Umbutho Wamalungelo Obuntu
CIVIL RIGHTS LEAGUE
Burgerregtevereniging

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Contents

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THE ANNUAL GENERAL MEETING

17 August

An important announcement

This will be held on Wednesday 17 August, at a venue still to be arranged. A motion will be put to members that the Civil Rights League should cease to function.

It is hoped also to bring together a panel of speakers to discuss specific human rights issues, in particular Detention without Trial, Land rights, and the Meaning of Equality.

Extract from the Minutes of the meeting of the Committee on 24 May 1994.

Mr Sarkin asked from the chair for the views of those present on the future of the League in the light of its own resources and the recent and pending changes in the country as a whole.

THE FOLLOWING POINTS AROSE IN THE DISCUSSION:

(a) ***that the League should remain active***

- because the need for its vigilance could be greater than ever, with a new government in power with a radically different political agenda;
- because surviving obstacles to human freedom in the form of political 'no go' areas, gang violence, the spread of political blackmail, the threatened infringement of e.g. language rights etc. etc., could remain
- or because with the National Party and IFP lacking a real civil rights tradition, and the Opposition parties too small to carry weight in Parliament, and important sections of the press unreliable, the need for the propagation of ideas of civil liberty could become more urgent, not less
- or because it has served loyal membership over nearly 50 years, even if that membership does not contain many politically active people and has, in general, not attended meetings (in particular the a.g.m.)

(b) ***that the League should remain in being but redefine its role***

- either by remaining no more than an editorial body publishing the Newsletter (which some thought would not enable it to survive as a formal body)
- or by limiting its activity to civil as opposed to other human rights (assuming that we are agreed as to the boundaries between them)
- or by becoming pro-active rather than merely reactive in one or more ways: e.g. by setting up an information service to help people to understand what their civil rights are; or by resurrecting its earlier efforts to work through the schools; or by taking the need to go public through organizing more meetings (above all inter-party meetings to get key issues aired in a rational manner)
- or by fuller monitoring of the public media

(c) ***that the League should close down***

- either because there are other more effective, more powerful bodies in the field, like the Black Sash (which does very effective legiwatching and looks after women's rights), or IDASA (which has a more effective outreach), or LHR (which keeps a close watch on human rights abuses). (It could attempt to amalgamate with one or other of these or other bodies).
- or because its financial base (a drop over three years in subscriptions from ± R7 000 to R1 000 (though the follow-up appeal for 1994 has not yet gone out)
- or because, without an injection of enthusiastic new members, the present leadership finds itself unable to maintain activities even at the present level

(d) *but that the League should remain in being, but tread water until the a.g.m., in order to take stock and watch developments.* ■

"Join the Jailbird Party and fight according to your convictions"

The Civil Rights League – A REMINISCENCE

by Dot Cleminshaw

As the CRL moves into a new phase after the April election and the transfer of power, the need to assess its future role becomes pressing. The present contribution was offered in the light of the pending debate at the a.g.m. on 17 August, which all members are urged to attend, so that we can work out clear guidelines on the direction which the League should take in the future.

I have been asked to evaluate the Civil Rights League's efforts to promote human rights over the past 46 years! I have stifled my groans simply because of caring about the aims of the League, the individuals who voluntarily gave their time and efforts to serve on the committee, and the patrons and members, whose names read like a list of the 'cleanest and sweetest people' (to use a phrase from both Archbishop Clayton and Dr Alan Paton).

Those who founded the League in 1948 were motivated by respect for the rights of all South Africans, and with the coming to power of the Afrikaner Nationalist government, by a foreboding of their loss. As liberals they were not willing to resort to sabotage or armed struggle. The better alternative was a process, if necessary a slow one, of influencing minds by promoting vocal opposition to injustice.

The 1939 war against Hitlerism and totalitarianism had raised consciousness of the need for a new approach to the problems of society and political practice made urgent by the sacrifices demanded by war. Debate turned around the possibility of building a democratic society based on the Atlantic Charter with its demand for 'freedom from want and the fear of want', and later on the UN Declaration of Human Rights.

