

THE HAROLD WOLPE MEMORIAL LECTURE

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VENUE: KRAMER BUILDING, LECTURE THEATRE 2, UCT MIDDLE CAMPUS

DATE: 9 OCTOBER 2013

TIME: 17h30 for 18h00

TITLE: 20 YEARS INTO DEMOCRACY, 50 YEARS AFTER RIVONIA: WHAT WAS IT ALL FOR?

MEMBERS OF THE HAROLD WOLPE MEMORIAL TRUST AND ALL ITS STAFF

INVITED AND HONOURED GUESTS IN ALL YOUR SOCIAL STANDINGS IN OUR SOCIETY

MEMBERS OF THE WOLPE FAMILY

COMRADES AND FRIENDS

A. INTRODUCTION

Fifty years ago, on the 30th October 1963, Nelson Rolihlahla Mandela was Accused Number One in the Pretoria Supreme Court (as it then was called). He was charged with nine others.¹

Stated in broad terms, the charges were that the Accused had committed acts of sabotage in that they had recruited persons for military training, particularly guerrilla warfare, in pursuit of a violent revolution that was intended to topple the government of the day. They were also accused of having liaised with foreign military units which, it was contended, would invade the Republic of South Africa, assisted by the Accused. Presumably, after unseating the Apartheid Government, the Accused would establish a regime that would further the objects of communism.

The Accused were perceived by the State as having solicited and received money for the fulfilment of these stated sabotage objectives, from sympathisers in Algeria, Ethiopia, Liberia, Nigeria, Tunisia, and elsewhere. The trial ended on 1 June 1964. Two of the Accused, Bernstein and Kantor were acquitted. The rest were all sentenced to life imprisonment, barely escaping being hanged by an inexplicable far-sightedness by

¹ The other Accused were WALTER SISULU, DENIS GOLDBERG, GOVAN MBEKI, AHMED KATHRADA, LIONEL "RUSTY" BERNSTEIN, RAYMOND MHLABA, JAMES KANTOR, ELIAS MOTSOLEDI and ANDREW MLANGENI

Judge de Wet, who had been expected to impose the death sentence, given the sensationalism with which the evidence was received, and presented to Court by an agitational Prosecutor, Dr Percy Yutar who had specifically called for the death sentence to be imposed on all the Accused on being found guilty..

One needs to say something about Kantor. This family will tell us that he was Harold Wolpe's brother in law. Arthur Goldreich and Harold Wolpe had been arrested in a swoop by the Security Police that saw many people detained under the notorious Suppression of Communism Act, 1950. Harold was a member of the South African Communist Party, and a friend of Joe Slovo another SACP stalwart. He was also a committed human rights lawyer whose work was in the area of representing freedom fighters in the struggle against Apartheid Capitalism.

Harold was charged with the other Rivonia trialists. Whilst detained in Fort Prison, he bribed a prison guard and escaped. After staying in several safe houses for about two months, he escaped to Swaziland. He and Goldreich, for that trip, had dressed themselves as priests.² From there, they were assisted by yet another lawyer who chartered a flight for them to Lobatsi in Botswana from where, eventually, he left for the UK where he spent almost all of his time in the University of Essex ---30 years in exile before he returned to South Africa, to what he must have hoped was the promised land to which he had personally expired.

Many of those whom Harold had assisted, through his legal work, and those whom he had inspired through his theoretical work as a sociologist and political economist, had also hoped to see a South Africa that would be a free, democratic society in which those values for which Harold was in the dock in Pretoria would not only find meaningful expression, but would be lived by those who embraced them.

Let me just tie up the digression that took me to talk about James Kantor. He was arrested because his brother in law had dared to escape from Fort Prison. To add insult to injury, the Apartheid prosecutorial machinery even charged him with the same offences with which they had charged his brother in law – Harold. The overzealous Dr Percy Yutar tried his best to get a conviction against him. Judge De Wet, however, acquitted him. He later fled into exile, where he died.

