

IN DIE HOOGGEREGSHOF VAN SUID-AFRIKA  
(TRANSVAALSE PROVINSIALE AFDELING)

A

SAAKNOMMER: CC 482/85

PRETORIA

1987-09-16

DIE STAAT teen:

PATRICK MABUYA BALEKA EN 21

ANDER

VOOR:

SY EDELE REGTER VAN DIJKHORST EN

ASSESSORE: MNR. W.F. KRÜGEL

NAMENS DIE STAAT:

ADV. P.B. JACOBS

ADV. P. FICK

ADV. W. HANEKOM

NAMENS DIE VERDEDIGING:

ADV. A. CHASKALSON

ADV. G. BIZOS

ADV. K. TIP

ADV. Z.M. YACOOB

ADV. G.J. MARCUS

TOLK:

MNR. B.S.N. SKOSANA

KLAGTE:

(SIEN AKTE VAN BESKULDIGING)

PLEIT:

AL DIE BESKULDIGDES: ONSKULDIG

KONTRAKTEURS:

LUBBE OPNAMES

VOLUME 287

COURT RESUMES ON 16 SEPTEMBER 1987.MOSIUOA GERARD PATRICK LEKOTA: d.s.s.

FURTHER CROSS-EXAMINATION BY MR FICK: Mr Lekota the history of the struggle, is it important? For the UDF? -- Well the history of the struggle is important.

Why? -- As I said first of all because the past helps us to understand the present and that one cannot arrive at a proper understanding of our society without understanding the historical path we have had to travel to the present.

And to you, as the publicity secretary of the UDF was (10) it also important to know the history of the struggle? -- Well I actually knew it before I was the Publicity Secretary of the United Democratic Front so it is knowledge or information I had before I even came to the United Democratic Front. It was not part of my duty, it was not imposed on me by the UDF to know it.

Now is it so that the call for the UDF was made at the anti-SAIC meeting, that is the origin of the UDF. Why is it that you do not know the anti-SAIC, or do not know its members, its executive? -- No at the time when the anti-SAIC was (20) operating I was serving my prison term and when I was released in December 1982 I did not at once move into political organisations. I had a lot of other personal issues to attend to. So it was only at a later stage that I began to participate in the political developments of the time.

COURT: When were you released? -- I was released in December, on 20 December 1982. And maybe I may add that one bit I can say about political developments before I participated directly would be only what I had heard from people here and there. But nothing that could be systematic and authoritative. (30)

MR FICK:/.....

MR FICK: But I find it strange that you the Publicity Secretary of the UDF did not make any enquiries or investigate anything about the anti-SAIC. -- No I know broadly that the Anti-South African Indian Council was a movement that opposed elections into the South African Indian Council. That I know, it is just, but above that I do not have inside information, I do not have firsthand information. I know broadly that that was the position. I also know that before December, or before the beginning of 1983 in the Western Cape for instance there had been a group of organisations that was opposed to the (10) proposed legislation, that is now the Disorderly Bills Action Committee. I have heard here and there about this but I do not have firsthand information about them, but I know those developments were there.

Now what is your personal view of the role of the workers in the struggle? -- My personal view is that it is important to win sectors such as the working people because they constitute the majority of the population of the country and therefore from the point of view of the United Democratic Front it has been my personal opinion and the opinion of others that (20) we must do our best to win as much support of the working class organisations as possible, and to that extent to try to encourage as many trade unions as possible to affiliate to the United Democratic Front.

What was UDF's views on the leadership position of the struggle? Who was supposed to be in the leadership of the struggle? -- I cannot recall an official decision on the matter but I think our general approach has been that because the working people constitute the majority of the population of the country they must participate in the organisations, both (30) at/....

at the level of supporting and to the extent that it is possible to also encourage them to take up leadership positions within our organisations because amongst other things some of the problems, the major proportion of the problems that we had to tackle, affected the lives of the working people.

What was UDF's views on the formation of a federation of unions?

COURT: Federation of?

MR FICK: Unions, trade unions? -- The position of the United Democratic Front was one that was in favour and supportive (10) of the idea of the formation of a federation of the then existing trade union organisations.

And did UDF in fact assist in the formation, the eventual formation of such a federatoin? -- We did not assist. We expressed support for the move and we did take occasion to encourage the formation of the federation. I cannot as I stand here think of anything practical that the UDF in fact did to assist the formation of the federation.

You know that accused no. 19 was one of the delegates who was supposed to contact the trade unions, do you agree with (20) that? -- That he was one of the delegates?

Yes he was one of the delegation from the UDF who made contact with the federations, the trade unions sorry. Do you know about it? -- When?

1984. -- I am not aware of anything specific in this regard. I may just say that because accused no. 19 was the General Secretary of the United Democratic Front there has been occasions when he has had to act or maybe address letters on behalf of the UDF to some of the trade union organisations. It will be recalled I think also from the Minute recorded (30) in/....

in EXHIBIT D that he had made arrangement for a meeting between the United Democratic Front and FOSATU in September of 1983. I can recall that. I think there may be other instances subsequent to that where he would have communicated with both FOSATU and other trade unions on behalf of the UDF. But you know it was not, you know it was purely in the execution of his tasks as the Secretary of the Front, not that he was specifically entrusted with the task of that nature. I am not aware of a decision of that nature.

Such a federation was formed and it is known as COSATU, (10) is that correct? -- Well subsequently, when COSATU was formed we were already, we had already been arrested and we were already in this trial. Now, and in any event we have not been part of the internal operations leading up to the formation of COSATU. I cannot speak authoritatively about that but COSATU was formed subsequently by those unions which had been involved in the unity talks, before we were arrested.

Now I put it to you that both organisations, that is the ANC and the UDF, accepted that the workers are central to the liberation struggle? -- Please repeat that question.' (20)

Both organisations, the UDF and the ANC, accepted that the workers are central to the liberation struggle. -- I cannot speak authoritatively about the policy of the African National Congress. The position of the United Democratic Front I have already stated and in fact even there there would be I think differences of opinion. Some people consider that the African people, as opposed to the working class, that African people are central to the liberation of the country. So even within the United Democratic Front there were varying opinions as to really who is central to this. But certainly the UDF (30) accepts/....

accepts the importance of the role of the working people in the struggle.