The participation of General Jan Smuts, a world statesman who presided over a deeply divided cabinet, in framing the preamble to the UN Charter, was anathema to many white South Africans, who feared the move towards racial equality generated by the

conditions of war. *Ideas of* equal competition between black and white people for jobs and housing and for social equality were rejected by many people deficient in wisdom, imagination and sympathy.

South Africa's new rulers after 1948 rejected the notion of a gradual advance towards a free society, and embarked on a bizarre and brutal policy of making the races separate and (though they denied it) necessarily unequal. As the legislative programme of this government unfolded, many people protested.

It was at this crisis moment that the Civil Rights League was founded after a large public meeting in Cape Town on 14 September 1948.

The League soon became involved in the defence of the franchise rights of the coloured people. It was outspoken in its criticism of the Suppression of Communism Act, which offended the principle of the Rule of Law, a necessary basis for civilized society. For more than four decades the League consistently opposed unjust legislation and those brutal, destructive official acts – bannings, forced removals and detentions without trial – which flowed from it; the pass laws that sent millions (yes, millions) of Africans to gaol, torture involving nearly a hundred deaths in detention. As part of a campaign against the imprisonment of conscientious objectors, the League organized a conference in 1970 which rejected conscription and carried an important resolution advocating alternative forms of national service, which Sir Richard Luyt presented to the military, though without success. The means used were regular newsletters, memoranda and petitions presented to the government, letters and articles in newspapers, and public meetings addressed by prominent speakers on human rights. (I remember particularly one at which Sir Robert Birley, an ex-headmaster of Eton and a creative thinker of remarkable power and integrity, was the speaker). The League took part in a range of protest activities, like the Repression Monitoring Group, the End Conscription Campaign, the Free the Children Alliance, and the Society for the Abolition of the Death Penalty.

Another contribution was a memorandum to the Law Commission on proposals for the Bill of rights. As recently as December 1990 it took a private approach to a teacher at a white government school to allow three law lecturers from UCT to introduce the senior pupils to the '4th R – Rights' – such was the phobia in government circles.. One of the boys said 'This stuff interests me'. Another sign of growth was a venture into the controversial issue of the right of women to choose early, legal abortion. After a public meeting on this issue the committee decided to identify itself with the view that the constitutional right to life must not be construed as denying a woman's right of choice in this matter.

Among the influential personages who became patrons of the League have been a succession of Anglican Archbishops of Cape Town, together with Donald Molteno and Gerald Gordon (leading advocates with a concern for African people's rights), Ben Beinart (professor of Roman-Dutch Law at UCT), Leo Marquard (a publisher, a self-aware Afrikaner and leading liberal), Dr Oscar Wollheim (a prominent educationalist and for years director of CAFDA), and Dr (now Professor) Sheila van der Horst (a well-known liberal economist). It is not possible to mention all the distinguished patrons and members who buttressed the League against the hostility of the State, but some names stand out, like Sir Richard Luyt, who accepted the office of honorary president to the League's great advantage, Brian Bishop (a courageous chairperson who did great work in relation to the crisis in Crossroads), and later Keith Gottschalk, who suffered a term of detention without trial in 1985. In more recent years Professors Hugh Corder and Rodney Davenport have taken the chair and devoted much time and energy to the League's concerns. I have left to the last the names of George and Maggie Rodger, respectively honorary treasurer and secretary, whose devotion to the League was total. If ever a single person could be said to have sustained the life of the Civil Rights League through thick and thin over decades, it was the indomitable Maggie.

Some committee members represented their organizations, which included the Black Sash, the National Council of Women, the Association of University Women, and the SRC of the University of Cape Town. In later years the League received valuable human rights publications from Human Rights Internet at Harvard University, at a time when such 'undesirable' material was hard to come by.

Did we fail? Did we succeed? Who is to judge? At one stage marxist critics accused liberals of advocating change only in a manner unlikely to make it happen. Was this a fair description? Not all of us were fitted to be revolutionaries. We held up a light which for a long time the darkness did not comprehend. Today all the main South African political parties embrace the concepts of liberal democracy. When the Civil Rights League was formed 46 years ago, it was the only body of its kind in South Africa. Today there are a number of organizations devoted to human rights. We have a democratically elected government for the first time in our history, and an interim Bill of Rights with a Constitutional Court about to be set up to enforce them.

