



Centre for
Human Rights and
Restorative Justice

REFERENCES TO COLONIALISM, COLONIAL, AND IMPERIALISM

South Africa Truth Commission

Abstract

A list of references to colonialism, colonial, and imperialism in the South Africa Truth Commission.

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Links to Data Visualization

This section contains links to all data visualization for the South Africa report.

Comparison Charts

- [References to Colonialism, Colonial, and Imperialism chart](#)
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Word Trees

- [Colonial](#)
- [Colonialism](#)
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References to Colonialism, Colonial, and Imperialism

This section contains all references to colonialism, colonial, and imperialism from the South Africa report.

<Files\\Truth Commission Reports\\Africa\\SouthAfrica.TRC_Report-FULL> - § 64 references coded [0.13% Coverage]

Reference 1 - 0.01% Coverage

1834 (when slavery was abolished).

b The many wars of dispossession and colonial conquest dating from the first war against the Khoisan in 1659, through several so-called frontier conflicts as white settlers penetrated northwards, to the Bambatha uprising of 1906, the last attempt at armed defence by an indigenous grouping.

c The systematic hunting and

Reference 2 - 0.01% Coverage

violation of shocking proportions.²

f The genocidal war in the early years of this century directed by the German colonial administration in South West Africa at the Herero people, which took them to the brink of extinction.

8 It is also important

Reference 3 - 0.01% Coverage

trees are stripped and leafless.

16 But if this was an act of wholesale dispossession and discrimination, so too was the 1909 South Africa Act which was passed, not by a South African legislature, but by the British Parliament. In terms of the South Africa Act, Britain's four South African colonies were merged into one nation and granted juridical independence under a constitutional arrangement that transferred power in perpetuity to a minority of white voters. No firm provisions were made for the protection or improvement of the civil and political rights of the indigenous black majority.

17 Admittedly, the British government

Reference 4 - 0.01% Coverage

that occurred outside South Africa.

22 Conceptually, the policy of apartheid was itself a human rights violation. The determination of an individual's civil and political rights by a factor - skin colour - over which he or she has no control, constitutes an abuse of those rights. Of course, such discrimination existed before 1948 and had its roots far back in South Africa's colonial past. Nevertheless, the apartheid state that was constructed after 1948 had dimensions that made it different from the discriminatory orders that preceded it.

23 Thus, although many of

Reference 5 - 0.01% Coverage

Politics in the region

51 One of the factors that inhibited or obstructed the liberation movements in their efforts to mount a serious armed threat was their inability to develop secure and permanent rear bases in the neighbouring states from which they were obliged to operate. Ironically, the explanation for this is to be found in the very circumstances the Pretoria government had viewed with such trepidation - the recent decolonisation of these states. Thus while, up until 1960, South Africa had, on the whole, enjoyed co-operative alliances with the British and Portuguese colonial administrations in the region, these latter would never have tolerated the cross-border violations undertaken by elements in the South African forces from the mid-1970s. However, the new national entities, politically weak and economically bonded to South Africa, were largely helpless in the face of South African aggression. Moreover, and perhaps to South Africa's surprise, it found that it had the covert support of at least some of the governments and/or their security establishments in parts of the region.

52 Given this situation, it

Reference 6 - 0.01% Coverage

2 Historical Context PAGE 38

62 There was nothing particularly new or unique to this approach. In fact, it was a resort to long-established colonial practice in Africa. As Mamdani¹¹ has noted, other European colonisers had: confronted the dilemma that the

Reference 7 - 0.01% Coverage

as institutional or structural violence.

69 White dominance in South Africa in the period covered by the Commission's mandate was founded on colonial conquest, a condition consequent upon more than 200 years of near-continuous interracial conflict which began with the first migration of white settlers in the mid-seventeenth century. Initial penetration was relatively simple as the first encounters of these new northward-moving migrants were with nomadic pastoralists with little or no military tradition.

VOLUME 1 CHAPTER 2 Historical

Reference 8 - 0.01% Coverage

who would have been excluded.

44 Segregation policies and practices have their roots far back in South Africa's colonial past. Building on an inherited social practice, apartheid imposed a legal form of oppression with devastating effects on the majority of South Africans. The NP government came to power in 1948 and, over almost half a century, apartheid became the warp and weft of the experience of all who lived in South Africa, defining their privilege and their disadvantage, their poverty and wealth, their public and private lives and their very identity.

45 Under apartheid, millions of

Reference 9 - 0.01% Coverage

and those of their communities...