B. **WHAT WAS IT ALL FOR?**

The famous Mandela Rivonia Trial speech from the dock, does give an articulated idea about what the Rivonia trial was for. To be sure, there have been, and there shall continue to be, a plethora of analyses of what Rivonia was for. Mandela's speech is one

² BJ Vorster, who became Apartheid South Africa's Prime Minister after Verwoerd, must be forgiven for his hardened stance that most while priests were communists masquerading as clergy under the cloak of religion.

place where one can locate what the ANC led struggle was all about. In his *“I am prepared to die”* speech, I hypothesise, Mandela was reflecting the ANC led struggle. I will also suggest that his assumptions of a future society which he saw as different to that which Apartheid colonialism had dealt the indigenous people of South Africa, was itself informed by the Freedom Charter

C. A CLASSLESS SOCIETY

Even as he disavowed any commitment to communism, stating that he regarded himself as an *“African patriot”*, Mandela confessed that he was nonetheless attracted, as he put it, *“by the idea of a classless society”* an attraction which he attributed to his own reading of Marxist literature and in part, his admiration of the structure and organisation of early African Societies in South Africa in which the land, he submitted, the then main means of production, *“belonged to the tribe”*

.There were no rich or poor, he said, and there was no exploitation.

He stated that he found himself in agreement with leaders like Gandhi, Nehru, Nkrumah, and Nasser who, in his view had accepted some form of socialism to enable the people to catch up with the advanced countries of the world and to overcome their legacy of extreme poverty.

However, he stated, the basic task at that time was the removal of race discrimination and the attainment of democratic rights on the basis of the Freedom Charter.

D. SOCIO-ECONOMIC RIGHTS

Mandela took the Prosecution to task for dismissing the hardships of the Africans as *“so-called hardships.”* Relying on statistical evidence, he sought to demonstrate that, actually, the struggle against Apartheid laws was a struggle against poverty, and for the restoration of human dignity to the masses of the people. Stating that these features [poverty and lack of dignity for his people] were so manifest that no one needed *“communist agitation”* to see evidence thereof, Mandela stated the position of the African in Apartheid society, as follows, in certain selected parts of his speech.:-

“South Africa is the richest country in Africa, and could be one of the richest countries in the world. But it is a land of extremes and remarkable contrasts. The whites enjoy what may well be the highest standard of living in the world, whilst Africans live in poverty and misery. Forty per cent of the Africans live in hopelessly overcrowded and, in some cases, drought-stricken reserves, where soil erosion and the overworking of the soil makes it impossible for them to live properly off the land. Thirty per cent are labourers, labour tenants, and squatters on white farms, and work and live under conditions

similar to those of the serfs of the Middle Ages. The other 30 per cent live in towns where they have developed economic and social habits which bring them closer in many respects to white standards. Yet most Africans, even in this group, are impoverished by low incomes and high cost of living.

The highest-paid and the most prosperous section of urban African life is in Johannesburg. Yet their actual position is desperate. The latest figures were given on 25 March 1964 by Mr. Carr, Manager of the Johannesburg Non-European Affairs Department. The poverty datum line for the average African family in Johannesburg (according to Mr. Carr's department) is R42.84 per month. He showed that the average monthly wage is R32.24 and that 46 per cent of all African families in Johannesburg do not earn enough to keep them going."

He carried on as follows:

"Poverty goes hand in hand with malnutrition and disease. The incidence of malnutrition and deficiency diseases is very high amongst Africans. Tuberculosis, pellagra, kwashiorkor, gastro-enteritis, and scurvy bring death and destruction of health. The incidence of infant mortality is one of the highest in the world. According to the Medical Officer of Health for Pretoria, tuberculosis kills forty people a day (almost all Africans), and in 1961 there were 58,491 new cases reported. These diseases not only destroy the vital organs of the body, but they result in retarded mental conditions and lack of initiative, and reduce powers of concentration. The secondary results of such conditions affect the whole community and the standard of work performed by African labourers.

The complaint of Africans, however, is not only that they are poor and the whites are rich, but that the laws which are made by the whites are designed to preserve this situation. There are two ways to break out of poverty. The first is by formal education, and the second is by the worker acquiring a greater skill at his work and thus higher wages. As far as Africans are concerned, both these avenues of advancement are deliberately curtailed by legislation.

The quality of education is also different. According to the Bantu Educational Journal, only 5,660 African children in the whole of South Africa passed their Junior Certificate in 1962, and in that year only 362 passed matric. This is presumably consistent with the policy of Bantu education about which the present Prime Minister said, during the debate on the Bantu Education Bill in 1953:

"When I have control of Native education I will reform it so that Natives will be taught from childhood to realize that equality with Europeans is not for them . . . People who believe in equality are not desirable teachers for Natives. When my Department controls Native education it will know for what class of higher

education a Native is fitted, and whether he will have a chance in life to use his knowledge.”

