publishing untruths in the English-language press about drought and starvation: 'there was no starvation or famine anywhere'. He accused them of trying to 'drive in this wedge which is aimed against the Department in the first place and against the Chiefs and their councils in the second place ... that where this body does establish contacts with the Bantu it is done purely for political reasons. As soon as they hear that there is some chief who does not want to cooperate with us, he is appointed to the executive of the local committee of Kupugani.'⁵ The Dutch Reformed Mission Church changed its mind and recommended severing all links with Kupugani.

This political attack on Kupugani severely damaged the organisation. Support from welfare organisations and mission churches waned (particularly in the northern Transvaal) in the climate of the mid-1960s in which the regime denounced liberals as worse than communists. In addition, to some extent the State had been shamed into mounting some degree of nutritional relief, but they wanted to be in control. The State took over, and indeed expanded, the school feeding schemes that Kupugani had started. There were other factors that led to Kupugani's slow decline. The food surpluses of the early 1960s were now much reduced (there had indeed been droughts and famines!). The price of basic foodstuffs sold through new supermarket chains gradually came to match Kupugani's.

In some places Kupugani soldiered on, but as a much less prominent and more restricted organisation. This was very much the case in Pietermaritzburg where, again, it was ex-Liberal Party members such as Leslie Weinberg who steered it for many years, though now it was very much a modest shop retailing high-protein food and doing a bit of health education. But eventually it simply couldn't compete with supermarkets. Pietermaritzburg was one of the last centres to close.

Looking back now at the origins of Kupugani and the trajectory of its rise and decline it is easy to see the contradiction it could not overcome. As Van der Merwe presciently observed at the time, 'Government supporters interested in the maintenance of the political status quo will be suspicious, therefore, about the basic motivations of leaders of a nation-wide nutrition scheme like Kupugani. The essence of the issue is the nature of reform these people are promoting: is it merely better feeding or is it a more basic structural change of South African society?'⁶

Kupugani was one among many organisations that fell in the struggle for a better South Africa. However, in Neil Alcock's original vision there are tantalising intimations of a different kind of development than that organised by governments, even representative democratic ones. It is about food security being in people's own hands. That vision is still to be achieved.

ENDNOTES

- 1 There is very little easily accessible information on Kupugani. One source is South African History Online (<https://www.sahistory.org.za/>) which has a number of references to Kupugani, though mainly incidental ones in documents about 'left-inclined' luminaries of the 1960s.
- 2 Oluf Martiny, 'The role of Kupugani in liaison work in combatting malnutrition' *South African Medical Journal* 88 (23 December 1967): 1222–1223.
- 3 Hendrik W. van der Merwe, 'Nutrition problems and social reform in South Africa' *Social Science* 42(4) 1967: 223–229.
- 4 Ibid: 224.
- 5 *Debates of the House of Assembly* 20 (14–18 June 1965): 8426–8428.
- 6 Van der Merwe, 'Nutrition problems and social reform in South Africa': 226.

11

AFRA: FROM APARTHEID TO LIBERATION

John Aitchison

ONCE IT GAINED power in 1948, the National Party government forged ahead with its policy of rigorous spatial separation of people classified white from the rest of the South African population. The two most destructive components of this were the creation of so-called group areas in urban areas, which led to the removal of black people from places where they lived to racially separate areas usually further away from the centres of cities and towns; and the elimination of rural settlements deemed 'black spots', freehold farming areas owned by blacks in the middle of what the government considered to be white areas.

Understandably, all this was opposed by the anti-apartheid political movements – the African National Congress (ANC), the Pan Africanist Congress (PAC), the Communist Party and the Liberal Party of South Africa. In the late 1950s, in Natal the ANC and the Liberal Party worked together in a joint programme to fight the removals. After the 1960 Sharpeville massacre, the State of Emergency and the banning of the ANC and PAC, the Liberal Party continued the fight until it was decimated by banning orders and finally prohibited from existing as a multiracial party in 1968. In 1971 a Catholic priest, Cosmas Desmond, who had experienced the notorious Limehill removal of 1968 near Ladysmith, gained access to the hidden Liberal Party black spot archives and did his own survey of continuing relocation, which resulted in a book that exposed the injustice and suffering of these removals to the world.¹ Desmond was then banned and what anti-removals work continued was undertaken