Now I put it to you that EXHIBIT A.1, that is the papers on the national launch of the UDF on 20 August 1983 and on pages 26 and 27 the resolutions were adopted on the question of the workers. Do you agree with that? -- Page 26 and 27, yes that is correct.

Now on page 27, sub-paragraph 6, it is stated:

"And believing in the leadership of the working class in the democratic struggle for freedom." (10)

-- That is correct.

COURT: Why the leadership of the working class? -- The position, I think the position is as follows that organisations as set out, as I have said serving communities which are largely of working class people and from time to time, in most cases the people who take up the leadership in these organisations tend to be people who are a little bit more educated perhaps and who have a measure of knowledgeability and so on, now part of the complaints have arisen from the activities of people such as for instance the Steven Kgames, you know in these (20) cultures and so on who are educated people and so on. But even when they have been elected to positions or when they have taken positions in some of the structures and so on they do not pay attention to the interests and the complaints of the ordinary people and they are perceived in this way within our ... (fault on cassette) ...

C.921 COURT: Please just repeat the last sentence? -- Yes, I was saying that the people who have been seen to take leadership positions, for instance in these government structures like town councils and community councils usually coming from (30) either/....

either business class or teacher's class, you know educated sectors and so on, they go in there and they have been seen and perceived by our communities as not being there for the interests of the ordinary working people and insofar as that has been the experience of people within our communities the tendency has been to see people who come from these sectors as being unreliable leadership and not loyal to the interests of the working people. So in order to satisfy themselves that their complaint as working people are paid attention to we find a clamour within our communities for working people (10) themselves, people who actually experience these problems and these difficulties, to take positions of leadership so that they can best guide organisations to attend to those problems.

Would this include or exclude Dr Motlana? -- No it would not exclude him. As I say ...

Would it include or exclude Bishop Tutu? -- It would include those people like Bishop Tutu and Dr Motlana who are perceived as a leadership that does pay attention and is concerned ...

Now who, why are they called working class then? And (20) the others to whom you are objected are not called working class? -- The only dividing line is the fact of whether the man's concern is for the complaints or the aspirations of the working people, the poor people who are suffering or not. That is the only dividing line.

Well then it is not the leadership of the working class. Then it is the leadership of people who have the interests of workers at heart but they do not necessarily belong to the working class? -- I would accept that with the rider though that, I think in this case working class is used in an (30) adjectival/....

adjectival sense merely to define as to what their primary concern is.

Well is this not just merely socialist language? Can it be explained in any other way? -- It can be explained, and as far as I have understood it it can only be explained and it has been understood in the manner in which I have explained it. That is how we understand it.

MR FICK: What is your view on socialism? Do you agree with socialism? -- I am attracted by a number of aspects with regard to socialism. For instance the idea of sharing of (10) the wealth and resources of our country appeals to me. I come from deprived communities and communities which have been subjected to laws which have made it very difficult for them to survive and which have fallen behind, communities which have made contribution to the wealth of our country and which has not had a share in that. So I am attracted by this idea, particularly this idea of sharing. I will not say that I am an expert on, or I am highly knowledgeable about socialism but if socialism has to do with this idea of sharing as I understand it I am very much attracted to it. (20)

Would you call yourself a socialist? -- No.

Why not? -- I do not know fully what that would entail. I would be more at home if one was to say that I am an African nationalist.

COURT: Well so is Chief Buthulezi I take it, so is Chief Matanzima. -- Well I do not know if that is how they regard themselves and in any event it does appear to me that this pidgeon-holing has gradations also. You know some people may well be African nationalists but they may not be committed to the idea of sharing life with others. Because I do not see (30) how/....



how a man could be comfortable within the African communities surrounded by men and women, children and old people who are poor, who are hungry, who have got nothing to eat but he is satisfied that he is earning you know thousands every month and he does not care what happens to them.

MR FICK: On what basis ... -- That makes a difference for me.

On what basis do you say that they do not care for the people? -- Well the basis, I base myself on my own, on my observations. If you take a man who is heading a government in the Transkei and I have been in the Transkei even sub- (10) sequent to my release and I have seen little boys there of ten, eleven, right in the middle of the day just running around there or chasing after some cattle and so on, no education, and when you look at them there is no future for them really. You do not know what is going to happen to these children tomorrow. And I cannot call that freedom, I do not know what kind of freedom that is and I think a man who would, an African nationalist for instance who would also be attracted by ideas of socialism particularly if such a person is an educated person. One of the first things that would concern him is (20) that the system that he stands for or that he supports must promote for instance first and foremost the education of the children that are born and that surround him and you look at the countryside in the Ciskei, in the Transkei, I have been there and there is poverty all around, you know there is soil erosion and there is no viable agriculture that I could see. I have been through that place on a number of occasions. So if he is an African nationalist there would be differences between myself and him.

You were not perhaps in Zimbabwe, Angola, Mocambique, (30) places/....

places like that before? -- Unfortunately I have always been, I have never had the privilege of getting permission to travel abroad so I have no experience of any country other than this country. I have been born and bred in this country, I am 39 and I have only been inside the borders of our country. I have never been beyond.

COURT: Do we have the leadership of the working class in Angola, Mocambique and Zimbabwe now? -- Well there is another problem that, the problem that arises for me again is that as I say I have not been to those countries. I would have to (10) rely on the opinion of people, of the people of those countries when they say this is what the position is with us and so on. There is again conflict of views. I have no firsthand knowledge and experience about that. I cannot say what exactly the position is within those countries. The accounts which I read in the newspapers conflict.

ASSESSOR (MR KRUGEL): And you have not had anything to do with the feeding of thousands of people who come into South Africa from Mocambique? -- I myself?

Yes. Do you know about that? -- I read newspaper (20) reports, I read about that and so on, in the newspapers and so on. But that is all. I have no firsthand information about it. My point is this, and the point of people within our communities would be this one that we are the people of South Africa. When we measure our standard of life we do not measure it in relation to the people of Uganda, of Burundi and so on. The standards, those countries are not relevant to us really. We measure our position in relation to our White compatriots here in the wealth of our country and from what we can observe a lion's share of the wealth of our country (30) and/....

and its resources are enjoyed by a small portion of the population of the country, the White section. We measure ourselves in relation to them and it would be unfair, it is in fact wrong to expect us in the African communities to accept the standards of a country like Burundi when we are South Africans. Our standards of life must be measured in the South African standards because we are South Africans. Similarly we would measure the standards of life of people of those countries on the standards that prevail within those countries. Now constantly when we have raised this issue we have been referred to the fact (10) that look you are better than the Bantus in Kinshasa or in Zaire but we are not Zairians, we are South Africans.

