

Global Issues **IN CONTEXT**

Perspectives on International News and Events

ISSUE OVERVIEW: Apartheid

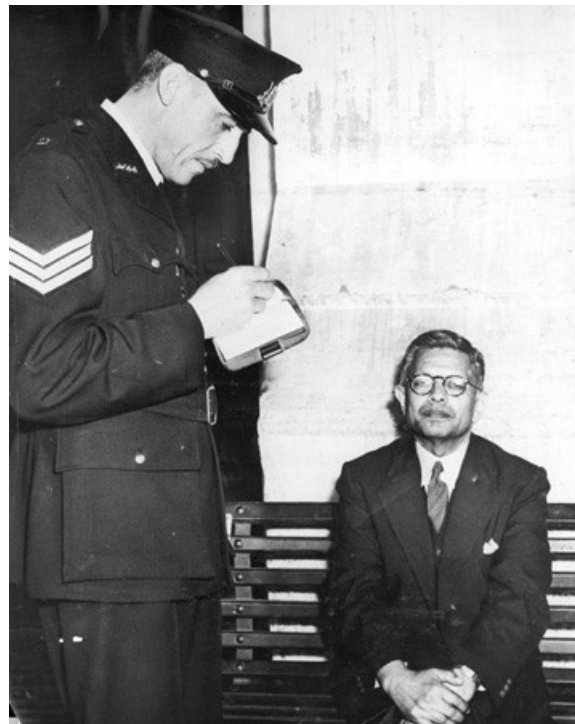
In 1994 the African National Congress (ANC) took over the government of South Africa, officially ending apartheid, the country's policy of racial segregation. The ANC instituted nationwide reforms to promote equality, civil rights, and economic prosperity for all South Africans and in the years that followed many advances were made. The legacy of racism, though, remained firmly entrenched in the nation's economy. In the first decade of the twenty-first century, the majority of black South Africans were as poor, or poorer, than they had been under apartheid policies.

Apartheid was the official government policy in South Africa from 1948 to 1994. During that time, the white South African government passed a number of laws that deprived blacks, coloreds (people of mixed ancestry), and Asians of basic rights-taking away their property and political rights and restricting their movement and activities. Many black South Africans were moved to reserves called homelands, where they were expected to develop their own self-governing societies. But the homelands consisted of poor quality lands with insufficient resources, and residents lived in extreme poverty.

The adoption of a new constitution in 1996 gave equal rights to all South Africans, but most of the nation's wealth and property was in the possession of the white population. In an attempt to compensate people who had been forced from their homelands during apartheid, the new government promised to carry out a policy of land redistribution that would eventually give some white-owned lands to black South Africans. Fearing racial conflict, though, the ANC decided not to seize land forcibly from whites, vowing to appropriate it only through negotiation. Almost no land redistribution occurred under this policy. According to the Southern African Regional Poverty Network, 96 percent of South Africa's farmland was still owned by whites in 2007.

Education had been strictly segregated during apartheid, with spending on white students ten times higher than for black students. When apartheid ended, whites, with more training and education than blacks, continued to dominate in the post-apartheid business world. Inferior education was a factor in the chronic unemployment experienced among poor blacks in the post-apartheid era, despite South Africa's economic growth.

Analyses at the end of 2007 showed South Africa's unemployment rate at 40 percent. In the ever-widening gap between the poor and the wealthy, the wealthiest 20 percent of South Africans earned approximately 65 percent of the nation's total



Manila L. Gandhi, second son of Mohandas Gandhi, is informed by a police sergeant that a summons will be issued against him for sitting on a bench reserved "For Europeans Only" at the main railway station in Durban, South Africa in 1951. Gandhi was protesting the South African government's apartheid law, which advocated segregation in public areas, classifying seating areas for "Non-Europeans" and "Europeans."

income, while the poorest 20 percent earned only about 3 percent. More than half of South African households lived in poverty in 2008 and the overwhelming majority of the poor were black. The rate of poverty was actually worse than it had been under apartheid.

The economy perpetuated racial segregation in important ways. Because few South African blacks could afford to live in them, wealthy suburbs remained mostly white in 2008, and many poor blacks continued to live in black townships. Though many of South Africa's universities had enrolled black majorities by the twenty-first century—a hopeful sign for the future—some university living quarters had remained segregated. Black students were the victims of racist threats and ostracization in several highly publicized incidents. Despite advances, the nation remained divided into two societies, one wealthy and mostly white, and the other poor and mostly black.

PERSPECTIVES

- **“Apartheid’s Gone but Poverty Remains: South Africa I”**

The political climate in post-apartheid South Africa

Redistribution of land and property was slow in post-apartheid South Africa, leaving nearly half of the country’s population desperately poor, living in difficult conditions, and without resources to advance. In the twenty-first century, a decade after the apartheid system had been eliminated, a grass roots political movement was growing in the country, with aims to bring relief to the poor and hasten property redistribution.

The following article was written prior to the December 18, 2007, election of Jacob Zuma (1942) as president of the African National Congress, South Africa’s leading party.

Byline: Ian Bremmer

NEW YORK—Once upon a time, South Africa appeared headed for a bloodbath. Many believed that apartheid could never be peacefully dismantled and that the country was destined for violent chaos. In the end, Nelson Mandela’s visionary leadership proved them wrong.

But 12 years later, black unemployment remains as high as 40 percent, the wealth gap between whites and blacks persists, and efforts to tackle widespread poverty have generated only frustration. We’re used to thinking of South Africa as a success story and sometimes forget that its post-apartheid transition remains unfinished. If its government can’t show more progress soon, South Africa may well be headed for trouble.

When the African National Congress assumed power in 1994, it pledged to right a historical wrong by redistributing 30 percent of white-owned land to black South Africans, whom apartheid had forced from their ancestral homelands, by 2014. To reassure white South Africans and prevent capital flight, the ANC promised that market prices would be paid and that redistribution would be gradual.

But a dozen years into the 20-year plan, only 4 percent of the land has been sold. Populist politicians have begun to score points at the government’s expense by insisting that today’s ANC exists only to enrich its friends among the black elite and to protect white interests.

On Aug. 11, the government responded Agriculture and Land Affairs Minister Lulu Xingwana announced that the white owners of 350 farms had six months to strike deals with the government for the sale of their property. Should they refuse, Xingwana warned, they would be paid a fair price (as determined by the government) and the land would be seized. Angry white landowners have denounced the plan. The government hopes to settle nearly 7,000 rural land claims by December 2008, just weeks before the next

presidential election. Controversies over land redistribution in southern Africa ring alarm bells, primarily because of what has happened in neighboring Zimbabwe.

Like Nelson Mandela, President Robert Mugabe of Zimbabwe was once considered an icon of moderation. In 1980, he helped bring down Ian Smith's oppressive white-led regime and embarked on gradual change from white to black dominance of the economy.

By the late 1990s, however, Mugabe's inability to reduce unemployment and lift millions of black Zimbabweans from poverty threatened the survival of his government. He adopted state expropriation of white-owned land as a means to rebuild his popularity.

The policy has proven disastrous for Zimbabwe. Experienced farmers fled; some of new owners had little idea how to cultivate it. The economy, once among Africa's strongest, contracted by more than 30 percent.

The nullification of property rights drove investors from Zimbabwe in droves. Inflation spiraled. The stock market plummeted. More than a million Zimbabweans now live as refugees in neighboring states. Zimbabwe's economy lies in ruins.

South Africa is unlikely to follow Mugabe's disastrous path. But the new pressure on white landowners reveals the political tensions simmering just beneath the surface of South African politics.



Nelson Mandela, former president of South Africa, arrives for President Thabo Mbeki's swearing-in ceremony for a second and final term, April 27, 2004, at the Union Buildings in Pretoria, South Africa, as the country celebrates the tenth anniversary of the end of apartheid.

When Nelson Mandela was elected president in 1994, he enjoyed more political faith and credit with his people than any other leader in the world. Most South Africans were ready to accept temporary hardship to demonstrate that a black-led government could survive and win international respect.

The current president, Thabo Mbeki, who succeeded Mandela in 1999, enjoys less political capital than his predecessor, but his own apartheid-era credentials have allowed him to stay the course that Mandela set with a minimum of organized resistance.

Mbeki's second and final term will end in April 2009. The battle to succeed him has already begun, and the problems of poverty, unemployment, the wealth gap and the slow pace of land redistribution may well form the basis of the campaign debate.

Since 1994, the ANC has led a governing alliance that includes the Congress of South African Trade Unions and the South African Communist Party. But as populist pressures grow to finally tackle the problems that have forced millions of black South Africans to defer their dreams of prosperity, the ANC's partners have begun to openly challenge its leadership. The Communists have formally raised the possibility of running independent candidates against the ANC. The trade union congress openly supports Mbeki's rival, Jacob Zuma, a former deputy president.

The next presidential election is still more than two years away, but the ANC will choose a new party leader in December 2007. The winner of that race will be in prime position to succeed Mbeki as president.