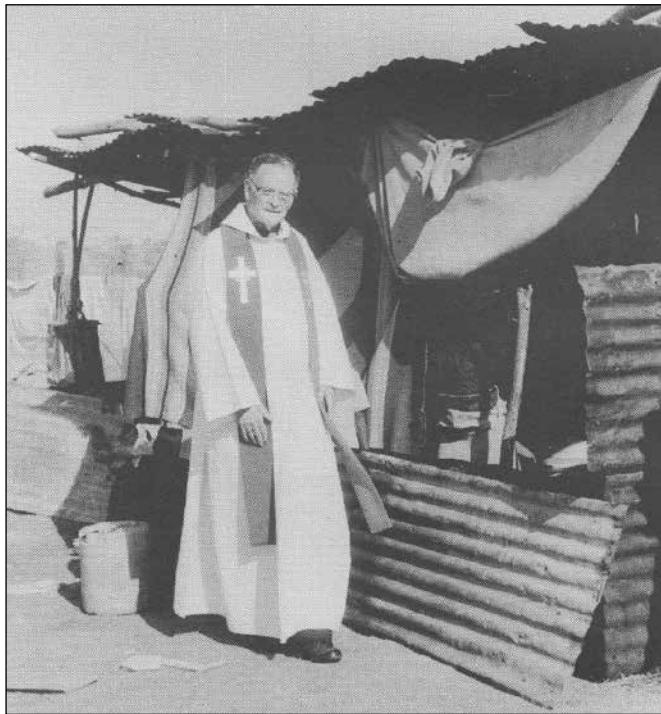
Cosmas Desmond (undated, source unknown)

by churches, the Black Sash, some citizens' action committees and the lone Progressive Party member in parliament, Helen Suzman.

‘Get everyone’: the start of AFRA

In 1978, Neil Alcock, the founder of Kupugani and now working on the Church Agricultural Project in the Weenen district adjacent to Msinga reserve, met Peter Kerchhoff (from the new Pietermaritzburg Agency for Christian Social Awareness, PACSA; see Chapter 9), Peter Brown and John Aitchison (two Liberal Party leaders whose ten years of banning orders had expired a couple of years earlier) and asked them to organise a meeting to respond to the evictions of black labour tenants from farms in the Weenen district. As remembered by Kerchhoff, Brown and Aitchison:

Labour tenants were the big issue. Neil was very challenging. He said, ‘What are the people in Pietermaritzburg doing?’ Neil approached some of us in Pietermaritzburg to see if anything could be done to expose and oppose this calamity. Neil said ‘organise the meeting, get the bishops, get everyone, get the Black Sash.’²



Archbishop Denis Hurley visited the Weenen road camp erected by evicted farm tenants, 19 June 1989 (Natal Witness, 30 June 1989)

A meeting was held on 4 October 1979 and at a follow-up meeting on 24 November the Association for Rural Advancement (AFRA) was formally constituted with two main objects:

- 2.1. To monitor, enquire into, record and publicise all matters related to the social and economic position of persons in the rural areas of the Province of Natal;
- 2.2. To take action and to encourage other persons and/or groups and/or organisations to take action to alleviate hardship, discrimination and oppression amongst persons referred to in 2.1 and to encourage their social and economic advancement and development.³

As Peter Brown put it, 'AFRA was born that night. We had no money, no office and no staff'.⁴ What is clear from the constitution is that it did not see its brief as purely a pressure group against removals and evictions, but as a broad one to change the socio-economic well-being of the rural poor.

What the new organisation had was a small committee of ten members, and a tiny portion of the tiny PACSA office. It also had the memory and connections of four members of the committee who had been Liberal Party activists in the early 1960s. Factsheets on the removals, evictions and the history of land expropriation in South Africa were developed and a first fieldworker employed; Cheryl Walker, who had worked with Neil Alcock.

By 1981, AFRA had established itself as a small but committed organisation. Still largely relying on voluntary workers, it had the one fieldworker sharing an office with PACSA, and very little money. But AFRA's vision, and the commitment of the people who founded it, remained constant through the next decade.