Mr Lekota this is not the point of the moment, I think the point is what the leadership of the workers means in countries like those that you have mentioned. -- I cannot, unfortunately I do not have firsthand information. I am not in a position to speak authoritatively on that matter. I do not want to pretend that I can do so.

MR FICK: Now I would like to refer you to another document, C4. The heading of the document "The United Democratic Front (20) and the Struggle for National Democracy" by Steve Tshwete. It was found in the possession of Lucille Meyer. -- It is C?

Four. Page 4. -- I have, I am in possession of the document. I may just say to the Court that I do not know this document. The first time I saw it was when it was presented to the Court as an exhibit, and to the best of my knowledge this document has never been adopted by the United Democratic Front as its policy position. So I think it may well be the opinion of Mr Steve Tshwete. I do not even know whether Border UDF ever adopted it. (30)

This/....

This Mr Steve Tshwete at the time of the writing of this document he was the President of the UDF, Border, is that correct? -- Well when was the document written? I do not know when it was written.

It is some time after 13 September, you can look at C.3. -- Am I being asked to conclude that ...

COURT: You asked counsel a question, when was the document written. -- Yes.

And now he gives you a date, after 13 September 1984. What is the question Mr Fick? (10)

MR FICK: Well, would you accept that? -- Well I do not find anything here that tells me that I must accept that ...

ASSESSOR (MR KRUGEL): Mr Lekota the counsel has referred you to C.3, that is apparently a request by accused no. 19 to Mr Tshwete, the President rather, to the President of the UDF, King Williams Town, to write a paper like this. -- That is correct. I do not know whether this document was written in response to this request but if that is the position then I must accept that it was written in 1984. But I do not know whether this was a response to that request or whether it (20) was a document written independent of this request.

MR FICK: Now do you agree that Mr Steve Tshwete was the President of the UDF, Border, after September 1984? -- Yes, at this time, at the time of September 1984 and subsequent to that Steve Tshwete was the President of the Border UDF.

Was he also a member of the Executive of UDF, national? -- He served in the National Executive Committee.

And he was asked, if one looks at C.3, to write this not in his personal capacity but as the UDF President, would you agree with that? -- No I disagree with that. The request, (30)

as/....

as I understand it, suggests that he must draft a paper and at page 2 of C.3 the letter of accused no. 19 states the following:

"Once completed your paper will be circulated among the activists and affiliates of the UDF for discussion."

Now it does not say that your paper will become the policy of the UDF. It will be circulated for discussion. It is only after discussion and adoption that it can become the policy of the Front.

Mr Lekota do you agree that according to C.3 Mr Steve (10) Tshwete was not asked to state his personal views? -- No, no whatever he was asked to say here would have been his personal views until accepted, until official accepted it would remain his personal opinions.

Why was Mr Tshwete asked to write this paper? -- I think the explanation should be found in the letter, in EXHIBIT C.3. And there the General Secretary, accused no. 19, says the following, at paragraph 2, oh in fact right from the beginning he says that:

"Since its inception on 20 August 1983, throughout its (20) national and regional formations the United Democratic Front has been grappling with the problem of developing a common understanding of Front politics as well as a common approach at the level of tactics and strategy. Today, over twelve months later, this seemingly mammoth task remains unfulfilled."

So the first reason is set out there that there is need to develop a common understanding. So that even this statement, this document if it is written in response to this letter, is clearly not yet a common understanding of the UDF because (30)

we/.....

we are busy with the process trying to find a common understanding. And in paragraph 2 he goes on, I think in the second reason there:

"Experiences of the past eight months at the National Conference indicate very clearly the seriousness of this problem and the urgent need to resolve it. Besides it does appear that the resolution of this problem holds for us best prospects of building the Front into a powerful democratic movement with a well defined direction and programme. The opposite can only spell doom (10) for the young democratic movement."

So what he is again saying there is that now there had been problems that had arisen at the National Conference and that those problems it does appear that if we do not find a common approach to these issues it may well destroy the UDF.

Was he not asked to write this paper because he was regarded as a well experienced man in this field? And the man who has the correct knowledge about what the UDF is and what its aims are? -- I do not know whether there is anywhere where the letter says that this is the reason he was being asked (20) for it but let me see if there is anywhere where it says so.

Is it not clear from paragraph 3 of C.3, the last part of that paragraph:

"Above all most our activists know very little about the Congress Alliance, they belong to the post-76 era. It is therefore going to take a lot of persuasion on the part of those with experience or at least those who had the opportunity to study and discuss issues pertaining to fronts to educate our activists on these key issues."

-- Well he does say those with experience but there is (30)  
nowhere/....

nowhere where he says you are a man of experience and you have studied these issues and then you are going to have to persuade people. The whole development of the UDF, if we take for instance D.1, we take E.2 and we come down this way we find that right from the formation, from that first meeting of the NEC the National Executive Committee has been concerned about developing a common understanding of the UDF and how it operates. People have been asked, Yunus Mohamed was asked to write a paper it will be remembered from the exhibit D.1, which he presented at the NEC meeting in November 1983 and it will (10) be remembered from E.1 that what he presented there was found to be unsatisfactory and further suggestions were made and he was sent back. That failed. We had problems at the conference in December in Port Elizabeth and those problems spilled into the New Year in 1984. The minute F.1 will indicate that even at that meeting there were sharp differences to the extent that even Border recorded the fact that they were objecting to the position that had been taken by the UDF. That problem was picked up again by the National Secretariat. I am now not so sure whether it was the March meeting or the April meet- (20) ing at which again the Secretariat made the point that it was important that the National Executive attend to the question of differences of perception and styles of work inside the front and that some efforts must be made to find a common understanding. Ultimately we find as late as 13 September 1984 this letter making a request, still complaining about problems which had arisen and which remained and continued to plague the front from the Port Elizabeth conference. Now if all those factors are taken into account it cannot be said that the UDF had a certain common approach and so on. We were (30) trying/....

trying to resolve the problem. And we went into jail in August 1984 before even the problem could be resolved. So sharp differences remained and continued to plague the UDF.