An ongoing corruption probe of officials at the highest levels of government reveals much about the political infighting that is now well under way and its implications for South Africa's future.

Mbeki sacked Zuma a darling of ANC leftists, Communists and the trade unions in June 2005, after allegations that he had accepted bribes from a French arms dealer. His trial, now in recess, is set to resume Sept. 5. Some of Zuma's supporters say the accusations were politically motivated.

South Africa and those who have invested in its success have a lot at stake as the campaign to choose Mbeki's successor begins. Media attention will focus on Zuma, the outcome of his trial, his chances of winning the party leadership next December, and other emerging candidates.

It's too early to say that post-apartheid South Africa is no longer a success story. But public patience with efforts to improve the lives of South Africa's majority is running out. The next president will face considerable pressure from the left to deliver on the ANC's unfulfilled promises and he will lack the political capital that Mandela and Mbeki have enjoyed.

Ian Bremmer is president of Eurasia Group, a political risk consultancy.

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- **"Apartheid Returns to Haunt Country"**

Perspective from Harare, Zimbabwe, on the 2008 anti-immigrant violence in South Africa.

On May 11, 2008, anti-immigrant riots in several South African shanty towns left at least fifty-nine people dead and drove thousands from their homes. The violence was worst around Johannesburg, where poor South Africans have blamed foreigners for the city's high unemployment and crime levels. In the perspective below, Sifelani Tsiko argues that the hostilities are a lingering product of the apartheid system.

Byline: Sifelani Tsiko

Harare, May 27, 2008 (The Herald/All Africa Global Media via COMTEX) .—The legacy of skewed economic and social apartheid policies came full circle to haunt South Africa recently following a wave of ill-treatment and violent malpractices on foreigners mainly in black townships which have suffered decades of neglect and marginalisation.

Growing poverty and unemployment levels buffeted by decades of skewed apartheid policies forced South Africans to explode and vent their frustrations on foreigners, particularly Zimbabweans, Malawians, Mozambicans, Somalis, Nigerians and other nationals.

These foreigners were targeted by mobs carrying machetes and guns in some of Johannesburg's poorest areas over the past two weeks in a new wave of violence that has led to the death of more than 40 people, displaced more than 3 000 others who were left destitute.

More than 500 people have sought refuge at police stations in Johannesburg, Red Cross centres as well as diplomatic missions inside South Africa.

The attacks are spreading like veldfire in most poor townships and the police are being overwhelmed, pushing back South Africa into the horrible days of apartheid.

On the surface of this latest wave of violence, angry South Africans accused foreigners of taking up scarce jobs and housing.

The Western media and the white-dominated media inside South Africa are apparently mum on the damaging effects of apartheid policies which deprived the majority of black Africans of decent jobs, education, housing and dignity.

It is of major concern that the powerful international media and their sidekicks, the white-dominated South African Press, are harping on this latest wave of violence and feeding the world with stereotypes that read: "Look at this black government that is mismanaging the economy." This in many ways means that black people cannot run governments and create jobs for their own people.

The racist and simplistic message is: "Thabo Mbeki has failed, chuck him out." Deeper analysis of the skewed apartheid economic policies which benefited the white minority immensely and even up to now is carefully and tactically tucked underneath the carpet. No one should remember or unearth this embarrassing episode of South African history.

During the apartheid era, cheap labour was sourced from Zimbabwe, Zambia, Malawi, Botswana, Angola, the Democratic Republic of Congo, Mozambique, Namibia and other countries in Africa. The massive capital accumulated by the apartheid regime and the US and British multinationals was used to build the highly developed South African economy we see today.

The affluent white community is still enjoying the benefits resulting from this massive capital accumulation through good housing (suburban areas went largely unscathed in this latest implosion), well-funded schools, highly capitalised businesses, access to good health facilities and a whole cafeteria of benefits. On the contrary, countries which provided South Africa with cheap labour never benefited much from the capital accumulated.

The huge disparity in terms of economic and social development between South Africa and its neighbours is all clear for all to see. South Africa was built on the sweat of black labour from all the neighbouring countries within the Southern African Development Community configuration.

Thousands of black people from this region died in South African mines without any form of compensation or even notification of relatives. Some were maimed or injured in mines all without any form of redress. The white community thrived at the expense of blacks, both inside and those coming from outside.

Blacks inside South Africa, too, never enjoyed the benefits coming with a booming economy arising out of gold and diamond mining. They were forced to live in "match box" houses, forced to learn in schools with no adequate learning materials and this meant that without meaningful education, they would get inferior jobs.

While apartheid was raging on, other neighbouring countries got independent and immediately rolled out education policies that widened education to the majority of their people. Countries like Zimbabwe, Zambia and Malawi churned out skilled manpower which could secure jobs in these countries and was forced to trek down south.

So these nationals got the jobs while the disadvantaged South Africans were left out of the tough race for jobs. Most of the foreigners, too, had developed skills to run businesses while a handful of South African blacks were able to do so.

Skewed apartheid development policies left the entire Southern African sub-continent which fed South Africa with cheap labour largely under-developed. So today, most people in the region survive through cross-border trade and other menial jobs they get on part-time basis in South Africa. Professionals have flocked to South Africa in search of better conditions but in the process inciting the wrath of locals. So this scenario (conflict) has been simmering for decades. This huge development gap between South Africa and its neighbours is largely to blame for this sudden explosion of tempers. Ill-treatment of

foreigners has been going on for some time and the temperatures reached boiling point two weeks back when violence erupted in a poor township called Alexandra.

President Mbeki's government has no resources to address all the symptoms of apartheid which were left unattended for decades by the white apartheid regime. So it is important for the media to strike a balance and also bring in the historical perspective of the implosion.

The violence has been roundly condemned by politicians and human rights groups.

"Communities that are in South Africa for work must be treated humanely, if they become involved in criminal cases, they must be subject to trial by competent and impartial courts," one social analyst remarked.

Says a University of Zimbabwe political analyst: "South Africa and Botswana have registered positive economic growth from the exploitation of cheap labour from countries in the region."

"Without labour from Malawi, Zambia, Angola and Zimbabwe, South Africa wouldn't be what it is today." He suggested that stronger economies in the region should move to support weaker neighbours through relaxation of trade and labour regulations.

"Most people in the region survive through cross-border trade and other menial jobs they get on part-time," he says. "Closing all avenues for trade and employment will not lead us anywhere. Look at what countries in the European Union are doing. We have to move towards that."

Illegal migration has become a hot topic in the region and growing hatred and ignorance about the rights and realities of migrants has blighted human rights records for the region's two richest countries which boast about democracy.

Analysts cite economic recession, poor investments, unemployment and search for better living standards as the major reason for migration.

Until economies in Zimbabwe, Malawi, Zambia and Mozambique improve Botswana and South Africa will have to contend with frustrations of having to deport someone today only for them to return two or three days later.

It's a vicious cycle

While I do not condone acts of violence against foreigners, it is only proper for the mainstream Western media to see the brutal and skewed apartheid policies as the major cause for the explosion of hate rather than the superficial "violence sells" reports we are being fed today.

They can, in addition to this, also bring in similar challenges facing other regions of the world and make useful comparisons that can aid the understanding of global migration.

Migration is both a complex issue for analysis and serious probe. According to the International Labour Organisation, it is difficult to give an accurate number of migrants seeking employment opportunities worldwide.

But it estimates that migrants for employment accounted for 90 million people living legally and illegally in a country other than theirs.

A study carried out by the United Nations in 218 countries showed that in 1965 there were 75 million people living outside their country of origin or both.

The figure increased to 120 million people in 1990. In 1997 the figure was estimated to have hit 140 million. When apartheid's contribution to this crisis is worked out and other important comparison made,

policymakers and people in general can draw useful lessons that can help reduce what the Western world calls xenophobia.

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<<http://find.galegroup.com/ips/start.do?prodId=IPS>>.

- **“Emergence of a People’s Champion: Barely Fourteen Years Ago, Millions of South Africa’s Downtrodden Black People Won Their Fight against Inequality and Discrimination. It’s Happening All over Again.”**

A perspective from African Business on the impact of Jacob Zuma’s election as head of South Africa’s ANC.

On December 18, 2007, South Africa’s ruling African National Congress (ANC) elected former deputy president Jacob Zuma (1942) as its leader, making him the likely successor to President Thabo Mbeki (1942) in 2009. In the following editorial, writer Tom Nevin argues that the election signals a major change from South African politics that may have perpetuated some of the inequities of apartheid.

In a week in December that reshaped politics and ideology, South Africa set itself firmly on an African course that abandons any pretence of first worldliness. It is back to grassroots people-power where the masses rule.

On the way out is government by the elite and intellectuals, its end pronounced by a strong swing to the left that upended Thabo Mbeki’s leadership of the ruling African National Congress party and relegated most of his confidantes to the bottom of the party leadership heap.

For many, apartheid had been replaced with an economic separateness in which a few lucky political favourites grew fabulously wealthy while the number of miserably poor multiplied. The blow delivered by the vote was deadly and decisive. Nothing would be as it was.