One thing, however, is certain: every generation must be vigilant to safeguard its rights. The price of freedom is eternal vigilance. But right now I have a notion that, somewhere, Olive Schreiner is smiling. ■

Editorial: THREE WAYS TO AVOID THROWING AWAY THE FUTURE OF OUR COUNTRY

Building the new South Africa has to be an adventure. Democracy is not born in a day, not even on the day of a rather special presidential inauguration. It is an act of will, a continuing determination on the part of all sections of the population to make it work. As Renan put it, it's a "daily plebiscite", a day-by-day determination on the part of the people to make it work. That supplies its moral sanction.

But the act of building itself must be soaked through and through with that morality. So what could go wrong?

One. *A slackening of our desire to safeguard, and where necessary restore, human rights.* So who has rights? Even prisoners? From one point of view, imprisonment without the option of a fine is itself a calculated deprivation of the rights of those who have themselves denied them to others. It is normal to take them away from people with mandatory long sentences. There seems room for doubt in situations where criminal acts such as robbery are a consequence of major social injustice (and not all robberies fall into that category). Room for doubt, also, in situations where people commit common law offences in the name of legitimate political demands; but are there no limits to that? It is fair to treat acts of violence directed against innocent individuals as terrorism.

Two. *Eliminate Blackmail.* Terrorism is emphatically not an act of war, but an act of political blackmail.

So at what level must the critical decisions be made? There can only be one answer in a society governed by law, and that is: the courts. If the courts themselves are a product of political injustice, then the law itself is where reform must start: the removal of injustices from the statute book, the creation of a judiciary which is both trained and legitimate, no secret trials of those indicted, and an assumption that people can only be sentenced for breach of either a common law right or a statute law enacted prior to the offence, not afterwards. Then rely on the courts to take us the rest of the way.

One thing we cannot allow is that injured parties should take the law into their own hands, for that itself is blackmail.

Blackmail is the most insidious flaw in our society. It has reached its apogee with the strikes in the prisons, abysmal though our prison conditions are. It has raised its head in strikes by teachers, nurses, and police, morally justifiable those those strikes may be. In each case the innocent are deprived of rights – to be taught, to cure their sickness (in some cases leading to loss of life), to be protected from injury done by others. The fact that this is not altogether the case in industrial strikes must be seen as a consequence of the drafting of careful legislation designed (generally helpfully) to defuse conflicts of wills in the interest of the greater good – but even then there is the problem of the wild cats and manipulation through orchestrated community pressures.

The establishment of the constitutional court must be seen as a serious attempt to limit the effectiveness of blackmail, and as devotees of civil rights this League can only wish it well. Which will be the case if it can be protected by a sifting of cases so that only those capable of establishing significant judicial precedents can be brought before it. The point to bear in mind here is that the defence of established rights ought to be seen as a normal function of the courts anyway – if our ombudsman cannot deal with them – and it would be very unfruitful to place so much business before the constitutional court that its works are clogged and the important cases are delayed.

Three. *Discover the healing properties of truth.* The ultimate test of morality could be the truth commission. It seems that a lot of damage has been done to public trust by the steamrollering of amnesty legislation through the legislature by a previous government intent on reassuring its own supporters and building a bridge to its major opponents. But the point has been made often enough that one cannot really forgive unless one knows whom to forgive for what.

To this can be added the suggestion that the act of forgiveness really cannot be made vicariously on behalf of others by one party in the dispute. The use of arbitrary powers to dispense with the law in individual cases, or to suspend the operation of a law itself by the executive authority, became an important constitutional issue in Britain in the 17th century. It is not quite the same situation when these acts are committed by an elective legislature; but even such actions by the

legislature undermine the courts, and the binding character of the law itself, save in very rare situations.