Mr Lekota can you show any document or refer to any document where it is stated that this paper, C.4, was not accepted?

ASSESSOR (MR KRUGEL): Was not what?

MR FICK: Was not accepted by the UDF? -- There is, I have no evidence that this paper was, oh can I show any document that it was not accepted?

Yes. -- May I refer to the J. series. I just want to (10) see, I may be able to pick up something. I was in jail at that time but I just want to, I think there may be, I do not know if this paper was presented but if it was presented we may be able to pick up something there. No I think what I was thinking about, it looks like it is something different. I do not know, however, that this document that was drafted by Steve Tshwete was ever presented to the National Executive Committee of the UDF or to any of the organs of the Front. So if it had never been presented there will be no document that will indicate that it was either accepted or rejected. So as far as the (20) UDF is concerned the paper is non-existent.

But according to C.3 page 2,1 the third paragraph:

"Once completed your paper will be circulated amongst the activists and affiliates of the UDF for discussion. To this extent therefore yours is likely to be one of the most important documents of the Front. I therefore advise you to work out quite a comprehensive paper."

-- Yes. All that is said before the letter reaches the man to whom the request is made. What we need to know is whether when this letter had reached the man he drafted the paper (30)

and/....



and when he had drafted the paper what happened to the paper. That is what we need. This letter is long before the document is written.

Now on C.3, page 1 the last paragraph accused no. 19 states the following:

"Having attempted to highlight the problem I now take this liberty on behalf of the NEC to ask you to work out a paper on united fronts."

C.3, page 1, last paragraph. -- Okay. But now was the paper drawn up and when it was drawn up was it presented to the (10) UDF. Where and when. That is the question and my point is that if the paper was drawn up we would need to know before it became the policy of the UDF it would have to be presented to the UDF. Maybe UDF bought, I do not know how it was going to go about it but according to the request of the General Secretary he would have written this paper, he would have, according to this letter, sent it to the head office of the UDF in Johannesburg where the General Secretary would have made it available to the various regions for discussion. Did that process take place and I am saying I am not aware that such (20) a process took place and that unless the document was received by the Head Office of the UDF and sent to the regions and that they discussed it and accepted it it would not be policy of the UDF.

Did you regard C.3 as a UDF document? -- It is an official letter, yes.

Although it was never accepted by the NEC? -- No, no but this is a purely administrative matter. Now we cannot go and sit and adopt a letter like this. It is, we were much more serious, I am sorry. (30)

That/....

That is exactly the reason why I ask you this, to indicate to you, show to you, that it is not necessary for the NEC to adopt everything before one can say it is a UDF document. -- No I disagree entirely with that. Decisions are taken by any organisations. Assuming the FCI to get decision to write a letter to the African National Congress in Lusaka the secretary of the FCI would go and, after the decision had been taken would go to the office, he would have been given the terms of reference of what to say to the ANC, he would write his letter there and he would keep a copy and he would send (10) the letter there. He would not have to call another meeting to come and sit and decide that this letter is now the right letter. He would only keep a duplicate and subsequently show it when he reports to the Board of Directors and so on, and unless the letter did not follow the terms of reference that he had been given it would be an official letter. And this is all that happened here.

Can you refer the Court to any document where the NEC took the decision to ask Mr Steve Tshwete to work out a paper on the united fronts as stated by accused no. 19 in C.3 in (20) the last paragraph, page 1? -- I cannot immediately think of the minutes. I think there should be an indication in the minutes somewhere that steps should be taken to address this matter as pointed out here. So even if maybe it might not have been said you know you must go and ask Steve Tshwete to do that and so on he may have been given a task to find an input, to get somebody to write an input that would assist and facilitate discussion. That had been done in any case even with Yunus Mahomed earlier. I will just look through the minute, with the permission of the Court, at a later stage I will look (30) at/....

at some of the other minutes and see if I can pick up something for the Court. I cannot think of anything right now.

Now did you attend any such meeting where a decision was taken by the NEC to ask Mr Steve Tshwete to work out a paper on the Front, of a united front? -- Well I attended a number of meetings but I cannot say, I cannot remember offhand now a decision, specifically such a decision being taken. There are many decisions which are taken at meeting which I attend. Some of them I cannot remember offhand, especially after such a long period of time. (10)

COURT: Do we have the meeting of the NEC of 29 September 1984?

MR FICK: I am not aware of such a ...

COURT: Well that is where this draft was to be discussed.

MR BIZOS: My Lord in order to save time, I am assured by Mr Marcus that it is not an exhibit My Lord.

COURT: It is not before the Court?

MR BIZOS: No there is nothing and we do not know if there was a meeting or not. There is nothing before Court in relation to that. Whilst, there is evidence however by accused no. 19 before Your Lordship which, to the best of our memory, was not challenged, that the paper was not accepted. Accused no. 19 gave evidence to this effect. (20)

MR FICK: Did you attend the NEC meeting on 30 September 1984? -- At that time I was already in detention.

And accused no. 19 was he also in detention at that time? -- What was the date?

29 September 1984? -- I think he was detained in October.

Now as I understood accused no. 19's evidence he stated that the meeting in June 1984 was the last he attended in 1984. -- That he attended? (30)

Yes./....

Yes. What do you say to that? -- The last, are you saying that the last meeting that he attended or the last anything that he attended?

Ja, was in June 1984. -- Well I cannot contest that, you know I got detained much earlier than himself and I left him outside so I do not know what happened when he was outside and I was inside.

Now I put it to you that both the ANC and the UDF accepted that Black education was an issue to campaign around to mobilise and organise the masses? Especially the youth? (10) -- Well I do not know about the African National Congress. I would not know at what meeting they took a decision of that nature but the UDF has not taken a decision that education is an issue around which to mobilise the masses, for instance for purposes of the conspiracy that has been raised.

And education was, the campaign conducted on the issue of education by the UDF? -- The UDF did not conduct any campaign on education.