Tumult followed tempest in a stormy second week that saw the new ANC party president being served with a summons to face 16 corruption, fraud and racketeering charges in a court hearing set down for August this year.

It was a bombshell few expected, most believing the decision to prosecute would be put on hold for at least a few months into the New Year. It created a flashpoint that was only defused by high-level intervention.

Zuma’s main sponsors in his leadership crusade, the ANC Youth League (ANCYL) and the Cosatu labour movement, were outraged at the National Prosecuting Authority’s (NPA) decision to indict him. Cosatu’s leader in KwaZulu-Natal province, Zet Luziphohle, accused the NPA of “following a political agenda”, saying Cosatu would not be responsible for “people’s consequent actions”. He warned that blood would be spilt in the courtrooms because of the NPA’s decision. The Cosatu leadership quickly stepped in to defuse Luziphohle’s explosive assertions, and issued the assurance that Cosatu members “will not resort to violence”.

“It is within our tradition to address issues peacefully,” said senior Cosatu official Patrick Craven. “Our members won’t be violent.”

The NPA rejected claims that it was being used for political ends. “We are aware of claims that the NPA is being misused to advance the political and other objectives of certain individuals,” announced spokesman Tlali Tlali. “This is not so. The decision to prosecute Jacob Zuma has been made by the NPA alone.” It was a tense moment and illustrated for South Africa how tautly the tightrope was stretched.

The restructured party's first day at the office was on 8 January, and the priority order of business was to elect the powerful National Working Committee (NWC) to steer the organisation. As expected, the key men and women were handpicked by Zuma and reflect his left of centre political spectrum and signal the socialist path along which he will take the country. Defeated President Thabo Mbeki did not attend the session.

Key business at the NWC's closed sessions centred on Zuma's upcoming corruption trial, deciding on strategy to deal with possible clashes between party and state centres of power and the selection of committees to recommend new direction for tackling HIV/Aids, joblessness, continued economic inequality and housing and healthcare non-delivery, amongst other issues.

Bring me my machine-gun

In the end, it was always about change, both in political style and substance. Zuma's signature tune "uMshini Wami" (Bring Me My Machinegun) is the most popular song in South Africa. Most know the words by heart. It recalls Zuma's days as head of intelligence in the ANC's external guerrilla training camps and typifies his hero status with the people. Starkly in contrast is the way Mbeki delivers his speeches, with quotations and poems from great writers. Noted one delegate after Zuma's speech: "I've never been able to understand any of Mbeki's speeches, but I understood Zuma's speech today easily." And that's because Zuma uses the vernacular of the township streets where hardship sets its own language. If the ANC's balloting members had misgivings about the criminal charges hanging over Zuma's head and his recent trial on charges of rape, of which he was acquitted, they had little impact on the outcome of the vote.

Grinding poverty, the widening gap between rich and poor, dismal social delivery and unemployment mattered more to South Africa's millions of have-nots than allegations of misbehaviour around a hero perceived to have the power and the will to make a difference. A champion of the masses had emerged and the party's rank and file was quick and eager to hoist him on their shoulders.

Thabo Mbeki, on the other hand, was never a man of the people. He was born to the manor and grew up in a place of privilege, the son of ANC icons, a party blue-blood whose ascension to the highest position was never in doubt. Because of such an accident of birth, he viewed his fellow South Africans from a lofty perch and was perceived just as distant by the proletariat over which he ruled, and who held his fate in their hands.

Mbeki's mother, 91-year-old Epainette, says her son lost the party leadership because his intelligence is intimidating. "It's all because ordinary people cannot reach up to him and he won't come down to them," she maintains. She predicts that the hostility between the two factions in the ANC will increase in the next 24 months and that anarchy is imminent. It was understandable for Mbeki to feel secure in the months running up to the conference, because nobody told him anything different. It was also reasonable for him to have little more than niggling doubts that his rival might have more firepower than was generally supposed. He wasn't overly worried when preliminary balloting signified a strong swing to the left. He showed little more than pique when the women's movement came out in support of Zuma, only months after he beat a rape charge, in the process demonstrating distinct misogyny.

The signs were there, but Mbeki failed to see them, said one Mbeki confidante after the voting. In other words, he failed to hear the critical message that he did not have an inalienable right to rule and neglected to account to the people who confer the power to lead.

"The lesson is simple," says business leader Kaizer Nyatumba. "Get drunk with a sense of self-importance and look down upon the rank and file members who put you in that position of power, and you are history. The people will take that power back and cut you down to size. Democracy means the will of the people, not the will of the elite."

The first challenge to the Zuma party presidency will be to hold the loyalty of tripartite partners Cosatu and the communist party. Their support in ousting Mbeki did not come without strings, the most binding of which will be a leftward shift in economic policy.

Rule by non-consensus politics

South Africa now faces some 15 months of political grind and uncertainty as government and party go to war with one another. Between now and the general elections due in mid-2009, two conflicting ideological centres of power will rule the country as President Thabo Mbeki sees out the final months of his 10 years as national head and the new ANC leader Jacob Zuma stamps his authority on the party and calls the shots on important policy issues. To all intents and purposes Mbeki is now a presidential 'lame duck', but he has promised not to go quietly, already flexing defiant administrative muscle in national matters.

Zuma does not necessarily have to wait out Mbeki's reign. One extreme course would be for the Zuma faction to call a parliamentary vote of no-confidence in Mbeki. Zuma will have to check on the numbers, but on the surface it seems such an action would succeed, even if the opposition parties sided with Mbeki. Zuma could use the same majority in parliament to force through new left-leaning legislation, while Mbeki could frustrate their passage by not signing them into law.

For South Africans it is like trying to make sense of an ever-changing kaleidoscope. There is little prospect of a quick conclusion or settled political landscape anytime soon.

As the headline writers are saying "You ANC nothing yet!". If nothing else, South Africans can look forward to an interesting 2008.

Sidebar from original article: Regional

"The Kenya disconnection"

Only the foolhardy would pronounce on the African political psyche in certain terms. As tensions simmered, boiling up with each new revelation, South Africans looked nervously northward as the aftermath of Kenya's presidential election descended into ethnic violence.

By comparison, however, South Africa was a haven of peacefulness. Although South Africa is home to at least 10 tribal groupings, with Three of them—the Xhosa, Zulu and Sotho/Tswana—predominant, politics has been influenced only marginally by ethnic allegiance.

Zuma, for example, is a Zulu at the head of a party whose Xhosa members are in the majority. Traditionally, Zulus are members of the Inkatha Freedom Party led by royal-blooded Zulu Chief Mangosutho Buthelezi. However, in the course of South Africa's democratisation, the ANC found favour amongst urban Zulus and the party now runs most towns and cities in the province as well as the provincial government.

In another departure from latter-day Kenyan politics, the South African balloting process is regarded by the vast majority as free and fair with an independent electoral body keeping close tabs on electoral procedure and vote counting.

Some charges of vote-rigging and ballot-buying surfaced after Zuma's victory at Polokwane, but held more sour grapes than substance and were largely discounted.

Mindful of investor nervousness, Zuma has been at pains to assure capital markets at home and abroad that he intends no major financial or economic shocks and that "business as usual" will be the order of the day. On the political home front, however, the air is still thick with inter-party suspicion and tension and the arms-length attitude with which ANC party rivals regard one another will not ease until the national presidency is resolved. When that happens will depend on the politics that will be brought into play in the months ahead.

Sidebar from original article: Policy

Signposts from the edge

South African's favourite topic of conversation these days generally begins with "what if ..." and ponders the ramifications of a Zuma national presidency.

The economy

The aftermath of Polokwane has left South Africa with two centres of power. One is a newly-emerged socialism driven by Jacob Zuma as head of the governing party supported by leading labour leaders and communists, and the other is the neoconservative ruling incumbent led by Thabo Mbeki with the backing of much-weakened acolytes in the pro-capitalist ranks. And while both sides of the party political divide say they will abide by current economic policy, much more will hinge on their interpretation now under intense ideological dissection.

Rolling heads?

No one says so out loud, but the perception is that Mbeki's coterie of economic managers, such as finance minister Trevor Manuel, Reserve Bank governor Tito Mboweni and trade and industry minister Mandisi Mphahlele, would be out in the cold under a Zuma administration. There are many candidates willing to step into such shoes, but the question most asked is whether they would be cronies of the new leadership or selected on fitness for the job.

Interest rate increases

Undoubtedly, and probably unwittingly, Reserve Bank governor Tito Mboweni helped hand Mbeki's scalp to Jacob Zuma. In defiance of labour's pleas not to hike interest rates just before Christmas, Mboweni went ahead anyway, dismissing the Left's contention that the poor would be the big losers. The new party leadership has already promised to investigate the merits of inflation rate targeting.

"It is not about inflation targeting for the sake of it (as an indicator for setting interest rates); it is about how these things slot into the bigger picture," says Jeremy Cronin, the SACP's deputy general secretary, in a clear reference that the new order expects more creative and wider ranging economic fixes.