The pass laws and influx control regulations were, for me, the focal point of the comprehensive network of laws and regulations which dominated my early working life ... I was merely one of tens of thousands who peopled those seemingly interminable queues at the end of which, in general, bad tempered clerks and officials might reward one with some endorsement or other in the 'dompas'. The whole process of the influx control offices was painful and degrading and particular aspects of it inflicted deep humiliation on the tens of thousands who were on the receiving end of these regulations. As a 17 year-old, I remember having to avert my eyes from the nakedness of grown men in a futile attempt to salvage some dignity for them in those queues where we had to expose ourselves to facilitate the degrading examination. To anyone who failed to find work during the currency of their permits, loomed the very real threat of being declared "an idle and undesirable Bantu" by the Commissioner's court and being subject to be sent to a farm colony. Scores of people were processed through those courts and sentenced on charges such as failing to produce a reference book on demand. ...

It was one thing, however

Reference 10 - 0.01% Coverage

states have a duty to:

...achieve the total liberation of Africa, the peoples of which are still struggling for their dignity and genuine independence, and undertak[e] to eliminate colonialism, neo-colonialism, apartheid [and] Zionism...

15 The international community is

Reference 11 - 0.01% Coverage

Amendment Act No 54: U

The 1945 Urban Areas Consolidation Act was amended to specify that all black persons, men and women, over the age of sixteen were to carry passes and that no black person was to be allowed to stay in the urban areas longer than seventy-two hours unless they had permission to do so. Section 10, which governed who could stay in the urban areas, stated that black people who had been born in the urban areas and had lived there continuously since then, and those who had been in continuous employment for ten years or continuous residence in the urban areas for fifteen years, were the only categories of black people legally entitled to stay in urban areas (Dugard 1978: 74; Horrell 1978: 173). Powers of authorities were widened to include the ordering of the removal of blacks deemed to be 'idle or undesirable' even though they were lawfully in an urban area (s 29 of the 1945 Urban Areas Consolidation Act). If found guilty, a person could be sent to her/his homeland, to a rehabilitation centre or to a farm colony for a period not exceeding two years. Section 29 of the 1945 Urban Areas Consolidation Act permitted the arrest, without a warrant, of any black person believed to be 'idle or undesirable'. In 1956, a new section was added to s 29, (i.e. s 29 bis) allowing for 'the removal of an African from an urban area ... where his presence was detrimental to the maintenance of peace and order in any such area' (Dugard 1978: 77). Because the purpose of this new s 29 was 'to confer upon local authorities arbitrary powers to rid themselves of "agitators",' this new provision (unlike s 29 of Act 25 of 1945) did not 'provide for an appeal against a banishment order' (Dugard 1978: 77). (The provisions under this Act are extremely complicated. For a full description see Horrell 1978: 171-95.) Commenced: 27 June 1952 Sections 1-17 repealed by s 33(1) of the Black Labour Act No 67 of 1964, s 18 repealed by s 1(g) of the Abolition of Racially Based Land Measures Act No 108 of 1991; ss 27-32 by s 17 of the Abolition of Influx Control Act No 68 of 1986; and ss 33-8 by s 69(1) of the Black Communities Development Act No 4 of 1984

VOLUME 1 CHAPTER 13 Apartheid

Reference 12 - 0.01% Coverage

Army (APLA) commander Brigadier Mofokeng:

The enemy of the liberation movement of South Africa and of its people was always the settler colonial regime of South Africa. Reduced to its simplest form, the apartheid regime meant white domination, not leadership, but control and supremacy ... The pillars of apartheid protecting white South Africa from the black danger, were the military and the process of arming of the entire white South African society. This militarisation, therefore, of necessity made every white citizen a member of the security establishment. [Transcript of Commission hearing on the armed forces]

22 Even where parties to

Reference 13 - 0.01% Coverage

1 National Overview PAGE 6

perceptions in the former colonial metropolises greatly increased the pressure on the former government to grant full civil and political rights to all its inhabitants. British Prime Minister Harold Macmillan shocked and angered many members of the South African government when, in an address to the South African Parliament in February 1960, he spoke of “winds of change” blowing through Africa, implying the need for the South African government to adapt to changing times. Its response was to do all in its power to ensure that this wind changed course before reaching South African borders. It did so, moreover, in the face of rising expectations of black South Africans that the days of white minority rule were numbered and that it was a matter of time before South Africa, too, would be ruled by a black majority.

The Cold War

24 Another

Reference 14 - 0.01% Coverage

such opposition were effectively criminalised.

27 The liberation and later internal opposition movements were undeniably increasingly influenced by the tide of national liberation struggles sweeping the globe, many of which were deeply influenced by socialist ideas. The ANC, SWAPO (South West African People’s Organisation), MPLA (Popular Movement for the Liberation of Angola) and FRELIMO (Mozambique Liberation Front) all increasingly presented themselves as part of this process and, to a greater or lesser degree, articulated their struggles as part of an international struggle against colonialism and imperialism, sometimes within the framework of socialism and Marxism.

■ THE DEVELOPMENT OF INSURGENCY AND

Reference 15 - 0.01% Coverage

in the early twentieth century.