Was it conducted by the affiliates? -- Well some of the affiliates of the UDF who are concerned with the education (20) matters did have issues but I am not aware that maybe they met somewhere and took a formal decision that they were going to launch an education campaign but there were affiliates of the UDF that were concerned with the question of education and therefore did concern themselves with it.

But did any of the affiliates conduct a campaign on education? -- As I have just said I cannot think of an occasion where the affiliates of the UDF met somewhere and took a decision that now we are going to conduct an education campaign, unless we can be referred to a decision of that (30) nature./....

nature. Of my own I am not aware of such a decision. But what I am saying is we had affiliates which were concerned with the education issue or for whom the education issue was a daily affair and therefore would have concerned themselves with affairs relating to education.

COURT: Who were they? -- They would include organisations like AZASO, The Azanian Students Organisation, The Congress of South African Students, COSAS, the National Union of South African Students, NUSAS, The National Education Union, I think of South Africa, NEUSA, and maybe others which I cannot immediately remember. (10)

MR FICK: Now they all campaigned under the banner of the UDF against the, on the question of education, do you agree? -- May I understand that question? When it is said that they campaigned under the banner of the UDF what does that mean? Does it mean that the UDF had taken the decision and then they carried it out or does it mean that they met somewhere and took a decision to conduct a campaign like that?

I think I will refer you to A.1, page 28, the resolutions adopted on education. -- Sorry, it is A? (20)

A.1, page 28. Have you got it? -- I have the resolution.

That is now the last part thereof:

"Hereby resolve under the banner of UDF to fully support the struggle waged by our students."

Now can you tell the Court what is meant with that "under the banner of UDF"? -- What this would mean here is that where education issues arise the UDF would express support or give support to those demands or wishes which may be raised by our people. Evidently of course the UDF, the organisations of the UDF which are concerned with education would also participate. (30)

Under/....

Under the banner of UDF? -- That, I was explaining that.

Yes. Now sub-paragraph (1):

"To fully support the struggles being waged by our students."

Did UDF fully support the struggle? -- Yes we did give support in the sense of expressing support for the demands that were made, without, I cannot think of any practical think that the UDF did as such.

Did UDF assist affiliates financially? -- No.

To conduct this campaign? -- No we did not do anything (10) like that.

Did UDF not publish documents on behalf of the affiliates to conduct this campaign? -- I am not aware of any document that was published by the UDF affiliates. In fact the publications and the media of the affiliates is a matter of the affiliates themselves.

Did UDF give any information on the question of education to its affiliates? -- As I stand here I cannot think of any specific information that the UDF supplied to its affiliates on the education issue. (20)

Did UDF not supply speakers to its affiliates on the question of education to speak at mass meetings? -- Not on the initiative of the UDF. If for instance an affiliate organised a meeting on the education issue and then it invited some of the officials of the UDF or some of the members of the NEC to come and address those meetings and who were available, they would naturally go. But the UDF was not in a position where it would say to its affiliates organise a meeting, we want one of our officials to come and address you on the education issue. (30)

Did/....

Did UDF send speakers when invited by the affiliates to speak on education? -- It really depended on the speakers themselves. Now if a speaker is available and an affiliate asked that speaker to come and address them then he would naturally go I think. But the UDF did not have a roll call of speakers that now they must send them there.

COURT: What were the struggles being waged by our students at the time when this declaration was passed, or this resolution was passed? -- At the time of 1983, well I do not know when this issue of SRC's for instance had been an issue (10) that had been on for some time already. You know I was fresh on the scene and I cannot say how far it went. There were issues such as the age limit where students were refused admission to certain levels of education when they reached a certain age and then there were the other complaints like students being sent home from schools, sometimes they returned there without, if their parents could not afford to buy them the school uniforms. There were complaints such as, against excessive corporal punishment and issues of that nature, harrassment of female students by teachers, sexual harrass- (20) ment and it was that, there was that kind of struggle that had been waged at that time.

How did the struggle manifest itself from the side of the students? -- How did the struggle manifest itself?

Yes, what did they do in this struggle, factually what did they do? Did they strike, did they boycott? What did they do at the time? And before that, what did they do about their complaints? -- As I stand here I cannot recall that at this time there were strikes or boycotts but I think there were general pronouncements, public statements in the newspapers, (30)

I/....

I think negotiations in certain schools and so on but I cannot recall as I am standing here now that there were, at the time of the National Launch that there were any boycotts or ...

Before, before the National Launch? I am not talking of 20 August, in let us say the half year before the National Launch. What was the situation in education? -- I cannot recall that there was anything unusual. I think at that time, the first half of the year after I was there leading up to August I cannot think of anything that was untoward. Other than what I have just said. Well the other thing that per- (10) haps I may just mention is that at the time there was also the call for an education charter really explaining, an attempt therefore to try to find out exactly what people, what kind of education people would prefer. There was talk of that kind of campaign that I can recall and I cannot think of anything untoward.

MR FICK: Did anyone in UDF, before the National Launch of the UDF, investigate the question of education and report to the National Conference on 20 August 1983 on the question of education? -- Not that I am aware of. People of course came (20) from all parts of the country and there were inputs which were made from the floor and so on by various speakers from various regions. I cannot remember a special report being brought there.

Now on what basis did the UDF state that

"Our students struggle arises out of genuine grievances."

-- As I say there were representatives from communities in the Transvaal, in Natal, Western Cape, Border, Eastern Cape and so on, people came from all parts of the country and it (30) was/....



was on the basis of their own experiences and what they said and what they saw that they took this resolution.

Did anyone at the National Launch report on the struggles waged by students across the length and breadth of our country? -- As I have already said there is no report that I can recall being presented there on the education issue. There were inputs made by people from the various regions that were represented at the National Launch and no one contested the information that was available there.

Now on what basis was it noted that: (10)

"Courageous struggles were being waged by our students." Paragraph 3, sub-paragraph (3) under "Noting". -- Well as I say on the basis of the experiences of the people that were there, people who had come from all parts of the country and they were talking about this education issue as they had experienced things there.

Yes but who in UDF decided that there was a courageous struggle? -- Yes.

Who decided that? -- This National Conference sitting here and on the basis of its knowledge, first hand experience (20) of issues in the areas from which they came, it decided that that is courageous struggles.