Nationalisation

In the months leading up to the balloting and in the immediate aftermath, calls emanated from Zuma's support ranks for the nationalisation of such private sector organisations as Mittal Steel and the Sasol oil-from-coal conglomerate.

As the parastatal Iron and Steel Corporation, Mittal was sold to the Indian magnate under Mbeki's watch, while Sasol was hived off to the private sector by the apartheid regime. Both are immensely profitable and are amongst South Africa's biggest privately-owned companies which, in the view of Zuma's proponents, should revert back to ownership by the people.

Payback

In his dizzy ascent to the top party job, Zuma handed out IOUs by the handful and each will be presented for payback in the course of the months ahead. Beneficiaries include the ANC Youth League (ANCYL), the Cosatu labour movement, the South African Communist Party (SACP) and the ANC Women's League. Some such promissory notes may be held in the hope that he will become national president in 2009, in which case the marker would rocket in value. In a thinly veiled warning, the Youth League publicly reminded Zuma that they had brought Thabo Mbeki to power and now had stripped him of it. The ANCYL, the Communist Party and Cosatu are now demanding an alliance-led government in place of Mbeki's government-led alliance. Zuma has already promised that a Tripartite Alliance summit will be held in the first quarter of 2008.

It will be a tense encounter and Zuma will have to deal with the outcome in a compromise with Mbeki's presidency that still has a year and a half to run.

HIV/Aids

"We must live up to our promises and build a caring society that does not discriminate against those living with HIV/Aids," Zuma said in his victory speech, a pointed stab at Mbeki's denialist attitude to the disease and the bumbling of his health minister. Since the scourge affects the poor almost exclusively, a Zuma administration would attach more money and effort into combatting it.

Zimbabwe

President Mugabe beat Libya's Muammar Ghaddafi by a whisker to be the first African leader to congratulate Jacob Zuma on his victory, and was immediately rewarded with an assurance that South Africa would not move away from Mbeki's course of "quiet diplomacy" in dealing with the Zimbabwe crisis.

Zuma's corruption charges and the Mbeki sanction

Should Zuma be convicted of the charges against him, a fascinating scenario presents itself. If convicted he would not be eligible for the presidency and his only recourse would be to seek a presidential pardon from Thabo Mbeki. Should Mbeki grant the pardon, Zuma's slate would be wiped clean opening his way to the presidency. The question everyone is asking is what would Mbeki do in such an eventuality? Only the brave and foolish would hazard a guess.

Source Citation: Nevin, Tom. "Emergence of a people's champion: barely 14 years ago, millions of South Africa's downtrodden black people won their fight against inequality and discrimination. It's happening all over again. Associate editor Tom Nevin analyses the impact of Jacob Zuma's victory in the ANC elections in December.(South Africa)." *African Business* 339 (Feb 2008): 46(4). Global Issues in Context Journals. Gale. Global Issues in Context. 21 July 2008 <<http://find.galegroup.com/ips/start.do?prodId=IPS>>.

- **"U.S. High Court Allows Apartheid Claims Against Multinationals"**

Will companies pay a price for doing business with apartheid South Africa

In 2002, the Khulumani Support Group, representing thousands of South Africans hurt by apartheid, filed a lawsuit in the New York District Court demanding reparations from banks and corporations - including IBM, General Motors, Exxon Mobil, J.P Morgan Chase, Citigroup, and Ford Motor Company - claiming these companies aided and abetted the apartheid government of South Africa from 1948 to 1994. The case made its way through the federal courts, and, in 2008, the Supreme Court upheld the federal court ruling that the companies could be sued in a U.S. court for an international human rights violation. In the following Christian Science Monitor feature, writer Warren Richey examines the controversial ruling.

Byline: Warren Richey - Staff writer of *The Christian Science Monitor*

The US Supreme Court has affirmed a lower court ruling that multinational companies can be sued in a US court for allegedly aiding and abetting the former apartheid government in South Africa.

The high court announced Monday that it could not hear a case involving 11 consolidated lawsuits against more than 50 international corporations. Four justices recused themselves from consideration of the case apparently due to potential conflict, leaving only a five-justice court to consider whether to take up the suit.

In a brief order, the court said it lacked the necessary quorum.

"Since a majority of the qualified justices are of the opinion that the case cannot be heard and determined in the next term of the court, the judgment [of the lower court] is affirmed," the unsigned order says.



[Global Issues in Context —Apartheid Portal Contents](#)

Women sing and dance at the announcement of a lawsuit against international banks and companies in Johannesburg, South Africa, November 12, 2002. A South African support group for victims of apartheid filed the suit in U.S. Federal Court in New York seeking damages from organizations that supported the past regime.

The action returns the massive case to a federal district judge to hash out an array of additional legal issues. And it guarantees another round of extensive, high-stakes litigation over the use of American courts to enforce international human rights standards.

The plaintiffs are South African residents who suffered under the racist regime from 1948 to 1994. At one point in the litigation they reportedly sought \$400 billion in damages, not from the South African government or its former officials but from companies that did business in South Africa during that time period.

The suit is being brought under the Alien Tort Statute, which permits individuals to sue in American courts for certain violations of international law.

The core allegation is that the corporations actively and willingly collaborated with the South African government to perpetuate the repressive, race-based system of apartheid.

The corporations deny the charge and are urging the courts to dismiss the case.

"None of the plaintiffs' many complaints and amended complaints alleges that [the companies] took specific steps for the purpose of furthering apartheid," wrote lawyer Francis Barron in his brief on behalf of the corporations.

He said the companies are being sued for merely doing business in South Africa at a time when the United States and other nations encouraged a policy of commercial engagement with South Africa. The suit is opposed by the South African government as well as the governments of the United States, the United Kingdom, Germany, and Switzerland.

Apartheid was dismantled in a series of steps from 1990 to 1994 and replaced by an elected, democratic government.

The legal action runs counter to the approach adopted by South Africa's new government to deal with the country's violent and controversial past. The new government embraced a process of "reconciliation and reconstruction," rather than a version of victors' justice.

Mr. Barron's brief quotes South Africa's Minister of Education saying: "South Africa must settle this issue for itself and does not need the help of ambulance chasers."

Lawyers for the victims of apartheid had urged the Supreme Court not to take up the case. A New York-based appeals court declined in October to dismiss the lawsuit, upholding the plaintiff's aiding and abetting theory. The panel then sent the case back to trial court to rule on whether the apartheid victims could rely on other legal theories as well.

Chief Justice John Roberts and Justices Stephen Breyer and Samuel Alito declined to participate in the case because they own stock in some of the sued corporations. Justice Kennedy recused himself from the case because his son is an executive with one of the sued companies, according to the Associated Press.

The list of defendants in the case reads like a who's who of international business: Bank of America, Barclay's Bank, Bristol-Meyers Squibb, BP, ChevronTexaco, Citigroup, Coca-Cola, Daimler, and Deutch Bank, to name a few.

Lawyer Paul Hoffman told the justices in his brief that none of the legal issues in the case were yet ripe for high court review. He said the plaintiff's lawyers were substantially narrowing their aiding and abetting charges and should be allowed to present this new version of the suit to the trial judge before facing appellate review.

"Failure to recognize any theory of aiding and abetting liability under the [Alien Tort Statute] would grant those complicit in the most egregious human rights crimes an unwarranted immunity," Mr. Hoffman wrote. Lawyers for the companies said Hoffman was trying to hide behind procedural maneuvers. Barron said that lawyers for the victims of apartheid have already filed five amended complaints and have had four years since a related Supreme Court ruling in 2004 in which to reconfigure their lawsuit.

The corporations and the Bush Justice Department argued in their briefs that the case interferes with US foreign policy and places judges in the role of world legislators deciding which international human rights violations to punish.

In his brief, Hoffman said the lower courts have not yet ruled on the foreign-policy implications of the suit. Supreme Court review should await future decisions by the district court and appeals court, he said. In a friend-of-the-court brief, The National Foreign Trade Council, a group of 300 corporations, said the area of international law concerning aiding and abetting is "in complete disarray."

"Immediate resolution of the widespread uncertainty over this issue is vital," wrote Jeffrey Lamken in the NFTC brief. "Firms need to know the risks of doing business in foreign countries."

One of the complaints filed by the apartheid victims says in part: "Recent historical evidence demonstrates that the participation of the defendants' companies in the key industries of oil, armaments, banking, transportation, technology, and mining was instrumental in encouraging and furthering the abuses." The complaint adds, "[The companies'] conduct was so integrally connected to the abuses that apartheid would not have occurred in the same way without their participation."

A website maintained by one of the lawyers for the apartheid victims characterizes the case this way: "This complaint seeks to hold those businesses that aided and abetted the apartheid regime responsible for the wrongs they made possible. For example: IBM and ICL [International Computers Ltd.] provided the computers that enabled South Africa to create the hated pass book system and to control the black South African population. Car manufacturers provided the armored vehicles that were used to patrol the townships. Arms manufacturers violated the embargoes on sales to South Africa, as did the oil companies. The banks provided the funding that enabled South Africa to expand its police and security apparatus."