51 This attitude began to change in the early 1960s, in response to the rise of African nationalism and the steady withdrawal of the European colonial powers from the continent. NP politicians and senior security strategists began to conceptualise the region, and particularly the minority-ruled and colonial territories of Southern Rhodesia, Angola, Mozambique and South West Africa, primarily as a military buffer zone.

2 Marius de Witt Dippenaar

Reference 16 - 0.01% Coverage

1 National Overview

PAGE 13

52 Conversely, black opposition groups drew inspiration from the nationalist movements in other parts of Africa which had led to the independence of most former European colonies in the continent by the end of 1960. Some also became increasingly influenced by Soviet, Chinese or other models of political thought and organisation.

53 From the early 1960s

Reference 17 - 0.01% Coverage

with SWAPO at that time.

59 In order to draw lessons from the Portuguese counter-insurgency effort, a number of the SADF's promising military strategists were appointed to 'diplomatic' posts in the two colonies. In December 1965, General Jannie Geldenhuys (later both Chief of the Army and of the SADF) was sent to Luanda as Vice Consul. According to his biography, his brief was "to study the Angola war". From 1971–75, the post was held by Major (later Major General) Marius Oelschig. After Angolan independence in 1975, Oelschig became the most senior SADF official operating in liaison with UNITA.

60 Similar links developed in

Reference 18 - 0.01% Coverage

institutions, past policies and practices.

83 The most obvious threat to South Africa's regional security, however, came from developments abroad. Most notable was the collapse of the Portuguese dictatorship that opened the way to independence for its Southern African colonies, Mozambique and Angola. According to the first submission on the SADF: "The unexpected coup in Portugal on 25 April 1974 brought the RSA's defence line to its borders and this changed the government's perceptions of security in a very dramatic way".

84 Inside South Africa, the

Reference 19 - 0.01% Coverage

ordination of all state action.

112 The importance of a 'total strategy' was underlined by developments within the ANC. A joint meeting of the ANC's National Executive Committee and Revolutionary Council received a report from senior members of the ANC, the SACP and MK who had undertaken a study tour of Vietnam in October 1978 as part of a strategic review. The delegation had spent some time with General Giap, the architect of victories over both French colonial and US forces. Based on insights gained on this mission, the ANC/MK decided on an adaptation to its insurgency strategy.

113 Abandoning an earlier emphasis

Reference 20 - 0.01% Coverage

a perceived Soviet global offensive.

7 It is the Commission's view that the destruction wrought on the region by South Africa's counter-revolutionary war, particularly in Angola and Mozambique, was disproportionate to the threat posed by their post-independence governments and the fact that they played host to groups engaged in armed

conflict with the South African government. At the time of their independence in 1975, Angola and Mozambique were severely underdeveloped and posed no credible military threat to the Republic of South Africa. Centuries of colonial exploitation had left them with a legacy of poverty and without the skills to build and manage a modern economy.

8 The Commission is, therefore

Reference 21 - 0.01% Coverage

stakes inside South West Africa.

13 South Africa's active involvement in Angolan politics after the collapse of Portuguese colonial rule escalated with the SADF's invasion of Angola, through Operation Savannah, in the second half of 1975. Though the operation was undertaken with the covert support of the US State Department, this undeclared act of war did not receive the approval of the South African cabinet. Indeed, the issue was not even raised at cabinet level until the invasion was several months old and no longer a secret.

14 The invasion was also

Reference 22 - 0.01% Coverage

1960 and 1990 PAGE 69

100 The South African authorities refused to accord prisoner-of-war status to captured SWAPO combatants, despite the 1977 Protocol 1 to the Geneva Conventions, which extended the provisions of the Conventions to anti-colonial struggles and wars of national liberation and self-determination.

101 While combatants were initially

Reference 23 - 0.01% Coverage

1960 and 1990

PAGE 123

South Africa. In each instance, the sovereignty of the British government in respect of its colonial possessions was violated by South African security agents. In 1961, security agents kidnapped from Basutoland three fugitives from the Pondoland uprising, namely, Mr Anderson Ganyile, Mr Ignatius Ganyile and Mr Mohlova Matseko. In 1962, four SWAPO sympathisers including Mr Kenneth Abrahams and Mr Hannes Beukes were kidnapped from Bechuanaland. In 1964, two alleged African Resistance Movement (ARM) members, Ms Rosemary Wentzel and Mr Dennis Higgs, were kidnapped from Swaziland and Northern Rhodesia respectively. All except Wentzel appealed to the courts for relief from an illegal abduction from foreign soil and were successful.

330 While there is no

Reference 24 - 0.01% Coverage

a long term of imprisonment.

418 Projects Imperial, Maagd and Maxi each involved the collection of information in other African countries.

THE COMMISSION FINDS THAT THE

Reference 25 - 0.01% Coverage

his own eventually independent homeland”.