One such situation arises with the making of a treaty between two contending powers: acts of indemnity and oblivion make good sense, if given retrospective effect only, where there is a pressing needs to start again with a clean sheet. That being the case, there are good arguments for a broad political amnesty now, if carried as an agreed measure in Parliament. And as there is now enough evidence to suggest that we are going to be spared a Nuremberg trial, it also seems fair to suggest that a truth commission, following the amnesty, can only help to endorse that amnesty and reduce the sum of private anger. ■

Aboriginal title, restitution and compensation; some Antipodean comparisons

By M.P.K. Sorenson

Professor Sorenson, who was recently in South Africa, is Professor of History at the University of Auckland, and the author of a number of books and essays on the history of Kenya, South Africa and New Zealand

Now that South Africa's democratically elect government has begun to consider the problems arising from the uncompensated seizure of African land over the years, the experience of Australia and New Zealand can profitably be taken into account.

ABORIGINAL TITLE AND EUROPEAN COLONIZATION

South Africa, Australia and New Zealand all have a common heritage as former British colonies, but were not subjected to identical imperial policies. South African land law derived from Roman-Dutch leasehold principles, as against the freehold notion basic to English law, though in the early years control of settler expansion under either system was minimal, especially in the Cape Colony and Western Australia.

Aboriginals' title to land was not recognized in the Cape Colony, whereas European colonists acquired title, on the basis of occupation or conquests, by grant from the Crown. Even where they remained on land seized by Europeans, Africans were progressively reduced to the status of 'squatters', liable for labour service, and in later years many were removed altogether. In established reserves, especially in the Eastern Cape and Natal, Africans continued to hold land under customary tenure, though private ownership became permissible under certain conditions. Formal segregation was brought in under the Natives Land legislation of 1913-36, and the unequal division of land – the result of conquest – rigidified by statute. In this way South Africa was partitioned unequally into areas where either blacks or non-blacks could not own or occupy land.

Australian developments were similar. Aboriginal title to land was not recognized; indeed the country was deemed to be a *terra nullius*, though Aborigines were numerous and disputed the European occupation. European pastoralists, who 'squatted' on Aboriginal land were, like the trekboers, granted titles or pastoral licences. Though some small Aboriginal reserves were saved from European occupation, few of these survived except in the barren and inhospitable centre and north of the continent. In recent years some of the states and the Commonwealth government in the Northern Territory have managed to reinstate Aborigines on some of their traditional lands. But it was not until the 1992 that the Marbo judgment in the Australian High Court enforced recognition of Aboriginal title and facilitated the payment of compensation to Aborigines for land lost.

New Zealand differed from South Africa and Australia in that Aboriginal title was recognized and Maori land could be acquired for settlement only by treaty and purchase rather than occupation and (with one notable exception) conquest. Under the 1840 Treaty of Waitangi Maori chiefs yielded sovereignty of their land and other resources. They yielded to the Crown a sole right of pre-emption to purchase land – a right exercised vigorously by the Crown in the early years of the colony. The Crown monopoly was abandoned in 1862 when settlers were allowed to purchase land directly from Maori, after a Native Land Court had adjudicated customary titles and replaced them by certificates of title.

However the overall result in New Zealand has been similar to that in Australia and South Africa. The prices paid for Maori land were often inadequate, and the

transactions coercive or fraudulent, leaving Maori with very little of their original estate and a legacy of grievances.

The Redress of Grievances

In all three countries the indigenous peoples have retained only a small proportion of their original land. Most have been driven into a precarious existence in other sectors of the economy and remain in a disadvantaged soci-economic position; and there are abiding historical grievances. None of the countries has progressed far in the resolution of these. South Africa has scarcely begun, though the establishment of a Land Claims Court may well prove to be the best way forward. Australia is not far ahead, though it has at least set the guidelines for future resolution, particularly with its comprehensive Native Title Act, passed late last year. This was designed to quiet insecurity of European titles, raised by the possible application of the Marbo judgment to mainland Australia, and to provide recognition of aboriginal title in Australian common law. The act also provides for a National Native Tribunal to investigate Aboriginal claims to land but, since existing European titles have been validated, it cannot order the return of such land, except where valid leases or licences expire. The act establishes a fund for the purchase of available land. Otherwise Aborigines have to be compensated. Though the act has hardly come into operation, it has obvious relevance for South Africa and should be closely watched. It could provide precedent for the recognition of aboriginal title over parts of the formerly 'white' areas of South Africa, or at least for an inquiry into claims to such title – and compensation for dispossession.