COURT: Was there resistance on the part of the students so that one can say there was a courageous struggle? Or was there mere pacivity? -- I am a poor witness in this regard because I had only come out of prison at the end of December 1982. Now the education issue or the struggle that had been waged by these community organisations which were represented here, went far beyond the time when I came onto the scene, after I was released from prison. So I cannot comment, I cannot say (30) whether/....

whether it happened before that time. I can only talk about the period when I was now on the scene and I was part of it.

MR FICK: Now the question of the support of UDF, I want to ask you something else. Did not UDF arrange for legal representation for the arrested students in various parts of the country? -- I think that in areas where people may have been arrested some of the regions may have taken action to try to find legal defence for students there but there has not been a national, for instance the UDF National has not for instance set aside some funds and said now we are going to defend (10) students who have been arrested.

But did not the regions or the secretaries of the regions report at your meetings on this? -- There may well have been one report or two that maybe in our area so many people were arrested and then we had to arrange for a defence for them and so on. I cannot recall specifically anything of that nature.

To whom, if anybody, is the Regional Treasurers accountable for funds expended? -- The Regional Secretaries are responsible to the Regional Executive Committees and the Regional General Councils. With regard, however, to funds which may (20) come from the National Treasury they would also have to tender reports purely of how they used the money. The National Treasury has no right to tell them how to use the money. They are free to decide how they are going to use their money but for purposes of bookkeeping it is important that they must submit auditors statements so that the books can be properly kept.

Did not UDF assist in the formation of parent bodies on this ... -- I would not say, you say assist?

Ja. -- I will not say the UDF did encourage perhaps, (30)

I/....

I do not have examples, perhaps here and there our affiliated activists, may have actually played a practical role in terms of assisting the process. Certainly encouraged, yes.

Did UDF make press statements on the question of education?  
-- Yes, from time to time yes.

You yourself did that? -- Oh yes.

For what purpose did you make the press statements? --  
Which press statement, there will ....

On education? -- Well there will be many press statements. It depends what the conditions are, why I made one press (10) statement because of the circumstances which are there at that point in time. There is not one single reason for all of them. Each one of them will have different circumstances that make it necessary for me to make the statement.

Now what did UDF do to support the struggle of the students in Craddock? -- I think in the case of UDF Eastern Cape a petition, it was reported that a petition was circulated seeking to persuade the Department of Education and Training to reinstate teachers who had been transferred there. I do not know what the outcome of that petition was. I myself (20) did visit Craddock and drafted a report for the NEC following which the NEC decided to make a call for a day of solidarity with the people of Craddock with a view to calling for the release of the arrested leaders of the community so that negotiations in Craddock, between the community, and both the Department of Education and Training and other relevant departments could be effected and so the situation could be resolved. I think it was decided that there also that it should be held and I cannot recall whether anything came of it.

The reinstatement of the teacher called for by the UDF(30)  
are/...

are you referring to Mathew Goniwe? -- He was not the only teacher but he was one of the teachers.

And what was his position in the UDF at that time? -- At the time of 1984, if I remember well he did not occupy a position in the UDF but he was the Chairperson of the Craddock Residents Association, CRADORA. At a later stage he would have served in the Regional Executive Committee of the Eastern Cape. But that was after this.

Yes. And CRADORA was an affiliate of the UDF? -- CRADORA was an affiliate of the UDF. (10)

Now I put it to you you in the UDF were not very much concerned with the fact that Mr Goniwe was a teacher but you were concerned with the fact that he was transferred out of Craddock, away from CRADORA? -- Well that is a mistaken impression. In the first place the complaint against the transfer of the late Mathew Goniwe did not in the first place come from the UDF. It came from the people in Craddock because Mathew Goniwe was the only mathematics teacher in the school in which he was teaching and he was being transferred at a time when there was nobody who was going to take his position (20) as a mathematics teacher in the school and the students complained that now here they are losing a mathematics master but they have no substitute and there was no discernible reason why. He himself was willing to serve the community. So the initial protest came from the people of Craddock. We came onto the scene much much later. When I went there and drafted the report for the NEC it was about May or so of 1984 and the issue had already been debated in the Eastern Cape and the petition had been running from the beginning of the year. Boycotts had started in February I think. (30)

Mr Lekota/....

Mr Lekota is it not so that Mr Goniwe was transferred perhaps because he was busy mobilising the students against the education system? -- That is news to me.

Was that not an allegation at that time? -- I have never heard that, who made that allegation?

Was it not reported as such in the UDF's documents? -- No, no. He, as I say he was not even organising the same. He was the Chairman of the Craddock Residents Association.

COURT: Was there a regulation, departmental regulation, that teachers should not participate in politics? -- I do not (10) know about that.

MR FICK: Did UDF appoint an Education Officer? -- Maybe some of the regions may have done so. I am not, oh yes I think initially we had intended to appoint a Mr Curtis Nkondo but for some reason that fell off. I cannot recall exactly the details of that matter.

But was he not appointed as an Education Officer by the UDF? -- As far as I know the NEC took the decision. It may well be in fact that he was appointed but I know that he did fall off at a later stage, but that in fact he did not (20) continue to serve or that he did not even begin to serve as an Education Officer.

Now what is now the correct position? What do you say, did he serve or did he not serve as Education Officer of the UDF? -- What I am saying is what I said, there was a decision that he must be appointed an Education Officer. Two, whether he was actually approached and informed of the matter or not I am not sure but later on this decision that he must be an Education Officer fell off for some reason or the other, it was rescinded. I cannot remember the precise details. (30)

COURT/....

COURT ADJOURNS FOR TEA.

C.922

COURT RESUMES.

MOSIUOA GERARD PATRICK LEKOTA: d.s.s.

MR BIZOS: With the consent of the investigating officer, Major Kruger, and subject to Your Lordship's concurrence, the relaxation of the conditions of bail of accused no. 11 to go to the Vaal in order to attend the unveiling of a tombstone has been agreed to. May I hand up the conditions for Your Lordship at this stage.

(10)

(20)

(30)

ORDER/.....