29 However, as Portugal’s colonial authority weakened in Mozambique and Angola, Pretoria was forced to reconsider its position. In 1973, a group of Africans was trained for guard duty at the Prisons Service Training Centre. In 1974, selected members of this group were redeployed as instructors at a newly established Army Bantu Training Centre. Although the SADF originally stressed that Africans

VOLUME 2 CHAPTER 5 The

Reference 26 - 0.01% Coverage

be engaged in a war.

503 Whether or not forces were fomenting conflict or violence in communities and among groups, one of the enduring legacies of the previous years was a high degree of political intolerance on all sides. While the creation of divisions had been central to the experience of colonial rule, the entire policy of apartheid was predicated on the maintenance of ethnic and other divisions. The policy of contra-mobilisation during the 1980s intensified this ethnic, generational, interand intra-organisational conflict. Thus, for example, the deepening of divisions between Inkatha and the UDF had been central to state policy from the mid-1980s. The experience of violent struggle during the 1980s and conditions of near siege in many communities during the emergency years had left a deep suspicion of those seen to be allies of state. These conditions resulted in many situations in open conflict, and at times became self-generating. In such situations, infiltration by the security forces made structures particularly vulnerable to those pursuing double agendas or acting as agents provocateurs. The examples of Mr Sifiso Nkabinde and Mr Michael Phama dealt with above are powerful examples.

504 On all sides of

Reference 27 - 0.01% Coverage

PAC are granted observer status.

After a coup in Portugal, Portuguese colonial control in Mozambique and Angola collapses (leading in 1975 to independent socialist governments hostile to apartheid). The collapse of the buffer of colonial states between South Africa and ‘the rest of Africa’ leads to a review of South Africa’s regional and domestic security policy and to the emergence of the theory of ‘total strategy’ under PW Botha, including regional destabilisation. The first cross-border killings take place in February. SASO founder Ongkopotse Abraham Tiro is killed in Botswana by a parcel bomb, and Boy Mvemve (John Dube) is killed by a letter bomb in Zambia. Rallies in support of FRELIMO are held in Durban and at the University of the North. They are broken up by the police. Many are arrested across the country and several BPC and SASO leaders are detained and tortured. A Special Forces division in the SADF is established in October, followed by the expansion of reconnaissance regiments.

1975

Operation K, a Security

Reference 28 - 0.01% Coverage

coalesced into the Zulu nation.

2 English traders and hunters settled in the Port Natal (Durban) region in the early nineteenth century. In the mid-1800s, the province was annexed as an autonomous district of the Cape Colony and the British administration established the Native Reserve of Zululand between the Tugela River and Mozambique. Administration was based on Zulu customary law, set up in a way that allowed the colonial state to co-opt

the institutions of chieftainship for its own purposes. Thus, Zulu chiefs became the administrators of the British settler government. Many chiefs gained their positions through loyalty to the white administration rather than through customary laws of genealogy.

3 With the formation of

Reference 29 - 0.01% Coverage

Natal and KwaZulu PAGE 155

4 In 1970, the Zululand Territorial Authority (ZTA) was set up with Chief Mangosuthu Buthelezi as chief executive officer. In 1972, the ZTA was converted into the KwaZulu Legislative Assembly (KLA), with Buthelezi as the chief minister. The KwaZulu Constitution retained the colonial structures for regulating chieftainship, with chiefs appointed to their positions by the KwaZulu government. By now, the region's borders had changed substantially; KwaZulu consisted of disjointed fragments scattered throughout Natal. As with other homelands, the boundaries between Natal and KwaZulu were often marked informally by a river, a road or a mountain ridge. The land allocated to KwaZulu was largely barren and the soil degenerate compared to the generally fertile and productive farmland of Natal.

The people

5 KwaZulu and

Reference 30 - 0.01% Coverage

were made to African people.

37 Towards the end of 1974, several Black Consciousness supporters were arrested in Durban in connection with the planning of Viva Frelimo rallies to celebrate the fall of Portuguese colonialism in Mozambique. Many members of Black Consciousness organisations fled the country. Some were detained and others were charged under the Terrorism Act No 83 of 1967.

Inkatha

38 In 1975, the

Reference 31 - 0.01% Coverage

OF THE REGION Historical background

1 In the late eighteenth and early nineteenth centuries, much of what is now the Free State was inhabited by Sotho-speaking people. The first white settlers began crossing the Orange River in the south around the turn of the eighteenth century. This movement increased after 1836, when many Boer farmers moved north with the Great Trek, in search of freedom from British rule in the Cape Colony. However, the territory was annexed by the British in 1848 and remained under British rule as the Orange River Sovereignty until 1854, when it became the Boer-dominated independent Orange Free State. The territory continued to be highly contested by the Basotho, leading to many skirmishes until part of the Sotho-held territory was finally annexed to the Orange Free State. In 1900, the Orange Free State was again annexed by Britain and became known as the Orange River Colony. Boer self-government was restored in 1907, and three years later the colony became the Orange Free State province of the Union of South Africa. It remained so after 1961 when the country became a republic. Since 1994, the province has become known simply as the Free State.