It is difficult to quantify its achievements at this stage. By 1983, 105 000 people had been moved from black spots and 300 000 from white-owned farm lands (all labour tenancy had been outlawed in 1980). AFRA did not stop removals, but as Aitchison later reflected:

We made it more costly for the government. One of the ironies is that nowadays one of the symbols of the evil removals is the toilets all over the place, but there was a stage prior to that of no toilets at all. And having to build toilets all over the place actually slowed them down. It was a delaying tactic war where one would try to slow them down a bit.⁵

AFRA carefully documented and publicised the main forced removal in Natal, at KwaPitela in 1981. AFRA's Cheryl Walker was also the author of the Natal volume of the major and definitive report on forced removals, which brought up to date and expanded the previous work done by the Liberal Party and Desmond.⁶

AFRA during the 1980s and early 1990s

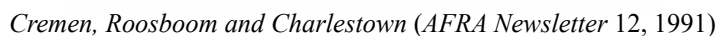
AFRA was one of the first of the civil society organisations to spring up in the late 1970s and the 1980s that unashamedly believed they had a role to play in social and political transformation of South Africa. In the context of those times their activities were invariably counter government, a government which embodied everything that opposed justice, democracy and respect for the human dignity of all. However, these NGOs, like small mammals in a prehistoric landscape, had to keep their wits about them to avoid being squashed by the apartheid Tyrannosaurus Rex. How AFRA survived in the period from 1983, the year the United Democratic Front was launched, until it could come out from the underbrush and find a new ecological niche in the new democratic (or partially democratic) landscape is a complex tale.

AFRA gradually built up its knowledge of the current situation in the rural areas and re-established connections with the communities that had been forcibly removed or were still under threat of removal. The legal position of labour tenants was explored and action against removals galvanised through information workshops, parliamentary questions and press publicity. By mid-1982 AFRA had produced 23 reports and factsheets. One sign of influence was the government decision in 1985 to review its resettlement policy and halt forced removals, although in fact some removals and evictions continued. A list of 52 communities that would no longer be removed was published in May 1985. In 1986, AFRA had a difficult experience giving evidence to the government Commission for Co-operation and Development, which had accepted the end of removals but wanted plans that AFRA did not have to address overcrowding in the remaining black spots.

Legal work was done in association with the Legal Resources Centre in Durban and the South African Council of Churches. As time went by, working with communities that had been forcibly removed became a greater part of AFRA's work and included an element of community development, or, at least, agricultural advice. In this work AFRA was a forerunner to organisations such as the Farmer Support Group. AFRA also opened a rural advice office in Wembezi near Estcourt. On the issue of attempting to mobilise rural communities AFRA was more cautious, mainly because of continuing apartheid repression and the practical difficulties.

Although AFRA had originally been conceptualised as a membership organisation and its members met each year to elect a management committee (and later a formal board), very little active recruitment took place because of

However, this situation was somewhat mitigated by regular community meetings in rural areas. The staff complement remained low until the late 1980s with usually only a fieldworker and a part-time administrative assistant. As AFRA was not registered in terms of the Fundraising Act it could only gain resources from members or donor agencies, and was prohibited from soliciting funds from the public. An attempt to set up a Durban branch of AFRA in 1980 gradually withered away. However, in other provinces NGOs similar to AFRA were started: the Transvaal Rural Action Committee, the Surplus People Project in Cape Town and the Grahamstown Rural Committee. They joined



together to set up a National Committee Against Removals (later, in 1993, to become the National Land Committee).

In 1985 a State of Emergency was declared in 36 magisterial districts; and in 1986 another Emergency covered the whole country. The growing conflict in Natal between the United Democratic Front (UDF) and the Inkatha Cultural Liberation Movement headed by Mangosuthu Buthelezi soon began to impact on AFRA. While its committee, members and staff were largely supportive of, or at least not hostile to, the UDF, many of the rural people it served were Inkatha supporters or living in Inkatha-dominated areas. Meetings with communities were sometimes hijacked to become Inkatha rallies. Attempts by some committee members to align AFRA more closely with the UDF were rejected and AFRA continued its political neutrality and maintained a pragmatic, though difficult, relationship with rural communities in areas controlled by Inkatha.