In New Zealand there have been official inquiries into Maori land grievances virtually from the beginning, usually over the mechanisms of purchase rather than the loss of the land. The inquiries have sometimes resulted in compensation, though the 'full and final' settlements that were envisaged were usually neither full nor final. Many are being re-examined at present. In 1975 a Treaty of Waitangi Act established a Waitangi Tribunal to examine Maori claims that the Crown had failed in particular actions to uphold the principles of the Treaty. But the act applied merely to future actions by the Crown. However in 1985 it was amended to allow retrospective claims all the way back to 1840 when the Treaty was negotiated. That opened up a rash of claims – there are now more than 420 on the Tribunal's register, many of them historical. Although the Tribunal has dealt with about a fifth of the claims, brought out some stunning reports, and made numerous recommendations for the resolution of the grievances, most of the major historical land claims remain unresolved. It is difficult to see how they can be easily or quickly resolved. Recently the government amended the Tribunals Act to prevent it from recommending the return to Maori of private land. There is insufficient unalienated Crown land outside of sacrosanct national parks to meet Maori claims. As in Australia, it seems unlikely that Maori loss of land will be compensated by the return of any considerable area of land. The solution, if any, will rely largely on monetary compensation.

Such 'solutions' are unlikely to be sufficiently radical to meet South Africa's urgent needs. However there are some other precedents in the Waitangi Tribunal process that could be valuable. The Waitangi Tribunal, chaired by the Chief Judge of the Maori Land Court who is himself a Maori, has 16 other members, half of them also Maori. That composition reflects the partnership principle of the Treaty. Though the Tribunal is required to act like a commission of inquiry, it is also allowed to follow Maori *kawa* or procedures, and it does this by holding hearings at Maori centres *(marae)* where Maori language and culture are used. Though there is a wealth of documentation on many early transactions in Maori land, oral evidence, presented at marae hearings, is also accepted. There is a deliberate attempt to avoid the adversary behaviour used in European court or commission proceedings. As a result, it is sometimes possible to resolve claims by mediation and negotiation. Such procedures could well be valuable in South Africa as it moves ahead with its own inquiry into African historical claims.

But in the end it must be recognized that these claims are somewhat greater and more difficult of solution than those of Aborigines in Australia or Maori in New Zealand. Both of these peoples are minorities who are unlikely ever to regain the bulk of the land. Africans, by far the majority in South Africa, have but a minority share of the land and are unlikely to be content unless that position is reversed. Though Australian and New Zealand methods of resolving indigenous land grievances obviously have some useful precedents, more drastic solutions may be required. These include compulsory acquisition (hopefully with fair compensation) which has already been foreshadowed in the new constitution. It will be necessary to move on to resettlement schemes on former European land, perhaps improved versions of some that have been used in Kenya and Zimbabwe. But these must always be tempered by the need for commercial viability, productivity, and to preserve the quality of the land itself. The land must be protected if people are to survive on it. But the hard fact remains that not all of South Africa's population can be accommodated on land; most must secure a living in other parts of the economy. ■

THE GONIWE INQUEST – A PERSONAL PERSPECTIVE (III)

By Judy Chalmers

We are grateful to Judy Chalmers for this, the third instalment of her account of the inquest into the murder of the Cradock Four. Since she submitted this article, further substantiation of the 'third force' thesis has been provided by the revelations concerning Anton Lubowski in the Namibian trial. Together, they add strength to the need for a truth commission: If enough of the truth is out to spin a web of suspicion around guilty persons 'still out there', some of whom seem to be identifiable, it would be better if they were given the chance to admit their guilt under cover of an amnesty, and clear those in whom guilt does not lie.