Poverty and the breakdown of family life have secondary effects. Children wander about the streets of the townships because they have no schools to go to, or no money to enable them to go to school, or no parents at home to see that they go to school, because both parents (if there be two) have to work to keep the family alive. This leads to a breakdown in moral standards, to an alarming rise in illegitimacy, and to growing violence which erupts not only politically, but everywhere. Life in the townships is dangerous. There is not a day that goes by without somebody being stabbed or assaulted. And violence is carried out of the townships in [to] the white living areas. People are afraid to walk alone in the streets after dark. Housebreakings and robberies are increasing, despite the fact that the death sentence can now be imposed for such offences. Death sentences cannot cure the festering sore.

Above all, we want equal political rights, because without them our disabilities will be permanent. I know this sounds revolutionary to the whites in this country, because the majority of voters will be Africans. This makes the white man fear democracy.

But this fear cannot be allowed to stand in the way of the only solution which will guarantee racial harmony and freedom for all. It is not true that the enfranchisement of all will result in racial domination. Political division, based on colour, is entirely artificial and, when it disappears, so will the domination of one colour group by another. The ANC has spent half a century fighting against racialism. When it triumphs it will not change that policy.

This then is what the ANC is fighting. Their struggle is a truly national one. It is a struggle of the African people, inspired by their own suffering and their own experience. It is a struggle for the right to live.

During my lifetime I have dedicated myself to this struggle of the African people. I have fought against white domination, and I have fought against black domination. I have cherished the ideal of a democratic and free society in which all persons live together in harmony and with equal opportunities. It is an ideal which I hope to live for and to achieve. But if needs be, it is an ideal for which I am prepared to die” .

Very profound words uttered half a century ago by a hero of our struggle who has refused to die, and is still with us in some state even as we are gathered here this evening.

E. **WHERE ARE WE NOW?**

Since those words were uttered, South Africa has since received formal political

freedom, and has taken its rightful place among the free nations of the world. Mandela led the ANC through a period of peaceful negotiations with the Apartheid Government, to a democracy that saw him installed as the very first democratically elected post-Apartheid President of a formal non-racial non-sexist democracy. In the odd two decades since 1994, and 50 years since he uttered the words I referred to hereinabove, Mandela's ANC can justifiably claim that the people of South Africa have been freed from the scourge of formal and institutionalised racism. Facilities that white South Africa took for granted, like water and electricity, especially in the rural areas, have become a demonstrable manifestation that change has come. The institutions of State in our society, from the National Assembly to the Judiciary to Chapter Nine institutions, have become symbols of pride because they are, and continue to be, manifestations of **representativity** in terms of race, gender and (dis)ability.

Through a carefully conceived and genuinely executed process of seeking to find truthful answers about the atrocities of the past, the country, through a process of promoting truth telling as an agent of ultimate reconciliation, went through a soul searching exercise about which there are still many opinions, mostly positive, about its outcome and gains and benefits. I refer here to the precedent setting Truth and Reconciliation Commission [TRC] from 1996 to 1998 (with the Amnesty hearings continuing until the process came to an end in 2003).

Indeed, we can all say we have never had it so good.

Though time and space will not permit me to catalogue the manifest gains of our new found freedom, and there are many, I do however have to deal specifically with those aspects of our society that Mandela assumed are prevalent in Apartheid capitalist South Africa when he appeared in the Rivonia trial fifty years ago.

As I have indicated hereinabove, we no longer have formal Apartheid. We have a democracy that has since become the envy of most countries in the developing world. We have a Constitution and a Constitutional Court that have become the leaders in the developed and developing world. We have rights and freedoms which the Constitution guarantees. The quality of the judgments which the Courts, especially the Constitutional Court, have been handing down in the protection and vindication of our peoples' rights and freedoms has attracted worldwide praise and admiration.

There is an argument, hopefully for another day, as to whether our Constitutional Court was correct in certifying as constitutional, the property clause [section 25 of the Constitution] that had the effect of freezing colonialist property relations, a legacy of the notorious 1913 Land Act which, divided the South African land area in such a way that 87% was under minority white control and only 13% was available for African occupation, even though Africans are in the majority. There are studies that have closely

examined the percentages, which have demonstrated that, in fact, less than 13%, in real and actual terms, is available to Africans, either for use or for ownership or both. By and large, though, the Constitutional Court has virtually revolutionised our jurisprudence in a highly progressive way. People and their rights are at the centre of our Courts' attention. Our people must be feeling freer than they ever were, hence they must have every reason to be worried when in this day and age, we have incidents like the Marikana massacre, and the Andries Tatane killing, all of which were captured in media footages that went viral throughout the world.