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PRIMARY SOURCES

- **Excerpt from *A Long Walk to Freedom: The Autobiography of Nelson Mandela*.**

Introduction

South African statesman Nelson Mandela (1918) was the champion of the anti-apartheid movement, head of the African National Congress (ANC), winner of the Nobel Peace Prize, and the first black president of South Africa, serving from 1994 to 1999. In the accompanying excerpt from his autobiography A Long Walk to Freedom: The Autobiography of Nelson Mandela (1994), Mandela describes the first post-apartheid election in South Africa, held on April 27, 1994--the first time that nonwhites had been allowed to vote. April 27 is still celebrated annually as Freedom Day in South Africa. In the election of 1994, the ANC won the majority of votes, making Mandela president. He led South Africa through its transition from apartheid segregation and white minority government to a free multiracial democracy. Mandela followed a policy of reconciliation, seeking a government of unity in which blacks and whites cooperated. The new government of South Africa was committed to achieving economic justice for its millions of poor black citizens. But property was mainly owned by whites, and property

redistribution was to be achieved only through mutual agreement. White South Africans were better educated and more skilled at professions than black South Africans. Changes in the economic sphere did not accompany the dramatic political progress. At the end of the first decade of the twenty-first century, the majority of black South Africans were as poor, or even poorer, than they had been under apartheid policies.

Source: Mandela, Nelson. *Long Walk to Freedom: The Autobiography of Nelson Mandela*. Little, Brown and Company, 1994, pp. 538-539.

I voted on April 27, the second of the four days of voting, and I chose to vote in Natal to show the people in that divided province that there was no danger in going to the polling stations. I voted at Ohlange High School in Inanda, a green and hilly township just north of Durban, for it was there that John Dube, the first president of the ANC, was buried. This African patriot had helped found the organization in 1912, and casting my vote near his grave site brought history full circle, for the mission he began eighty-two years before was about to be achieved.

As I stood over his grave, on a rise above the small school below, I thought not of the present but of the past. When I walked to the voting station, my mind dwelt on the heroes who had fallen so that I might be where I was that day, the men and women who had made the ultimate sacrifice for a cause that was now finally succeeding. I thought of Oliver Tambo, and Chris Hani, and Chief Luthuli, and Bram Fischer. I thought of our great African heroes, who had sacrificed so that millions of South Africans could be voting on that very day; I thought of Josiah Gumede, G. M. Naicker, Dr. Abdullah Abdurahman, Lilian Ngoyi, Helen Joseph, Yusuf Dadoo, Moses Kotane. I did not go into that voting station alone on April 27; I was casting my vote with all of them.

Before I entered the polling station, an irreverent member of the press called out, "Mr. Mandella, who are you voting for?" I laughed. "You know," I said, "I have been agonizing over that choice all morning." I marked an X in the box next to the letters ANC and then slipped my folded ballot paper into a simple wooden box; I had cast the first vote of my life.

The images of South Africans going to the polls that day are burned in my memory. Great lines of patient people snaking through the dirt roads and streets of towns and cities; old women who had waited half a century to cast their first vote saying that they felt like human beings for the first time in their lives; white men and women saying they were proud to live in a free country at last. The mood of the nation during those days of voting was buoyant. The violence and bombings ceased, and it was as if we were a nation reborn. Even the logistical difficulties of the voting, misplaced ballots, pirate voting stations, and rumors of fraud in certain places could not dim the overwhelming victory for democracy and justice.

It took several days for the results to be counted. We polled 62.6 percent of the national vote, slightly short of the two-thirds needed had we wished to push through a final constitution without support from other parties. That percentage qualified us for 252 of 400 seats in the national assembly. The ANC thoroughly dominated the northern and eastern Transvaal, the northwest, the eastern Cape and the Free State. We won 33 percent of the vote in the western Cape, which was won by the National Party, which did extremely well among Coloured voters. We captured 32 percent in KwaZulu/Natal, which was won by Inkatha. In Natal, fear of violence and intimidation kept many of our voters at home. There were charges, as well, of vote fraud and vote rigging. But in the end, that did not matter. We had underestimated Inkatha's strength in KwaZulu, and they had demonstrated it on election day.

Some in the ANC were disappointed that we did not cross the two-thirds threshold, but I was not one of them. In fact I was relieved; had we won two-thirds of the vote and then been able to write a constitution unfettered by input from others, people would argue that we had created an ANC constitution, not a South African constitution. I wanted a true government of national unity.

- ***Appeal for Action to Stop Repression and Trials in South Africa***

By: Oliver Reginald Tambo

Date: October 8, 1963

Source: *Apartheid and the International Community, Addresses to United Nations Committees and Conferences*, edited by E. S. Reddy. New Delhi, India: Sterling Publishers Private Limited, 1991.

About the Author: Oliver Reginald Tambo was the Acting President of the African National Congress between 1967 and 1978. In 1952, in partnership with Nelson Mandela, Tambo opened the first legal partnership run by black Africans in South Africa. A lifelong political activist, he worked both within his homeland and by traveling to other countries to meet with world leaders to gather global support to end apartheid. He played a pivotal role in making the voice of black South Africans heard and in gathering the momentum necessary to end apartheid and to free South African political prisoners.

Introduction

Colonialists from the United Kingdom and Holland settled in South Africa during the seventeenth century, with the British exerting political domination over the Dutch settlers. Colonial rule was in effect until the end of the Boer War (1899–1902), when South Africa achieved independence from British colonialism. There was a strife-laden relationship between the white and black populations for centuries, finally culminating in the imposition of apartheid against black South Africans in 1948 by the ruling white South African Afrikaner National Party. In effect, the most extreme forms of racism and racial segregation were given credence and institutionalized through the imposition of apartheid. Socialization between the races was prohibited; inter-racial marriage was strictly outlawed. Whites were given preferential jobs, with blacks being prohibited from many occupations.

All South Africans were required by the Population Registration Act of 1950 to be classified into one of three racial/ethnic groups: white, black African, or colored. Categorization was based upon physical appearance as well as some demographic (educational and socioeconomic, primarily) characteristics. People who were deemed colored were neither black nor white; they were either of mixed race or were of Indian or Asian heritage. Each person's classification was recorded at the Department of Home Affairs, and all blacks were required to keep with them at all times a pass book containing a photograph, fingerprints, and personal information, which must be shown upon request by a government official, or whenever the individual needed to gain entrance to a geographic or business area prohibited to blacks. By the early 1950s, South Africa had been divided into four geographic regions referred to as homelands. Every black African living in South Africa was assigned a specific homeland based upon data contained in government records. The homelands became their designated place of citizenship; effectively stripping black Africans of any civil rights previously accorded them as citizens of the country of South Africa.

Apartheid rule became progressively more stringent and punitive toward the black Africans. The government used enactment of harsh legislation as a means of limiting the ability of black citizens to protest the conditions under which they were forced to exist. Penalties for civil disobedience or for any form of protest were meted out under the umbrella of the Public Safety Act and the Criminal Law Amendment, and could consist of incarceration, financial penalties, or public beating or whipping. Many former political activists were arrested and held in police custody for many months without any criminal charges or adjudication. Others were tortured, sentenced to death, exiled from the country, or sentenced to life in prison. Nelson Mandela was among the latter group.

APPEAL FOR ACTION TO STOP REPRESSION AND TRIALS IN SOUTH AFRICA

Statement at the meeting of the Special Political Committee of the General Assembly, New York, October 8, 1963

I wish to express my deep gratitude for the privilege accorded to me to address this important body. It was with considerable reluctance that I applied for leave to appear before this Committee, recognising, as I did, the supreme effort which the United Nations is making to induce the South African Government to abolish and abandon policies which are a cruel scourge on the conscience of every civilised being and an unequalled example of man's inhumanity to man. But we feel we cannot too frequently appeal to the

nations of the world to call South Africa to sanity, nor do we feel we can be too emphatic in pointing out what a great deal of the damage which the Government of South Africa and its White supporters are doing daily, consistently and with arrogance may prove impossible to repair and thus remain an enduring source of anguish for future generations.

The readiness with which my request was granted by your Committee, Mr. Chairman, confirms and is consistent with the declared desire of the nations and peoples of the world to see the end of apartheid and white domination, and the emergence of a South Africa loyal to the United Nations and to the high principles set forth in the Charter—a South Africa governed by its people as fellow citizens of equal worth whatever the colour, race or creed of any one of them. This kind of South Africa is the precise goal of our political struggle.

In thanking you and your Committee, therefore, Mr. Chairman, I wish to emphasise that I do so not on my own behalf, but also on behalf of my organisation, the African National Congress, and its sister organisations in South Africa, on behalf of the African people and all the other victims of racial discrimination, together with that courageous handful of white South Africans who have fully identified themselves with the struggle for the liberation of the oppressed people of South Africa.