2 Throughout this report, the

Reference 32 - 0.01% Coverage

the next six weeks.

Exile

83 MK sent approximately 300 recruits across South Africa's borders for military training in sympathetic African countries as well as in China and the Soviet Union. Efforts were made to infiltrate South Africa via Zimbabwe. The ANC formed an alliance with the Zimbabwe African People's Union (ZAPU) and conducted joint operations against the Rhodesian army (and the SAP) in the Wankie area. Some of these early recruits were captured and repatriated by the British colonial

VOLUME 3 CHAPTER 6 Regional

Reference 33 - 0.01% Coverage

in relation to trade unions.

96 Old Mutual's submission on the costs and benefits of apartheid was illustrative. On the negative side, the submission pointed to the lowering of economic growth (which constrained the market for life insurance), the Bantu education system which limited the pool of quality employees and the existence of exchange controls which limited their expansion overseas. Old Mutual offered only two possible 'positives': their acquisition of assets from Colonial Mutual of Australia when it disinvested in 1987 and the "marketing opportunities" created by the expansion of the homeland bureaucracies. On this latter score, however, Old Mutual reserved judgement as to whether this would have resulted in a net gain or loss compared to some other (non-apartheid) scenario.

97 Again, not all businesses

Reference 34 - 0.01% Coverage

The Faith Community PAGE 91

122 Religious proselytising and religious-based nationalism have not only sown the seeds of inter-religious suspicion, distrust and strife; but they have also contributed directly to religiously inspired conflict. This has occurred as a result of some forms of missiological teaching and manifestations of Christian imperialism and because of anti-Semitic as well as anti-Islamic theologically-based propaganda. Religious communities must take responsibility for the actions of their followers in this regard. The nation has a right to expect of them a commitment to mutual respect between religious groups, the building of communities that include people of different religious, racial and ideological persuasions and the promotion of peace and justice.

123 Missionary and colonial initiatives which undermined African culture and traditional religions – a practice that continues to be perpetuated in many circles today – require careful reassessment by all religious communities. Christianity has, because of historical and power relations, a special responsibility in this regard. Religious communities need to share responsibility for the undermining of cultural and religious identity, not least among many urbanised African youth. The reaffirmation of ubuntu⁶⁰ – grounded as it is in traditional African culture and increasingly supported by other religious groups – requires other established religions to gain a new understanding of traditional African religious symbols and beliefs.

60 Ubuntu, generally translated as

Reference 35 - 0.01% Coverage

MEDIA The English-language press

39 The commercial newspaper industry had its origins in colonialism and was modelled on its British equivalent. From the early twentieth century, mining capital played an increasingly dominating role in the newspaper industry. Although there were a number of independent papers, these were gradually swallowed up by the two main publishing houses: the Argus Printing and Publishing Company (now Independent Newspapers) and South African Associated Newspapers (SAAN) – now Times Media (TML). In 1920, these two publishing houses agreed to split the market between them, leaving the morning papers to SAAN and the evening papers to the Argus Group. Even so, the relationship was fairly incestuous: for example, the Argus Group was the single biggest shareholder in SAAN. AngloAmerican had effective control over both newspaper groups.

40 During the period under

Reference 36 - 0.01% Coverage

the Commission for specific findings.

109 Before focusing on those two entities, the Commission has made the following general finding on the homelands system: THE FORMER STATE'S POLICY OF ESTABLISHING ETHNICALLY SEPARATE RESERVATIONS LAY AT THE CORE OF ITS POLICY OF TERRITORIAL AND POLITICAL SEPARATION ON THE BASIS OF RACE. THE POLICY WAS AN EXTENSION OF A COLONIALY ESTABLISHED PRACTICE OF 'DIVIDE AND RULE' AND HAD THE DUAL AIM OF SEEKING TO INHIBIT OR DIVERT THE STRUGGLE BY AFRICANS FOR DEMOCRATIC RIGHTS INSIDE SOUTH AFRICA WHILE SIMULTANEOUSLY PROTECTING AND PRESERVING THE ECONOMIC AND SOCIAL PRIVILEGES OF THE WHITE MINORITY. THE ADMINISTRATIONS AND GOVERNMENTS THAT

Reference 37 - 0.01% Coverage

to the Pan Africanist Congress

The enemy of the liberation movement of South Africa and of its people was always the settler colonial regime of South Africa. Reduced to its simplest form, the apartheid regime meant white domination, not leadership, but control and supremacy. The pillars of apartheid protecting white South Africa from the black danger, were the military and the process of arming of the entire white South African society. This militarisation, therefore, of necessity made every white citizen a member of the security establishment. (Brigadier Mofokeng, armed forces hearing)

139 Within the context of

Reference 38 - 0.01% Coverage

atmosphere.