But it is to the issues that Mandela specifically mentioned from the dock in Rivonia that I want us to turn, in an endeavour to see how we have fared as a 20 year old democracy, come next year's elections. In his speech, Mandela complained that in Apartheid South Africa, absence or deficiency of education and health facilities for Africans were the twin contributors to poverty and lack of dignity.

Has our society made any strides in these aspects? Have we also put meaningful processes for the resolution of the land question, even though Mandela's fleeting references to the land issue in his statement may be dismissed by many as having been Utopian and a mere **romanticisation** of the African past?

In one lecture no one can do justice to an analysis that would be comprehensive in analysing the gains of, and setbacks, to our democracy, and this lecture does not pretend to seek to do so, nor can it do so. The examples, given herein below, are admittedly case studies, and are intended to awaken all of us, and to make us realise that the clouds are gathering. They are intended to be a wakeup call for all of us in an endeavour for us to save our democracy, and the gains made in it. They are, to the extent that they may be representative of what may be evidence of what is happening in the country generally, a clear message to all of us that as we complete the second decade of our democracy, we have very little to be complacent about.

One case study, in the area of education, is a serious indictment to the democratic Government which Mandela led from the 10th May 1994 as its very first post-Apartheid President.

Madelene Cronje, of the Mail and Guardian newspaper, wrote an article in early March this year under the heading: **FORGOTTEN SCHOOLS OF THE EASTERN CAPE LEFT TO ROT.**

She writes that *"the most disturbing part of the run-down, overcrowded classrooms in Eastern Cape schools was not the sight of pupils sitting on concrete blocks, or the long-drop toilets. It was the discovery that the pupils did not know how wronged they were.*

“The accelerated schools infrastructure development initiative (Asidi) is supposed to replace mud schools with proper facilities. It was created in response to court action brought by the LRC in 2009 against the Eastern Cape education department on behalf of seven mud schools and the Centre for Child Law.

The case was settled out of court. But of the 49 schools that Asidi put on its list to be replaced by March 2012, many might be near completion, but only 10 are finished and only two have been handed over to communities.

There are still more than 400 mud schools in the province. Some have received temporary container classrooms, but many do not appear to be on any government list or are not even classified as mud schools, such as Samson Senior Primary.”

She further describes the toilet area as a “stinking mess” but the girls, remarkably, seem to take it *STOICALLY*, one of them, *AYANDA MNDETYWA* saying, “it’s bad, but we are used to it. I mean, what option do we have?”

The attorney from the Legal Resources Centre in Court action after Court action for the vindication of the children’s right to dignity, education and so on, Mr McConnachie, she writes, tells Madalene

“I was horrified when I saw kids sitting on each other’s lap in overcrowded classrooms with no furniture.”

In a dramatic summary of the betrayal of the Mandela dream articulated so eloquently to Justice de Wet, Madelene writes that the dismal failure of meaningful education in that part of the country, a province of Mandela’s birth, is caused by a litany of procrastination and lies. I quote her hereinbelow in full:-

Procrastination and lies

In 2004, then-president Thabo Mbeki said: "By the end of this year, we shall ensure that there is no learner learning under a tree, [or in a] mud school ..."

In 2006, Mkhangelisi Matomela, then MEC for education in the Eastern Cape, said: "I'm confident we will eradicate mud schools in the next two financial years."

In 2007, then education minister Naledi Pandor said: "Fifty percent of the mud schools will be rebuilt between 2007 and 2009."

In 2008, Mahlubandile Qwase, then MEC for education in the Eastern Cape, said: "It is my plan that the eradication of mud schools must be fast-tracked in the 2010/11 financial year."

In 2011, Basic Education Minister Angie Motshekga said: "By 2014, we will have eradicated all mud schools in the province", and in 2013 she said: "By 2015, in terms of mud schools, we should be done." — Compiled by Equal Education

THE INDIGNITY OF THE ABSENCE OF AN ADEQUATE HEALTH CARE SYSTEM

On health facilities generally, in one report, Sister SYLVIA HORNER is reported to have said the following, on being asked to phone an ambulance

“Phone an ambulance? My dear, phoning an ambulance doesn’t even cross my mind. In my seven years at PILANI CLINIC, I have never seen an ambulance at this clinic.”