I should also like to take this opportunity to place on record the deep appreciation of my people for the steps which have been taken by various governments against South Africa, which alone can give any meaning to condemnation of the policies practised by the Government of South Africa. On the other hand, I cannot exaggerate the sense of grievance—to put it mildly—which we feel towards those countries which have done and are even now doing so much to make apartheid the monstrous and ghastly reality which it is, and which have thereby created in our country the conditions which, if nothing else happens, will ensure an unparalleled bloodbath. Assured of the support of these countries the South African rulers, who boast openly of this support, are not only showing open defiance for the United Nations and treating its resolutions with calculated contempt, they are liquidating the opponents of their policies, confident that the big Powers will not act against them.

This brings me to the special matter which, with your permission, Mr. Chairman, I beg leave to submit to the distinguished members of this Committee for their urgent consideration. It arises out of news of the latest developments in the South African situation.

Trials of Mandela and Other Leaders

By a significant coincidence, this, the first day of this Committee's discussion of the policy of apartheid happens also to be the first day of a trial in South Africa which constitutes yet another challenge to the authority of the United Nations and which has as its primary aim the punishment by death of people who are among South Africa's most outstanding opponents of the very policies which the General Assembly and the Security Council have in numerous resolutions called upon the South African Government to abandon.

Today some thirty persons are appearing before a Supreme Court Judge in South Africa in a trial which will be conducted in circumstances that have no parallel in South African history, and which, if the Government has its way, will seal the doom of that country and entrench the feelings of bitterness which years of sustained persecution have already engendered among the African people.

The persons standing trial include Nelson Mandela and Walter Sisulu, which are household names throughout South Africa, Nelson Mandela being known personally to a number of African Heads of State; Govan Mbeki, a top-ranking African political leader and an accomplished economist who has borne the burdens of his oppressed fellow men ever since he left the university; Ahmed Kathrada, a South African of Indian extraction who started politics as a passive resister in 1946 at the age of seventeen, since when he has been consistently a leading participant in the struggle of the Indian and other Asian South Africans against the Group Areas Act and other forms of racial discrimination, and has, with other Indian leaders, joined the Africans in the liberation struggle; Dennis Goldberg, a white South African, whose home in the Western Cape was the scene of a bomb explosion in 1962, when Government supporters sought to

demonstrate their disapproval of his identifying himself with the African cause; Ruth Slovo (alias Ruth First), a South African white mother of three minor children, author of a recently published book on South West Africa, and one of South Africa's leading journalists. I could enumerate several others, and as I have shown, they consist of outstanding African nationalist leaders as well as others who have for long been associated with every conceivable form of protest against injustices perpetrated in the name of Christian civilisation and white supremacy. Trials against well over a hundred others are due to start at other centres in different parts of the country.

The charge against the accused is said to be "sabotage." This means in fact that they have contravened a law, or a group of laws which have been enacted for the express purpose of forcibly suppressing the aspirations of the victims of apartheid laws which no active opponent of the policies of the South African Government can evade. A study of the statutory definition of "sabotage," which distinguished delegates will find in official documents which I believe have been circulated to members, will show that a person accused of sabotage can be sentenced to death for one of the least effective and most peaceful forms of protest against apartheid.

Genocide Masquerading under Guise of Justice

The relations between the government and those it rules by force in South Africa have never been worse. The law of the country has since the 1956 Treason Trial been altered so as to make it practically impossible for an accused person to escape a conviction. Lawyers who accepted briefs in political trials have been subjected to increasing intimidation and it has now become difficult to find counsel to appear in such trials. This has been particularly true in the case of the accused who are now facing trial. The law of procedure has also been altered with the result that whereas the State allows itself any amount of time to prepare its case against accused persons, the accused, held in solitary confinement, are kept ignorant of the charge against them until they appear in court. The time allowed them to prepare their defence is subject to the discretion of the court, and in the majority of cases the State insists on proceeding with the trial with as little delay as possible. Preparing a defence from a prison cell hardly enables an accused person to make any proper preparation.

An atmosphere of crisis has been whipped up and its effects have been reflected in the severity of sentences passed by the judges and, not infrequently, in the statements they make in the course of pronouncing sentence. Of special significance in this regard is the judgement passed last week by a Pretoria judge on seven Africans whom he found guilty of allegedly receiving training in the use of firearms in a country outside South Africa. In sentencing each of the accused to twenty years' imprisonment, the judge stated that he had seriously considered passing the death sentence, but had decided not to do so because he felt the accused had been misled. This judgement and these remarks are a sufficient—and deliberate—hint as to what sentences the South African public and the world are to expect in the new trials where leaders of the political struggle against the apartheid policies of the South African Government are the accused. It is known that the State will demand the death sentence.

Already more than 5,000 political prisoners are languishing in South Africa's jails. Even as recently as the month of September of this year and after the Security Council, in its resolution of 7 August, had called for the release of "all persons imprisoned, interned, or subjected to other restrictions for having opposed the policy of apartheid," three detainees have died in jail in circumstances strongly suggesting deliberate killing. All these are the direct victims of a situation which would never have arisen had the South African Government taken heed of the many appeals which have been addressed to it by the world public and expressed in resolutions of the General Assembly and the Security Council.

Call for Immediate Action

I cannot believe that this world body, the United Nations, could stand by, calmly watching what I submit is genocide masquerading under the guise of a civilised dispensation of justice. The African and other South Africans who are being dragged to the slaughter house face death, or life imprisonment, because they fearlessly resisted South Africa's violations of the United Nations Charter and the Universal Declaration of Human Rights, because they fought against a Government armed to the teeth and relying on armed

force, to end inhumanity, to secure the liberation of the African people, to end racial discrimination, and to replace racial intolerance and tyranny with democracy and equality, irrespective of colour, race or creed.

If you, Mr. Chairman, and the distinguished delegates here assembled, consider, as I urge you to accept, that the developments I have referred to are of a nature which calls for immediate action by the United Nations, then I am content to leave it to you and your distinguished Committee, Sir, to decide on the action which it deems appropriate.

For our part, I wish to observe that every single day spent in jail by any of our people, every drop of blood drawn from any of them, and every life taken—each of these represents a unit of human worth lost to us. This loss we can no longer afford. It is surely not in the interests of South Africa or even of the South African Government that this loss should be increased any further.

Thank you, Sir.

Significance

It is important to note that apartheid rule was imposed by a minority racial and ethnic group upon the majority of South African citizens. In general, whites made up about one fourth of the population, yet they controlled nearly ninety percent of the land and made three quarters of the total national income. Apartheid codified and institutionalized segregation and racism, depriving black South Africans not only of virtually all of their civil rights, but also of the power to protest the conditions under which they were required to live and work. In 1961, a group of black South Africans living in an area called Sharpeville staged a peaceful protest by refusing to carry their passbooks. In response, the government declared a state of emergency, allowing them to invoke martial law and take aggressive action in response. By the end of what has become known as the Sharpeville Massacre, sixty-nine black South Africans were killed and nearly two hundred more injured by law enforcement authorities.

The passbooks were a very effective means of maintaining control of the population. In addition to the photograph, fingerprints, and extensive personal data contained in them, they were linked to a rather sophisticated computerized database system that detailed information about whether an individual had a history of anti-government expression or protest. All black South Africans were issued passbooks when they turned sixteen years of age. The passbooks and computerized database were part of what was called an influx control system, monitoring the movements of black South Africans throughout the country. It was also used as a means of funneling black workers into menial jobs at remote locations on an as-needed basis. Virtually every aspect of the black South Africans' lives were controlled by the government under apartheid, including how and where they were allowed to live. The workers were separated from their families and made to live in hostel-type housing. Rents and taxes were much higher for blacks than for whites, so most black individuals lived in poverty. It was difficult to maintain social ties and family structure because of the forced housing restrictions, and there was little communication between family members who lived under those conditions. Often, individuals viewed as political dissidents or threats to the apartheid government were apprehended by the police and held in legal custody for months, with no charges filed or hearings held. Rarely were employers or family members notified of those circumstances—in fact, they almost never knew what had happened to the individual until he was released from custody—if and when that occurred.

By the last quarter of the twentieth century, global anti-apartheid reached a point where other nations began to impose sanctions and take action directed at ending apartheid. In 1974, South Africa was barred from involvement with the United Nations until apartheid was abolished. In 1976, there were student uprisings staged in the townships of Soweto and Sharpeville, in which schoolchildren and youth attempted a peaceful protest of a Ministry of Education mandate requiring them to be taught half of their school curriculum in Afrikaans—the dominant language of the white government. In both places, the police opened fire on the students, using live ammunition rather than crowd control blanks or rubber bullets. By the end of the protests, the police had killed more than six hundred black South African children and youth. The Soweto Uprising, in particular, attracted attention from the rest of the world, which began to actively mobilize to put an end to apartheid.