The period 1985 to 1994 was one of rapid expansion of AFRA's staff, supported by increasing foreign funding directed to anti-apartheid organisations. In 1986 AFRA had three staff members, by 1990 it had eight, and by 1994 the staff had grown to sixteen, many of them young. Much of this development took place under the leadership of Richard Clacey, who joined the organisation in 1986, became co-ordinator in 1990, and who oversaw a change in the organisation from activist and voluntarist (in which the committee led) to more professional and staff-led. This organisational culture shift led to tensions between committee/board and the staff, a situation that gradually resolved itself over time, but not without various crises. One of Alcock's sons was asked to resign because of sexist behaviour and there was a strike prompted by Andile Mngxitama of the now stridently radical head office of the National Land Committee, and suchlike. However, over its entire history AFRA had good executive committee/board governance, a crucial element of its survival. Post-1994, most of the other land rights NGOs collapsed.

Post-1994 co-habitation with government

With the unbanning of political parties in February 1990 and the promise of a political settlement, staff of anti-apartheid NGOs and their academic fellow travellers experienced a sense of euphoria; now they would be the drivers of post-apartheid policy and development. AFRA did indeed become an important player in the discussions, meetings and conferences about future

land policy as the first legislative reforms took place in the pre-1994 election period (including the Abolition of Racially Based Land Measures Act repealing the 1913 and 1936 Land Acts) and the setting up of the Advisory Commission on Land Allocation about whose brief and activities AFRA had mixed feelings.

AFRA now divided its work into two streams: the land programme, which included land claims and labour tenants' rights; and the institution-building



AFRA logo

programme with a community development focus. These changes gave rise to a rapid increase in staff, soon halted when after April 1994 there was an exodus of many of its senior staff to the Department of Land Affairs.

It was an obvious move to join the new government. The rationale was that what AFRA had called for from the wilderness could now be implemented directly and effectively via government. AFRA could play an important role as the source of experienced staff for the department at both national and provincial levels. But many of these key personnel who guided the first spate of legislation aimed at empowering the rural disadvantaged soon left a department increasingly characterised by incompetence, lethargy and corruption.

There were also a number of counter-arguments to going this route, which is not to dismiss the significance of, and goodwill behind, this 'donation' to the new government. The new dispensation was, after all, a political compromise, which, though it ushered in a non-racial democracy and an excellent Constitution, depended on a crucial agreement to leave many of the existing power and wealth relationships more or less as they were. This was no revolutionary takeover and nobody won any war. It inevitably meant that land matters would be hedged about by extreme caution, particularly in respect of land redistribution and, in 'traditional' areas, of land tenure reform. This was particularly so in KwaZulu-Natal where there was a sub-compromise between the new government-to-be and a recalcitrant Inkatha Freedom Party as the previous government had already effectively placed the KwaZulu homeland under the Ingonyama Trust of the Zulu King Zwelithini. The bottom line of

political and economic compromise was that the urban middle classes of all skin colours would continue to be able to live the life they had long or newly become accustomed to. Delivery to the poor and landless would in this context necessarily be slow; and how slow it did indeed turn out to be, made worse by a lacklustre economy that failed to significantly raise the living standards of the poorest 40% of the population, most of them rural. South Africa is back at the bottom of the list of countries with huge disparities between the rich and poor.

Understandably, if this analysis were correct, AFRA could not simply shut up shop hoping that everything would now be achieved by government. It would not and government would be far too prone to give expensive African Renaissance banquets to the black intelligentsia and *nouveaux riche* rather than give the people back their land. Was there not a need for NGOs that are vocal, independent and not afraid of government (or anyone else for that matter)? Even with a democratic government that has passed legislation aimed at protecting and benefiting previously marginalised and exploited rural dwellers, the implementation of land policies is never unproblematic. AFRA therefore had the potential to play an increasingly important role as an independent observer of, and actor within, rural affairs.