Contexts of political motives

66 What were the political motives? While apartheid, rooted in colonialism, may be the primary context for the struggle, two other, wider, contexts combined to produce the particularly volatile mix in South Africa.

The cold war context

67

Reference 39 - 0.01% Coverage

this that and the other.

The anti-colonial context

69 The second wider context was the anti-colonial resistance movement in Africa, particularly in the neighbouring territories of Zimbabwe, Namibia, Angola and Mozambique. This occurred over the same period and became deeply entangled

VOLUME 5 CHAPTER 7 Causes

Reference 40 - 0.01% Coverage

in making the country ungovernable.

70 While both the ANC and the PAC made it clear in their political submissions that their primary motives were in response to the apartheid regime, it is also clear in their joint campaign and their alliance with others in the front-line states, together with their involvement in organisations such as the Non-Aligned Movement and the Organisation for African Unity, that the local struggle was part of the wider anti-colonial movement in Africa. The PAC submission stated:

When the Organisation of African

Reference 41 - 0.01% Coverage

through the OAU Liberation Committee.

71 The ANC submission quite succinctly identifies anti-colonialism as the central political motive:

At the root of South Africa's conflict was the system of colonial subjugation. Like other colonial countries, South Africa was victim to the rapacious licence of an era that defined might as right, an epoch of international morality that justified dispossession and turned owner into thief, victim into aggressor, and humble host into ungodly infidel.

72 Further on, the ANC

Reference 42 - 0.01% Coverage

Perspectives of Perpetrators PAGE 279

73 The issues surrounding resistance to colonial domination in South Africa were further complicated by the perception on the part of many of the dominant political forces that the Afrikaner population, too, had been injured by attempts at colonial subjugation by the British. This perspective was carefully laid out in the political party submission of the Freedom Front. Describing the effects of the discovery of South Africa's mineral wealth, General Constand Viljoen states:

It invited the greedy attentions

Reference 43 - 0.01% Coverage

South Africa.

The apartheid context

75 The third and most direct political context was the NP policy of apartheid, long rooted in colonialism and segregation, but increasingly from 1948 – and particularly after the banning of the PAC and the ANC in 1960 – involving a direct struggle between oppressed and oppressor: an armed conflict which gradually intensified over the subsequent years. Here of course the political perspectives differed widely. For the PAC the conflict was:

A national liberation struggle against settler colonialism for the restoration of our land to its rightful owners – the African majority.

76 For the ANC, apartheid

Reference 44 - 0.01% Coverage

the main than white people.

84 These three political frameworks, the cold war, anti-colonialism and the racist and oppressive apartheid regime, ideologically fuelled by Christian-Nationalism and increasing militarism, provided the arguments and justifications, the passions and the furies for the eventual commission of dreadful deeds. If political frameworks provide the fuel for atrocities, they must also form the focus of primary attention for future prevention. Political contexts do not, however, provide the full set of explanations.

VOLUME 5 CHAPTER 7 Causes

Reference 45 - 0.01% Coverage

Courts of chiefs and headmen

59 Many civil legal matters in South Africa are decided by bodies outside the formal court structure, namely tribunals administered by chiefs in the former homeland areas, under laws dating from the colonial period. The Commission thus recommends that:

AN URGENT AUDIT OF THESE

Reference 46 - 0.01% Coverage

widen the context and understanding:

a The unchecked reign, for many decades, of colonialism, which is concomitant with exploitation and disruption of cultures, customs and mindsets, and operated as a closed system without real access for indigenous people to the worlds and structures of the colonising powers;

b The influence of British

Reference 47 - 0.01% Coverage

specifically, the ‘poor white’ question;

e The development of the legal structures of apartheid from 1948 to the late 1950s coinciding with the last days of colonialism and the civil rights struggle in the United States;

f The launch by Dr Verwoerd of a change in policy, with a deepening of ideology, at the time of uhuru and decolonialisation, and especially after the “Winds of Change” speech by Harold Macmillan, then British Prime Minister. Arguing that discrimination and domination were indefensible, the new policy introduced the concept of partition to create a framework of independent nations, superimposing the nationalistic perspective on African ethnic groupings. What is seldom appreciated is that it is virtually impossible for the ideological mind to view the world in a frame of reference other than its own. The system of ethnic nation states was perceived as a moral way out for the post-colonial ruling elite.

VOLUME 5 Minority Position submitted

Reference 48 - 0.01% Coverage

needs to be further contextualised.

58 I have already alluded to the fact that apartheid policy from 1948 to 1960 was applied alongside the practices of colonialism. Measured by the contemporary yardstick of international human rights, it always was a crime against humanity. Slavery is a crime against humanity. Yet Paul, in his letters to the Ephesians and Colossians, is uncritical of the institution and discusses the duties of slaves and their masters. Given a different international balance of power, colonialism too might have been found a crime against humanity. Yet apartheid was first declared a crime against humanity by the United Nations General Assembly in 1973 – and not unanimously so. Moral imperatives are phenomena of their times and locations.