IN THE SUPREME COURT OF SOUTH AFRICA

(TRANSVAAL PROVINCIAL DIVISION)

CASE NO. CC. 482/85PRETORIA

1987-09-16

THE STATE

versus

(10)

PATRICK MABUYA BALEKA & 21 OTHERS

---

O R D E R

VAN DIJKHORST, J.: I place on record the following amendments to the conditions of bail of accused no. 11:

In accordance with paragraph 2 of the conditions of bail accused no. 11, Sekwati John Mokoena of 280 Qwa-Qwa Street, Boiphatong, Vanderbijlpark, is granted permission to visit the Vaal for the period 19 and 20 September 1987 subject to the following conditions: (20)

1. He reports at Jeppe Police Station between 06h00 and 09h00 on the morning of 19 September 1987 before leaving for the Vaal.
2. He reports at the Vanderbijlpark Police Station on arrival in the Vaal and thereafter between 18h00 and 21h00 on the same day.
3. During his visit to the Vaal he limits his movements to
  - (1) His residential address 280 Qwa-Qwa Street, Boiphatong.
  - (2) Taking part in the procession from the mentioned (30) address/....

- address to the cemetery in Evaton and back to  
280 Qwa-Qwa Street, Boiphatong, and
- (3) On arrival back at 280 Qwa-Qwa Street, Boiphatong  
from the unveiling of the stone and after reporting  
at the Vanderbijlpark Police Station as set out  
in paragraph 2, remains at the address 280 Qwa-Qwa  
Street Boiphatong for the night of 19 September  
1987 and reports back to Jeppe Police Station on  
20 September 1987 between 18h00 and 21h00.
4. He furthermore is limited not to enter Bophelong for (10)  
any reason whatsoever and not to enter Sebokeng except  
for the purpose of attending the unveiling ceremony at  
the Evaton Cemetery and changing transport on arrival  
at and departure from Sebokeng to Johannesburg.
5. All other conditions of bail stand and are strictly to  
be adhered to.
-



FURTHER CROSS-EXAMINATION BY MR FICK: Mr Lekota I have asked you twice whether any affiliate of the UDF conduct a campaign on the education issue and twice you stated that you know of no decision and I am not interested in decisions. I want to know from you whether in actual fact any affiliate of the UDF conducted an education campaign? -- I know that some of the affiliates of the UDF did take up the education issue. Whether what they did can be defined as a campaign or not I am not in a position to say.

Now Curtis Nkondo, do you know whether he was appointed (10) by any region of the UDF as an Education Officer? -- It may be but I cannot remember.

Do you know anything about the establishing of an education commission? By the UDF? -- UDF National?

Ja. -- I cannot recall the specific reason why we had decided that we wanted to appoint Curtis Nkondo as an education officer. It may have been in connection with something of that nature but I cannot remember.

Do you know whether any of the regions of the UDF appointed an education commission? -- I think some of the regions (20) may well have done something of that nature.

Which regions? If not all? -- I can only think, I think maybe the Transvaal.

I would like to refer you to EXHIBIT K.1. -- A.1?

K.1. That is the Minutes of the General Council Meeting held on 17 September 1983 at Johannesburg, UDF Transvaal. Page 1 paragraph 3.7. -- Well in the first place I did not attend this meeting and I cannot contest what is reflected here.

Now ...

COURT: Well Mr Fick for the record's purposes why do you (30) not/....

not read in the sentence which is important otherwise anybody reading this record will have to get the whole exhibit out.

MR FICK: As the Court pleases, I propose to do that. Paragraph 3.7, "Education":

"Curtis Nkondo has been appointed Vice-President responsible for education. He is presently in the process of establishing an Education Commission."

-- Yes. I may just mention that he would only, he had evidently been appointed by the region and therefore it was a matter that did not affect me or I would not have known about it (10) really.

Did he, Mr Nkondo, at that stage hold any other position in UDF? That is now September 1983? -- I think he served in the Transvaal, I think he served in some capacity in the Transvaal. I cannot remember exactly what.

For record purposes paragraph 3.7 is part of the report from the Transvaal Secretaries to the meeting. Was this not discussed at any meeting of the National Secretariat? -- You mean the fact ...

The fact that Mr Curtis Nkondo has been appointed as (20) Education Officer? Or Vice-President responsible for education. -- Most probably when the Transvaal Secretaries reported on developments in the Transvaal they would probably have mentioned it but I cannot specifically remember it. I do not attach anything particularly important to, that would make me remember after all this time.

Now can you possibly assist me. According to this, paragraph 3.7, this is a report from the Transvaal Secretaries to the RGC of Transvaal. Now who appointed Mr Curtis Nkondo if this is only a report? -- Are you saying this is a report, (30)

K.1?/....

K1?

Ja. Below paragraph 2.3 there is a heading "Report from Transvaal Secretaries", then paragraph 3.1 up to 3.12. Do you know who appointed Mr Curtis Nkondo as Vice-President responsible for education? If it is not the RGC? -- No the secretaries may well have been reporting about the activities of the REC. The REC may have appointed him and the secretaries may have been reporting that. I am not sure, I do not have the full facts and I was not at this meeting so I do not know as to from whom, I mean from which meeting they were reporting(10) this but when I look at this thing it looks to me like the secretaries had been to Khagies(?) or Munsieville, Carltonville, Oranje-Vaal and so on, they reported about that. They reported about the workshop in Kagiso. They seem to have reported about, they also reported about ...

The NEC? -- The fact that some members of the NEC had made a session with FOSATU. They reported about a press conference that had taken place on 13 September. Then they report about mass meetings at Wits. They report about something, meetings in the Vaal. So it looks like they are (20) reporting really about events in the Transvaal, merely drawing the attention of the General Council to developments that were taking place there.

Did they not report here the fact that Mr Nkondo was appointed by the NEC? -- As I say I was not at the meeting and from what I can see when I look at this these secretaries were reporting about the whole range of issues which had taken place in the Transvaal region and which had no connection with the UDF, with the meeting of the National Executive Committee. Certainly these issues had not arisen there. (30)

COURT:/....

COURT: I see at this stage the UDF head office and the Transvaal office were the same, they shared the same chambers?

-- That is correct. We were then still on the fourth floor in Khotso House and neither the national office nor the Transvaal office had an office of their own. That of course ended soon afterwards when we moved to the sixth floor, where we had different chambers and from then on we operated separately except for sharing the telephone I think.