On 28 May 1994, a Saturday morning, the Supreme Court in Port Elizabeth reconvened to hear Judge Neville Zietsman's findings in the Goniwe Inquest.

For the widows and families of Matthew Goniwe, Fort Calata, Sparrow Mkhonto and Sicelo Mhlauli reaching this point has been a long and painful journey. They have sat for many months on hard court benches, listened to carefully contrived cover-ups and lies, watched the men responsible for the deaths of their husbands attempting to deny that responsibility, hoping always that the investigations would expose the truth and that this truth could be proved.

When Judge Zietsman eventually made his finding – that the Security Forces were responsible for the murders of the Cradock leaders – a sigh of disappointment went up from the court. Those attending the inquest were hoping against hope that the judge would pin the murder on a specific individual or group. He made it very clear, however,, that there was no prima facie evidence enabling him to do so. Indeed, I had gathered from the families' lawyers before the findings that they feared that Judge Zietsman would not go as far as apportioning blame to the Security Forces. Colonel Louwrens du Plessis's statement in the witness box that there was a 50/50 chance of him having been mistaken as to the meaning of the signal might well have jeopardized this finding. We were all very relieved that this did not happen.

In order for the judge to place responsibility for the murders on an individual or group a clear link between the order and the assassinations had to be established and this had not been proved. For Generals van der Westhuizen and van Rensburg to be charged with conspiracy to murder it had to be proved that there was 'a meeting of minds between the conspirators' and that the murderers were aware of that conspiracy. Judge Zietsman said 'There is no direct evidence suggesting a common purpose to murder or an agreement between the Defence Force and the Police to commit these murders'. He said, however, that the signal giving the order to remove the men from society was not an innocent one and Col. du Plessis's interpretation that it was a death warrant was well founded.

For the widows of the murdered men Judge Zietsman's finding means that their civil claims, amounting to R1.6 millions, against the State can proceed with a very good chance of success. In October 1993, the Government had stated its intention to defend these claims. Now this was clearly not likely to happen. The wives will at last be able to enjoy a measure of financial security. For the last nine years they have had to struggle to support themselves and their families, to educate and provide a future for their children. Nobuzwe Goniwe and Dorothy Calata are both writing their matric this year and hopefully the civil claim will be settled in time for them to go on to further education unimpeded by the financial struggles of the past.

Judge Zietsman's findings will now go to the East Cape Attorney-General's office for consideration. It is still possible that criminal charges will follow. For one thing, the fact that General van der Westhuizen lied in the witness box may mean further action is brought against him. This came about when he claimed he had never been party to murder plans and evidence was then led that he was a party to a plan (Operation Katzen) that included the possibility of assassinating Lennox Sebe.

This third inquest into the 1985 assassination of the Cradock Four has exposed far more than the inquests that have preceded it, the degree to which the evil tentacles of the National Security Management System twisted themselves into and about South African civil society. As Clive Plasket, LRC attorney for the families said. 'The murders occurred within the context of a

system and a strategy', and 'that the decision had to be taken at the highest level'. The perpetrators of this crime are still out there. I hope, somehow, the truth commission at present being considered by the Government will mean that eventually we will know just what took place that night. I hope too the Goniwe Inquest, long, tortuous, painful and expensive as it has been, will have played its party in ensuring that the State will never again use its power to commit crimes of the sort perpetrated against those four Cradock men. ■

Prisoner to the Public Service – MARY BURTON AND THE IEC

The CRL's front runner in the Western Cape election marathon has to have been Mary Burton, though it was as a leading figure in the Black Sash with ability to call on Sash helpers that she was able to complete the task allotted to her with a very high measure of success.

She was asked towards the end of February to head the electoral office for the Western Region – a territory reaching out deep into the Karroo, as far as Beaufort West and George, containing some 42 electoral districts, 80 odd polling stations and employing upwards of 2000 workers as IEC electoral officers, monitors, and enumerators in the various stations.

But it all had to be legal as well as legitimate. So District electoral officers (government officials) maintained control in the background, primarily as facilitators to override any difficulties which might arise through the non-cooperation of local authorities.