59 The Commission does not

Reference 49 - 0.01% Coverage

t was held personally liable.

33. T h e re was a call for reparations for the African slave trade and the consequences of European colonialism at the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance at Durban in September 2 0 0 1 .

51 Hilao v Marcos, 103

Reference 50 - 0.01% Coverage

and was weak and indecisive.

3. The final position and finding of the Commission was that business generally benefited financially and materially from apartheid policies. Some examples illustrating this finding emanate from points made during submissions: a White-owned large-scale agricultural, farming and agri-business enterprises benefited from the colonial-era restrictions on black land ownership that w e re maintained during apartheid, and the extremely low wages such enterprises were able to pay to the landless.

b Those enterprises involved in

Reference 51 - 0.01% Coverage

and distribution in occupied Namibia;

h p ropped up the colonial empire of Portugal in Angola and Mozambique by supporting the building of the Cahora Bassa and the Gove and Calueque dams, as well as the hydro-electric power stations at Ruacana in the Cunene river basin and at Cahora Bassa on the Zambezi, and

i

followed the state's guidelines

Reference 52 - 0.01% Coverage

Sobukwe to underscore the point:

I want to make it clear that we did not attack whites because they were white; we attacked them because they were oppressors. Sobukwe, the founding P resident of the PAC, put it this way: 'In every struggle, whether national or class, the masses do not fight an abstraction. They do not hate oppression or capitalism. They concretise these and hate the oppre s o r, be he, the govern o r general or a colonial power, the landlord or the factory owner, or in South Africa, the whites. But they hate these groups because they associate them with their o p p res s i o n. Remove the association and you remove the hatred.'

In South Africa then, once white domination has been overthrown and the white is no longer ‘white boss’ but is an individual member of society, there will be no reason to hate him and he will not be hated even by the masses. We are not anti-white t h e r e f o r e . We do not hate the European because he is white. We hate him because he is an oppre s s o r . And it is plain dishonesty to say ‘I hate the sjambok and not the one who wields it’. (Application to Commission and hearing at East London, 26 April 1999.)

Suspension of the armed struggle

Reference 53 - 0.01% Coverage

acknowledged as an independent state;
i the protection of the land against imperialism;
331. The CP maintained a

Reference 54 - 0.01% Coverage

as a crime against humanity

19. The International Convention on the Suppression and Punishment of the Crime of Apartheid, adopted by the United Nations (UN) General Assembly in 1973, states in Article 1 that apartheid is a crime against humanity. The Convention is one of a series of General Assembly and Security Council resolutions condemning apartheid as a crime against humanity. This legal categorisation has been echoed in the jurisprudence of the International Court of Justice and the Intern a t i o n a l Law Commission’s Draft Articles on State Responsibility and Crimes against the Peace and Security of Mankind. The classification of apartheid as a crime against humanity has been confirmed, and apartheid has been treated as similar to other e g regious crimes such as genocide, slavery and colonialism in intern a t i o n a l s o u r c e s as wide-ranging as the African Charter on Human and People’s Rights and the International Criminal Tribunal for the former Yu g o s l a v i a .

V O L U M

Reference 55 - 0.01% Coverage

address armed conflicts between states.

44. Whilst on the face of it this may be interpreted to mean that the Geneva Conventions had no application during that period, this is not the case, as a number of bodies within the UN passed resolutions relating to the armed conflict in South Africa. The resolutions covered subjects ranging from apartheid to colonialism and the right to self-determination. In this re g a r d , Resolution 31029(XXXVIII) of the UN General Assembly adopted in 1973 provided as follows:

13 Appendix 2 to this

Reference 56 - 0.01% Coverage

G E 5 9 8

The armed conflict involving the struggle of people against colonial and alien domination and racist regimes are to be regarded as international armed conflicts in the sense of the 1949 Geneva Conventions and the legal status envisaged to apply to the combatants in the 1949 Geneva Conventions and other intern a t i o n a l instruments are to apply to persons engaged in armed struggle against colonial and alien domination and racist re g i m e s .

45. It can, there f

Reference 57 - 0.01% Coverage

conflicts that were taking place.

52. In this regard, Article 1(4) of Protocol I sought to confer prisoner of war status on national liberation movement combatants involved in the conflicts in South Africa and Israel. The article provides that 'armed conflicts in which peoples are fighting against colonial domination and alien occupation and against racist regimes in the exercise of their right of self-determination' are to be treated as international armed conflicts and not as internal conflicts.

53. The effect of this

Reference 58 - 0.01% Coverage

GE 601

Furthermore, the General Assembly has recognized the legitimacy of the struggle of the national liberation movements and demanded that the ANC combatants be treated as prisoners-of-war in accordance with the provisions of the Geneva Conventions of 1949 to include 'armed conflicts in which people are fighting against colonial domination and alien occupation and against racist regimes in the exercise of their right of self determination'.