This is a clinic, the report says, where Vaccines for children and common medicines for treating conditions such as diabetes, high blood pressure and pain are often out of stock. Horner uses the local shop owner’s fridge to keep temperature-sensitive medicine in his fridge. She walks to the ARV depot herself in order to fetch medicine. Patients referred to the local, CANZIBE hospital, depend on TWO Dutch doctors for their health. But, so the report goes, CANZIBE HOSPITAL serves 11 clinics. 80-100 patients can be found in the outpatients department alone every day, apart from the 80 INPATIENTS. Since there are only 2 doctors, they can only go to see the sickest of the patients.

On child mortality, again one needs merely state that in an article published in Business Day Live by Helmo Preuss, 14 SEPTEMBER 2012, South Africa’s Child mortality rate (for those under 5 years) has dropped from 74 per 1000 in 2000 to 47 in 2011.

In Botswana (not as rich as SOUTH AFRICA), the rate is 26 per 1000 and yet in 2000, it was 81 per 1000 which demonstrates that SA can well bring its child mortality rate down below 20 by 2035.

BUT why would it have to take THAT long in any event? When will we ever reach SINGAPORE’s rate of 2,6 per 1000?

CONCLUSION

I would have loved to say something about land. MANDELA, from the dock, made a fleeting remark about it. The Freedom Charter, is quite explicit about what it calls the robbery (by colonialism³ no doubt) of the people of “their birthright -- LAND -- by a form of government founded on injustice and inequality.

Land is a serious subject that cannot be done justice to in a lecture of this kind. It is a topic all of its own.

I will merely, on this aspect recall, what a British journalist John Pilger, has

³ See DEATH AND DYING in the EASTERN CAPE: An investigation into the collapse of a health system, a production by the Treatment Action Campaign and Section 27

forebodingly written in his book **FREEDOM NEXT TIME**. He speaks, in a Chapter headed **Apartheid did not die**, through Father Desmond Cosmas, on the inequalities that have been frozen by the Property Clause in the South African Constitution. Father Cosmas, we will recall, is the author of the book, **THE DISCARDED PEOPLE** in which he described a Bantustan area called Limehill which the Apartheid order used as a dumping place (like DIMBAZA in the Eastern Cape), where people died from diseases like gastro-enteritis alone.

Pilger, years after Apartheid was formally abolished, reconnected with Father Cosmas who, Pilger tells us had the following to say, relevant to land:-

“The ANC constitution says that land restitution must date from the Land Act of 1913, which took away most of South Africa from the majority of its people and gave it to whites. Blacks were allotted just 7 per cent of all agricultural land – in a country where barely 13 per cent was arable. Another 6 per cent was added in 1936. White farmers then held more than 86 per cent of farmland. In the first decade of democracy, less than 4 per cent of white-owned agricultural land was given back. ‘What the constitution did was entrench the right to private property,’ said Cosmas. ‘Those owning the land were given the right to hand it on, to sell it or to hold on to it. Blacks have the right to buy land, but they have to find someone willing to sell it to them, quite apart from having to find the money. That means that fewer than sixty thousand white farmers continue to own the country’s best land. Actually most of them don’t really own it, because their properties are mortgaged to the Land Bank, which is basically the government. If the government foreclosed on them, the land would be handed over. But the government says, No, we need these people to produce ... In fact, most of our agriculture comes from just three per cent of arable land, which is owned by a tiny group of extremely wealthy white commercial farmers. That’s how the system was under apartheid, leaving rural blacks imprisoned in poverty.’

From the Rivonia trial dock MANDELA talked about the indignity of poverty. He desired a government system that would eradicate poverty, a Government that would deliver some form of socialism, one which would deliver a society free from poverty and exploitation. It is something that he stated he was prepared to DIE for. The cynics amongst us might say that is the reason he is still holding on, not departing because the dream he had about our democracy would appear to be deferred.

Let me end by asking ALL of us to reflect on the meaning of the following quotation which John Pilger attributes to Mandela. No context is provided as to when Mandela allegedly said what Pilger attributes to him, why, where and what was intended to be conveyed to whomsoever it was being addressed. Could it have been in a moment of disillusionment at the way things were going in our democracy? Could it have been in reflecting about the Rivonia Trial, and seeking to ask what it was ALL for?

Pilger does not say, nor can we now, regrettably, go and ask Mandela for answers.

Pilger just puts this quotation there and it reads:

“If the ANC does not deliver the goods, the people must do to it what they have done to the Apartheid regime”

NELSON MANDELA

We have been warned. Our democracy must go back to basics. “What was it all for?” is clearly one of the questions we must ask ourselves as we approach the 2014 elections.