During the 1980s, the anti-apartheid protests within black South Africa, as well as the response from the white government, grew progressively more violent. In an effort to maintain control, the government began to have armed police officers cruise through townships, shooting dissidents and quelling riots by using force. The dissidents were led primarily by the African National Congress and the Pan Africanist Congress. In 1984, many of the apartheid laws were repealed, including the use of passbooks. Because of the enormous amount of civil unrest and internal violence and destabilization, the economy of South Africa grew progressively more unstable as well. The government declared a state of emergency in 1985, which remained in force until 1990. Between 1990 and 1991, the apartheid government was completely dismantled. In 1993, a new anti-discriminatory constitution was drafted, and democratic all-race elections were held in South Africa in 1994.

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REFERENCE

- **Apartheid**

Apartheid is a word in Afrikaans that originally meant “apartness” or “separateness.” Now it is the internationally recognized term for the policies of strict racial segregation and political and economic domination of blacks (Africans, “Coloreds,” and Asians) pursued by the National Party government of South Africa from 1948 until its exit from power in the early 1990s.

Apartheid catapulted to prominence as a catchword used by the National Party in its successful 1948 electoral campaign to oust Prime Minister Jan Smuts and his United Party, who were accused of undermining racial segregation. The National Party, headed successively by Prime Ministers D. F. Malan, J. G. Strydom, H. F. Verwoerd, B. J. Vorster, P. W. Botha, and F. W. deKlerk, implemented an interlocking set of policies that together comprised apartheid: intensified segregation, “separate development,” and harsh political repression.

Intensified segregation was manifested in a plethora of new laws. Starting with the prohibition of marriage and sexual liaisons between races (Prohibition of Mixed Marriages Act, 1949, and Immorality Act, 1950), the National Party government defined criteria for racial categorization of individuals (Population Registration Act, 1950), mandated racially based residential segregation (Group Areas Act, 1950), required segregation of public facilities (Separate Amenities Act, 1953), established separate education for Africans (Bantu Education Act, 1953), banned trade unions from representing Africans in labor negotiations (Native Labour Act, 1953), and empowered government to reserve specific jobs for particular racial groups (Industrial Conciliation Amendment Act, 1956). State power confronted blacks at almost every turn.

“Separate development” distinguished post-1948 National Party policies from previous segregation in South Africa. All blacks were segregated residentially and commercially under the Group Areas Act. Millions of blacks were forcibly removed from urban “white” areas into crowded “black” areas. Additionally Africans were assigned to ten ethnic “homelands” (based upon existing “tribal reserves”) that were to be the sole legitimate space for black political expression and representation under the Bantu Authorities Act (1951) and the Promotion of Bantu Self Government Act (1959). From 1976 onward four “homelands” (Transkei, Bophututswana, Venda, and Ciskei) were granted fictive independence, recognized only by South Africa. “Coloreds” and Asians were granted nominal representation in separate political bodies. Opposition to apartheid in the 1950s centered around the African National Congress (ANC), led by Nelson Mandela, Walter Sisulu, and Oliver Tambo. The ANC organized nonviolent campaigns of defiance and boycott in alliance with the South African Indian Congress, the South African Coloured People’s Organization, and radical whites in the Congress of Democrats.

In 1955 representatives of the congresses, led by the ANC, adopted the Freedom Charter, a document demanding full civil rights for all South Africans, an end to racial discrimination, and major economic reform, including selected nationalization. In 1959 the Pan Africanist Congress (PAC) broke from the ANC, accusing it of subservience to non-Africans and insufficient militancy. It echoed the ANC in calling for demonstrations against passes, the hated government control document carried by all Africans. Following widespread demonstrations protesting the Sharpeville massacre of 1960—in which sixty-nine unarmed Africans were shot after responding to a PAC call to turn in passes and submit to arrest—the government embarked on sustained repression of opposition. Prior to 1960 it had generally respected legal norms, relying upon the Riotous Assemblies Act (1914) and its amendments (1927, 1929), under which the government could declare a state of emergency and ban individuals from political activity, and the Suppression of Communism Act (1950), which granted additional powers to block political activity deemed communist under a broad definition. In 1960 the government enacted the Unlawful Organizations Act, under which it banned the ANC and the PAC. It followed with General Laws Amendment Acts in 1962 and 1963 and the Terrorism Act of 1966, which legalized house arrest and detention without habeus corpus and provided greater penalties up to death for sabotage and terrorism. Concomitantly police adopted the practices of solitary confinement, physical and mental torture, and assassination. In the view of the government, harsh police state measures were a necessary response to the decision of the ANC in 1961 to abandon nonviolence for armed struggle—to be led by Umkhonto we Sizwe (MK), a military organization jointly directed by leaders of the banned ANC and the clandestine South African Communist Party (SACP)—and to attacks on whites by POQO, an offshoot of the PAC, in 1962–1963. Relentlessly deploying its strengthened arsenal of repression, the government successfully decimated its internal opposition, as symbolized by the imprisonment in 1964 of ANC leaders, including Mandela and Sisulu, on Robben Island. Tambo, who had left the country in 1960, peripatetically undertook the difficult creation of ANC and MK structures in exile.

The Soweto uprising of June 1976 and the nationwide unrest that followed exploded the government's hopes that blacks might acquiesce to apartheid. The government responded with both reform and repression. African trade union rights were recognized in 1980 and 1981, a new constitution was enacted in 1984 granting subordinate voting privileges to "Coloreds" and Asians, and there was selective relaxation of rigid segregation, including the abolition of the pass system in 1985. Repression of opposition was intensified, however, as symbolized by the 1977 death in police custody of Steve Biko, the charismatic leader who founded the Black Consciousness movement in the late 1960s. Nevertheless, opposition inside the country grew. Post-1976 boycotts, strikes, and township demonstrations metamorphosed in the 1980s into open nationally organized opposition, led by the ANC-oriented United Democratic Front (UDF), a burgeoning trade union movement, and prominent church leaders, most notably the 1983 Nobel Peace Prize winner Archbishop Desmond Tutu. Numerous acts of sabotage and armed attacks—organized by the resurgent ANC/MK underground and the ANC mission in exile—were carried out, complementing the external opposition of the worldwide antiapartheid movement and increasingly extensive economic sanctions.

On February 11, 1990, the newly elected president deKlerk freed Mandela and other ANC leaders from prison and legalized the PAC, ANC, and SACP. Negotiations between the National Party, headed by deKlerk, and its erstwhile antiapartheid opponents led by the ANC, headed by Mandela, commenced in mid-1990, leading in late 1993 to agreement upon a new nonracial democratic constitution. In 1993 the last apartheid laws were repealed.

In South Africa's first election under the new constitution in April 1994, the ANC won a majority of votes, and Mandela became president. Mandela vigorously pursued a policy of reconciliation with those who had supported apartheid. The Truth and Reconciliation Commission, headed by Archbishop Tutu, exposed the workings of the apartheid police state. The ANC-led government adopted policies to reverse the consequences of decades-long apartheid, but apartheid's entrenched legacies of inequality and black poverty proved hard to overcome.

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- **Anti-Apartheid Movement**

The anti-apartheid movement was the first successful transnational social movement in the era of globalization. The movement began after a massive turnout by rural Afrikaners gave Rev. Daniel Malan's Nationalist Party a majority of five seats in the whites-only Parliament of the Union of South Africa on May 26, 1948. The Nationalists won on a racist platform that played on white fears of the "black threat" and promised to establish strict "apartheid" or separate development policies to counter it.

In its transnational scope and eventual success, the anti-apartheid movement can be compared to the abolitionist movement of the nineteenth century. What is unique about the anti-apartheid movement is the extent of support it received from individuals, governments and organizations on all continents. Few social movements in history have garnered anywhere near the international support that was mobilized against the racist apartheid regime in South Africa. Although national liberation and Marxism might both be considered as successful, trans-national social movements, neither of these had the global support that the anti-apartheid movement garnered.

There were two main aspects of the anti-apartheid movement: the internal campaign to destabilize the racist apartheid regime in South Africa, and the external campaign for political, economic, and cultural sanctions. At the heart of the movement was the struggle of black Africans to end white supremacy in South Africa. This internal movement was both a catalyst for actions at the international level and the critical link that gave coherence to the movement as a whole. The external effort can be divided into two fronts: (1) regional efforts to provide military bases, material, and diplomatic support for liberation movements; and (2) the diaspora movement, which focused on seeking international sanctions against the regime and providing direct aid to the liberation movements.

The internal struggle within South Africa was the core of the movement, and it served as a catalyst for regional and international support movements. This effort emerged to oppose apartheid legislation imposed after the all-white election of 1948 brought Rev. Daniel Malan's Nationalist Party to power. The regime quickly passed segregationist legislation, including:

The Prohibition of Mixed-Marriages Act (1950), which made interracial marriage a criminal act; The Population Registration Act (1949), which required registration and racial classification of all persons above sixteen years of age; The Suppression of Communism Act (1950), which associated anti-apartheid activities with communism; The Group Areas Act (1950), which allowed the government to determine the areas in which people of different races and nationalities could reside and own property; The Bantu Education Act (1953), which brought mission schools under government control and circumscribed the education of Africans.