The doctrine of state re

Reference 59 - 0.01% Coverage

2 common to those Conventions.

Article 1(4) of Protocol I The situations referred to in the preceding paragraph include armed conflicts in which peoples are fighting against colonial domination and alien occupation and against racist regimes in the exercise of their right of self-determination, as enshrined in the Charter of the United Nations and the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations.

VOLUM

Reference 60 - 0.01% Coverage

GE 670

The state of war which exists in South Africa is a war of national liberation, for selfdetermination on the basis of the Freedom Charter, whose adoption we are celebrating the 25th anniversary this year. It is, as Article 1 of Protocol I of 1977 recognizes, an armed conflict in which peoples are fighting against 'colonial domination and alien occupation and against regimes in the exercise of their right to self-determination'.

In the past 12 years

Reference 61 - 0.01% Coverage

GE 707

always the settler colonial regime of South Africa. Reduced to its simplest form, the apartheid regime meant white domination, not leadership, but control and supremacy. The pillars of apartheid

protecting white South Africa from the black danger, were the military and the process of arming of the entire white South African society. This militarization, therefore, of necessity made every white citizen a member of the security establishment.

33. The vast majority of

Reference 62 - 0.01% Coverage

GE709

people are fighting against racist or colonial regimes, 74 which was specially created to deal with

Reference 63 - 0.01% Coverage

GE710

against colonial domination and alien occupation and against racist regimes in the exercise of their right of self-determination as enshrined in the Charter of the United Nations and the Declaration of Principles of International law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations'. These Conventions are designed to limit the brutality of war and the loss of civilian life and, in particular, to hold accountable those who wage war in an unacceptable fashion.

46. Common Article 3 defines

Reference 64 - 0.01% Coverage

E7 Victim findings: Summaries

MAKGATI, Mathibe Philemon (26) a UDF supporter, was arrested and tortured by named members of the SAP in Nebo, near Pietersburg, Tvl, during 1986. Mr Makgati was in the forefront of a UDF campaign to isolate policemen in the community and was implicated in a politically motivated arson attack. MAKGETE, LD, and other SAP members, survived an explosion when the armoured vehicle in which they were travelling detonated a landmine in Mamelodi, Pretoria, on 16 February 1986. One MK operative was granted amnesty for his part in causing the explosion (AC/2000/195). See ANCLAND MINCEAMPAIN. MAKGOBA, Ramakone Tlou (33), had her home at GaMatlala, Lebowa, burnt down at GaMatlala, Lebowa, by supporters of Chief BK Matlala on 2 February 1980, because she resisted Lebowa's proposed independence from South Africa. MAKGOBA, Solomon Maphuti (17), had his home in GaMatlala, Lebowa, burnt down at GaMatlala, Lebowa, in GaMatlala, Lebowa, by supporters of Chief BK Matlala on 2 February 1980, because Mr Makgoba resisted Lebowa's proposed independence from South Africa. MAKGOBOTLOU, Johannes (62), an ANC activist, was handcuffed, assaulted and threatened with death by members of the SAP in Louis Trichardt, Tvl, in March 1992. MAKGOLO, Victor Manase (16), was shot dead by members of the SAP in Meadowlands, Soweto, on 16 June 1986 during a three-day stayaway to protest against the apartheid government. Police were also present when Victor was buried. MAKGOMOLA, Frans Masidi (27), was shot and injured by members of the SAP at Naboomspruit, Tvl, on 20 April 1993 during unrest after the killing of SACP leader CHRISHANI. He was detained for two months and denied medical treatment. The bullets were never removed. MAKGOTHI, Henry Gordon (33), an ANC member from Orlando, Soweto, Johannesburg, was arrested in Northern Rhodesia (Zambia) by the British colonial authorities in 1962 and handed back to the South African authorities. Mr Makgothi was detained and subjected to torture. He was sentenced to two years' imprisonment for leaving South Africa illegally, and later to a further six years for offences under the Suppression of Communism Act. MAKGOTLHO, Dikene

Joshua (39), chairperson of the U D F - a ffiliated Krugersdorp Residents' Org a n i s a t i o n , was detained in 1981 in Krugersdorp, Tvl, and tort u r e d by members of the SAP wanting information about bus boycott organisers. Mr Makgotlho was eventually c h a r g e d with sedition, but charges were later dro p p e d . MAKHABANE, Petrus, was shot dead by members of the SAP on 16 June 1976 during the SO W E T O U P R I S I N G. MAKHALE, Ratselane Joshua Moholo (43), an ANC and SAMFU member, was shot and severely injure d by members of the SAP in Ladybrand, OFS, in Marc h 1992, when police opened fire on striking workers p rotesting outside the municipal offices in Ladybrand. MAKHALEMELE, Goodman, was shot dead by members of the SAP in Duduza, Nigel, Tvl, on 23 May 1985 during unrest in the are a .

P A G E 2