From the rambling offices provided on the foreshore (which were very light in furniture), and with the help of six sub-controllers – at Vredendal, Beaufort West and George and the rest in the Cape Peninsula – Mary's task was to conduct an operation normally carried out by the Department of Home Affairs, but five or six times the size, and with the police limited to the maintenance of public order and the ferrying of ballot boxes. (She later applauded them for having done their self-effacing job so conscientiously).

She had to acclimatize state officials to the fact of female supervision. It is said that they became so adjusted, and the team of Black Sashers justified this confidence as did the work of polling officers, black and white, male and female, who took overall charge of the operation at the voting stations – some, like Mitchell's Plain and Khayelitsha, sensitized by the volatile combination of long queues, wet weather, and not enough ballot papers, or not enough ballot papers with that vital legitimizing addendum, the portrait of Gatsha Buthelezi.

Voting stations had first to be selected – halls large enough to give room for a double spread of polling officials and polling booths on account of the simultaneous holding of national and provincial elections. Civic centres and schools on the Home Affairs list went some of the way;' but others had to be found, especially in the black residential areas, and in some cases these were made unavailable at a very late stage, and for reasons which looked suspiciously like calculated sabotage, necessitating frantic last-minute phone calls to countless enumerators and monitors, telling them where to go or to go somewhere else.

The absence of an electoral roll speeded up the actual turn-around of voters, hut was complicated by the fact that nobody knew hom many voters there were, and the problem that voters could vote at any station they chose. 700,000 hallot papers were sent to Mitchell's Plain – not enough in fact, but the largest number the district seemed likely to be able to cope with. Hence the importance of buses to convey voters from stations with no papers to stations with papers.Some 2.1 million voters actually cast their votes in the Region.

All ballot papers had to be securely storcd. A warehouse near the airport was selected. The landlord declined to sign a lease, having objected to approaches by or on behalf of blacks or English-speakers. At a late stage, he also made it clear that the warehouse could be used for storage purposes only, and not for counting, and at the last minute turned voting materials (as opposed to ballot papers) away. This produced a major distribution crisis on the first morning of the election, and a counting crisis at the end of it. It resulted in some stations being unable to operate for several hours after the official time for opening, and an uncontrollable transportation of sealed ballot boxes to the Cape Town Civic Centre on the closing days of the count, which itself had to be extended on account of the confusion.

A last-minute crisis arose when the state officials at Mitchell's Plain objected to a start being made with the counting before confusion over the centralization of sealed ballot boxes had been sorted out. Mary resolved this one by calling a meeting of district officers and party representatives early on the Friday morning at the notorious warehouse, where they systematically checked

the seals on all the boxes and authorized their dispatch to the Cape Town Civic Centre for counting.

The election in the Western Cape succeeded, we must conclude, largely because of the unflappability of the Regional Electoral Officer. She was able to communicate an attitude of dispassionate realism to the IEC officials at the polling stations, even when it meant holding up the initial counting until all the ballot boxes from individual stations had arrived. She took no short cuts without clearing her actions with the parties and the state officials.

The result was an election which, despite its nightmarish uncertainties, created a feeling of confidence in the voters and officials that something important was really happening. It was this, surely, that enabled Mary herself to endure the indignity of being held hostage for many hours when the voting had ended, by a group of NEON workers who insisted (erroneously) that the IEC had undertaken to pay them. One likes to think that this final burst of unavoidable inactivity had a soothing effect on our electoral officer, for how else can we explain her phenomenal composure? ■

TRIBUTE TO SIR RICHARD LUYT

The death of Sir Richard Luyt since the publication of our last Newsletter has left a big gap in the Civil Rights League's ranks.

Sir Richard, whose career in the British Colonial Service reached its peak with the Governorship of British Guiana, was best known to South Africans as the Principal of the University of Cape Town.

That Sir Richard could see his way clear to accepting the honorary presidency of the Civil Rights League was in itself a tribute to the League. That, as president, he was so faithful and hard-working a leader during the momentous decade of the 'eighties until early this year, places us still more in his debt. He will be sadly missed, and the League extends its sympathy to Lady Luyt.