The resistance movement responded at first with nonviolent direct-action tactics under the leadership of organizations such as the African National Congress (ANC), the South African Communist Party (SACP), the Indian National Congress (INC) and the Pan Africanist Congress (PAC). On May 1, 1950, this coalition organized a national strike to oppose the Suppression of Communism Act. When thousands of workers boycotted their jobs, the government responded by sending troops to the townships, and eighteen workers were killed. Nevertheless, the coalition called another strike for June 26, and workers again responded in good numbers.

These strikes were a prelude to the mass civil-disobedience campaigns of 1952-1953 known collectively as the "Campaign of Defiance of Unjust Laws." Between June and December 1952, thousands of activists were arrested for defying petty apartheid laws, such as "whites only" drinking fountains, train compartments, and waiting rooms. The ANC's volunteer-in-chief Nelson Mandela made hundreds of speeches across the country urging black people to defy apartheid laws, and the government responded by shooting demonstrators and arresting movement leaders, including Mandela; Yusuf Dadoo, president of the INC; and J. B. Marks of the Mineworkers Union.

These internal struggles against apartheid, and the violent response they engendered, galvanized the international movement. The Defiance Campaign, for instance, inspired supporters in India, Africa, and the United States. On September 12, 1952, thirteen African and Asian countries brought the issue of racial discrimination before the Secretary General of the United Nations (UN), calling on the organization to establish a commission to study the issue and report its findings at the next General Assembly. The United States vetoed the resolution, however, beginning a forty-year history of U.S. diplomatic support for apartheid. Yet while this specific campaign failed, the effort to raise the world's consciousness of the plight of black people in South Africa would eventually result in a comprehensive sanctions resolution.

On March 23, 1960, South African police gunned down seventy-two men, women, and children in Sharpeville Township. The demonstrators were protesting against the Natives Act of 1952 (collectively known as the Pass Laws) that required black people to carry identification with them at all times. The laws were designed to restrict the movement of black people into urban areas. The massacre sparked outrage around the world, and photographs of the victims became iconic images of apartheid. Although the original call for international sanctions had come from the ANC in 1959, it was the Sharpeville Massacre that made South Africa a pariah state and precipitated international action. South Africa was expelled from sports, cultural, and academic institutions, and on November 6, 1962, the UN General Assembly voted to sever diplomatic, transportation, and economic relations with South Africa. Although the resolution was voluntary, it was a major victory for the anti-apartheid movement. International organizations such as the International Labor Organization and the United Nations Educational, Scientific and Cultural Organization (UNESCO) also voted to expel South Africa.

The apartheid regime responded to this pressure by declaring a state of emergency, banning anti-apartheid organizations such as the SACP, ANC, and PAC. In response, the liberation movements went underground and into exile, where they launched the second phase of the movement: the armed struggle. This phase was characterized by the internationalization of the struggle, with regional and broader African support organized by the Organization of African Unity (OAU). The exiles acquired bases of operation, military training, and political education through both the OAU and a coalition of South Africa's neighbors known as the "frontline states." The apartheid regime responded by attacking its neighbors and sponsoring terrorist organizations such as Renamo and UNITA to disrupt, discredit, and overthrow hostile governments. By the 1970s the southern African region had become a Cold War theater, with the United States and South Africa sponsoring terrorist insurgencies and Cuba and the Soviet Union supporting the governments of Mozambique and Angola. South African forces invaded Angola and attacked Lesotho, Mozambique, Zimbabwe, and Zambia. Meanwhile, hundreds of youth were killed in police crackdowns in South African townships such as Soweto.

In the 1980s, the movement entered a third stage: massive resistance. The movement reached its climax in this stage, which was characterized by the determination of anti-apartheid activists within South Africa to make the country ungovernable through strikes, boycotts, demonstrations, and acts of sabotage. In 1983 a coalition of the internal organizations and church groups formed the United Democratic Front to lead the new phase of the movement. In an attempt to split the opposition, the regime offered Indians and Coloreds (people of mixed race background) limited franchise in the elections of 1984. The strategy failed, however, and instead galvanized further acts of civil disobedience and sabotage. Moreover, the international anti-apartheid movement had matured, and most countries in the world had imposed military and economic sanctions against South Africa. The exceptions were Britain and the United States, but the movement overcame this hurdle in 1986 when the United States Congress passed the Comprehensive Anti-Apartheid Act (CAAA). The bill was written and proposed by Rep. Ron Dellums (D-Calif.), a veteran anti-apartheid activist and member of the Congressional Black Caucus. The CAAA delivered a crippling blow to a South African economy that was already reeling from the withdrawal of U.S. banks the year before. In 1987, 250,000 African mine-workers went on strike, further undermining the economy and the legitimacy of the apartheid state.

Thus, it was the combined pressures of international sanctions and internal strife that led to the demise of the apartheid state. The retreat began with the repealing of the pillars of apartheid legislation, beginning with the repeal of the pass laws in 1986. By 1990 the government had lifted the ban on the SACP, ANC, and PAC and repealed the 1913 and 1936 Land Acts, the Population Registration Act, and the Separate Amenities Act. Nelson Mandela was released in 1991, having spent twenty-seven years in prison. Four years later, on May 10, 1994, Mandela was sworn in as president of South Africa. Mandela and his African National Congress won an overwhelming victory in the elections of 1994, defeating both black and white opposition parties to become the undisputed leader of the new South Africa.

Despite the political defeat, the effects of apartheid are still evident in the early twenty-first century, particularly in the economic sphere. More than ten years after apartheid, the white minority still owns more than 80 percent of agricultural land and is in control of the economy. Further, reports indicate that racial inequality has grown since 1994. The ANC's neoliberal policies have not succeeded in

redistributing resources or reducing poverty to any significant degree. Instead, these policies benefit the rich and the new black professional class. In August 2005, religious, civic groups, and the country's largest trade union body (Cosatu) formed a coalition to challenge the ANC government's economic policies. Although a part of the ANC's ruling coalition, Cosatu has opposed the ANC's focus on building a black professional and business class. This federation has campaigned for a broad-based redistribution of resources and for black economic empowerment. As of 2005, however, the ANC has managed to hold together the three-way coalition with Cosatu and the South African Communist Party.

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- **Convention on Apartheid**

The International Convention on the Suppression and Punishment of Apartheid was adopted by the United Nations (UN) General Assembly in November 1973. The treaty was an attempt to criminalize racial separation and segregation policies such as those that had been imposed by South Africa's white minority government. Under the Convention, which now has more than one hundred states parties, the crime of apartheid refers to a series of inhuman acts—including murder, torture, arbitrary arrest, illegal imprisonment, exploitation, marginalization, and persecution—committed for the purpose of establishing and maintaining the domination of one racial group by another. The Convention is particularly notable for

its departure from the traditional rule of state sovereignty in that it authorizes the national courts of states parties to attribute individual criminal responsibility for the crime to both government leaders and their supporters in certain instances.

Although the UN Security Council and General Assembly had already condemned the apartheid policies of South Africa's national party government previously, the General Assembly's adoption of the Apartheid Convention provided the first formal legal framework within which UN member states could impose individual and collective sanctions aimed at pressing the South African government to change its racist policies. Importantly, the drafters of the Convention chose to formulate it in general terms, so that, in addition to the Convention's direct bearing on the "apartheid government," it would deter and prohibit any other states from adopting similar policies. In doing so, they gave added impetus to the continued development of a general prohibition against crimes against humanity.

Notwithstanding the Convention's stated or ostensible general and specific purposes, the fact that its criminal provisions are so broadly defined as to be practically unworkable raises doubts as to whether the states that adopted it ever really intended to make good on their forewarnings of individual prosecutions. In fact, since its adoption in 1973, no one has been charged under the Convention and, given the negotiated nature of South Africa's democratic transition, it has become very unlikely that anyone from the former regime will ever be prosecuted for the crime of apartheid. Arguably, therefore, the Convention's real significance lies not in individual criminal accountability (which it failed to bring about), but rather in its authoritative condemnation of the policy of apartheid as a crime against humanity—a conclusion also recognized by the majority of the members of South Africa's Truth and Reconciliation Commission.

The future of the Apartheid Convention itself as a legal instrument within the emerging international criminal justice framework is uncertain. Since 1993 only Yugoslavia (which, effectively, did not have a choice in the matter) has bothered to ratify the Convention. Even South Africa's new democratic government has not ratified the Convention. Nevertheless, future perpetrators of apartheid-like policies are on notice as to their potential international criminal liability, thanks less to the Convention itself than to the inclusion of a more precise definition of the crime of apartheid within the Rome Statute of the International Criminal Court (ICC). Within the latter's criminal jurisdiction, the crime of apartheid is a crime against humanity when it is knowingly committed as part of a widespread or systematic attack directed against any civilian population. More specifically, the crime of apartheid refers to inhumane acts (i.e., murder, extermination, enslavement, deportation, imprisonment, torture, rape, persecution, and the enforced disappearance of persons) committed in the context of an institutionalized regime of systematic oppression and domination of one racial group by another.

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