How AFRA played these two roles of supporter of government and critical watchdog in the rest of the 1990s was somewhat clumsy. It had been denuded of senior staff but was still able to contribute to the Restitution of Land Rights Act, the Land Reform (Labour Tenants) Act, the Communal Property Associations Act and the Extension of Security of Tenure Act as well as make a submission on the 1998 White Paper on Land Reform. AFRA recognised that it had an important role to play in giving communities information about restitution processes and procedures. But progress was slow in addressing the 63 455 land restitution claims lodged by April 1999. Where AFRA assisted communities it was often bogged down in the minutiae of the practical components of settlement, service provision, land management and use, local economic development, and so on; and the inevitable factional disputes. AFRA began to feel that it was shouldering a vast amount of work that really belonged with the State. After 1999, President Thabo Mbeki expressed frequent state disdain for the NGO sector and, influenced by that, funding now went into decline (and it must be understood it was inevitable that foreign aid would now be given directly to government).

Hard times and renewal of hope

AFRA went through hard times. Aitchison as board chairman stated in 1997 that:

We do not live in a comfortable NGO environment any more. The days of the NGO third-class version of the gravy train are gone. We have to become efficient and effective ... if we do not deliver, if we are not productive, AFRA will disappear sooner rather than later and join the other NGOs which did not face reality and have already gone to the wall.⁷

Two traumatic phases of retrenchment took place and some of the various short-term director appointments did not work out. In 2009 a member of the board had to take over as director for nine months. A very lean AFRA remained. What helped save the situation was its legal work directed by Michael Cowling and in 2010 AFRA gained a substantial European Union grant for this.

Then the South African political environment changed. In 2009 Jacob Zuma became president and an era of corruption and so-called state capture began. Undoubtedly, as criticism of this dire situation reached a crescendo (enhanced by the rhetoric after 2013 of the new Economic Freedom Fighters party), designed distractions were deployed in defence of the malefactors and their service delivery failures. Suddenly land was back on the agenda, along with radical economic empowerment, and Andile Mngxitama resurfaced as leader of Black First Land First, a Gupta-financed unit. Land issues came to the political forefront after decades of neglect.

Under the current directorship of Laurel Oettle, AFRA has been able to capitalise on these new debates over land and redistribution, developed a very effective media presence, and achieved striking legal victories in the courts in furtherance of land rights. A Constitutional Court verdict of 2019 was that a special master should oversee the work of the Department of Rural Development and Land Reform on labour tenant land tenure claims, which it had signally failed to process in 23 years. The words from this judgment are apposite:

AFRA is a non-governmental organisation founded in 1979. For the past four decades it has promoted land rights and agrarian reform with the object of redressing past injustices and improving quality of life and livelihoods of rural impoverished people. The work AFRA has done, primarily in KwaZulu-Natal, but also elsewhere, has been signal in sustaining the hopes and claims of many thousands of labour tenants and other land claimants.⁸

ENDNOTES

- 1 Cosmas Desmond, *The Discarded People: An Account of African Resettlement in South Africa* (Harmondsworth: Penguin, 1971).
- 2 Anne Harley and Romy Fotheringham, *AFRA: 20 Years in the Land Rights Struggle, 1979–1999* (Pietermaritzburg: Association for Rural Advancement, 1999): 83–84.
- 3 There is a host of easily accessible information on AFRA on the organisation's website (<https://www.afra.co.za/>) and particularly in its e-library (<https://www.afra.co.za/resources/>). The key resource on the first half of its history is Harley and Fotheringham, *AFRA*. Chizuko Sato's thesis, 'Forced removals, land NGOs and community politics in KwaZulu-Natal, South Africa, 1953–2002' (PhD, University of Oxford, 2006) and paper 'Casting a voice for rural struggles during apartheid: the case of AFRA' *IDE discussion paper* 351 (Chiba, Japan: Institute of Developing Economies and Japan External Trade Organisation, 2012) provide an acute look at the political forces AFRA had to contend with, particularly in the 1980s.
- 4 Harley and Fotheringham, *AFRA*: 84.
- 5 Ibid: 88.
- 6 Surplus People Project, *Forced Removals in South Africa: Natal, Volume 4 of the Surplus People Project Report* (Cape Town: SPP, 1983).
- 7 AFRA, *Annual Report* 1997: 7.
- 8 Constitutional Court, case CCT 232/18, 2019.

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Abbreviations: *JSAS* = *Journal of Southern African Studies*; *SAHJ* = *South African Historical Journal*; *SAJHR* = *South African Journal on Human Rights*; *SALB* = *South African Labour Bulletin*; *SAR* = *South African Review*; *WIP* = *Work in Progress*

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