MR FICK: Well when did you move from the offices of the Transvaal region? -- No you see we had one room on the (10) fourth floor and we used it together. When we moved from there, from the fourth floor to the sixth floor, we found, we had an area which was divided into at least two chambers. So we immediately moved to occupy one chamber and Transvaal occupied another chamber.

No when did you move? -- I cannot remember the date but it was the end of 1983, the beginning of 1984.

Now I would like to refer you to A1, page 28, that is still the question of education. Paragraph, sub-paragraph (6) in the middle of the page: (20)

"An education charter should be drawn up after democratic consultation."

Was this education charter drawn up? -- Until my arrest it had not been drawn up. To the best of my knowledge it was not drawn up.

And was it decided whose task it was to draw up the education charter? -- I cannot remember specific decision in that regard.

Now are you sure that you do not know whether Mr Nkondo was appointed as head of the education commission? By the (30)

NEC?/....

NEC? -- I think I did give my reply and I have said that I know that at some point we appointed him something, as an Education Officer. There were some developments that took place around that issue and finally, as far as I know, it fell off. Or it fell through. I cannot give the Court, as I stand here I cannot give the Court any more detail than that.

Except now for the question of the Education Officer was there any decision by the NEC to appoint him as head of the education commission? -- I am not sure what phrase was used.

I am certainly not sure about that. I cannot recall. He (10) was appointed in connection with education certainly. What exactly the phrase was it escapes me now.

COURT: Was there an education commission?

MR FICK: As the Court pleases. -- I think once he was appointed he would have been, he would have gone on to establish some kind of unit that would work with him to collect information about the education matters and so on. It may well have been called, it may well be that we would have called it a commission or a committee of some type. But in any event some structure of that nature because I do not think he (20) would have been able to do that task entirely by himself.

Was it not the decision of the NEC to establish an education commission? -- I cannot remember that as I stand here.

Was any press statement, was a press statement issued on this issue? -- On the issue of the education commission?

Ja. -- It may have been but I cannot remember it as I stand here.

And did you issue any press statement on education and the UDF's policy on education? -- Yes I have issued a lot (30)

of/....

of statements on education. I cannot remember specifically whether I did issue one on this matter or not.

I would like to refer you to EXHIBIT D.1, that is the Minutes of the UDF NEC held on 10 and 11 September 1983 in Durban and according to page 1 paragraph 1 you were present. Do you agree? -- Yes I was present at that meeting.

Now I would like you to turn to page 7 of the Minutes, paragraph 21. I will read it:

"Education. Following increasing crisis in schools the NEC decided to ask regions to create a commission on (10) education. It was further agreed that the Publicity Secretary must issue a statement in consultation with the Transvaal Region on education. It was suggested that Curtis Nkondo be approached to head the education commission."

-- This is correct.

Am I correct that the decision by the NEC was that a national education commission be appointed or established from people of the UDF regions? -- As I understand this minute it was decided that the regions should create commissions on (20) education and that Mr Nkondo should be approached to head the education commission. I think this latter part would have been contemplating the formation of a national education commission, I think so. Well in fact it does say it was suggested. It does not say that it was decided. So ...

That it was decided to create a commission on education nationally, do you agree with that? -- No, no it was decided to ask regions to create a commission for education. Every region would create a commission, an education commission. So that is what the NEC decided to ask the regions to do. But (30) with/....

with regard to the question of Mr Nkondo it says it was suggested. Now, that he should head the education commission.

But which region's education committee if it is not the national education committee? -- No with regard to Mr Nkondo I think the suggestion, it does not say it was a decision it says it was a suggestion, that that would have concerned a National Education Commission. Now I cannot remember the facts of what happened subsequent to this. Developments may well have made it necessary to abandon the idea because as far as I can remember the matter fell through at some point or (10) the other. Now I cannot remember the precise facts of the situation at that point in time.

Was it not one of the tasks of the secretaries of the NEC to see to it that the decision of the NEC were carried out? -- Was it not one of the tasks of?

Of the secretaries? The National Secretary, to see to it that the decisions of the NEC would be carried out? -- You mean accused no. 19?

And you. -- Yes but these are matters of administration and with an issue like this the chief there would have (20) handled it.

COURT: Now what was the "increasing crisis" at this stage? -- I am afraid I cannot help the Court with the facts of the situation then.

MR FICK: But Mr Lekota you were asked to issue a statement on this. How can you say now to Court that you do not know, you cannot remember? -- No, no, I did not say I do not know. I say I cannot remember the facts. This was 1983 you know. This is 1987. It is four years later.

And was it decided by the NEC what the tasks of this (30) commission/...

commission on education would be? -- I would remember if the minutes said that I would, it is not clear, the minutes do not detail that and I cannot offhand remember.

Now I put it to you it is clear that Mr Curtis Nkondo was appointed as the Vice-President or head of the Education Committee, as you read also in EXHIBIT K.1 together with EXHIBIT D.1. It is clear that he was appointed. -- On the basis of D.1 it was suggested that he be appointed by, that was the decision of the NEC. I am saying to the Court that as far as I know that matter fell through, that in fact he (10) did not ultimately end up being, heading an education committee on behalf of the National Executive Committee. With regard to K.1 I was not at the meeting but if the Minutes are anything to go by the Transvaal did appoint him in some education capacity. I cannot attest to it and I cannot contest the matter.

Now I would like to turn to EXHIBIT C.50.

ASSESSOR (MR KRUGEL): 15 or 50?

MR FICK: Five three, 53, it is in volume 4. It is a document with the heading "Report, Furture Programmes and Budget (20) Proposals of the UDF". It was found in the offices of the TIC, Johannesburg. Now I would like to refer you to page 10 under the heading "Struggles in the Education Sphere". Now do you regard this document as a UDF document? -- Well in the first place as I have said the first time I saw this document was when it appeared here in court as an exhibit. I have never seen it before. In fact at the time that it appears to have been drafted I was myself doing time inside under Section 28. I do not know whether this document was ever presented to any of the organs of the UDF and whether it was adopted. (30)

So/....



So I cannot attest to its status. As far as I am concerned it is non-existent in fact.

Was it not your responsibility after your release to find out, make it your task to find out what had happened while you were in prison, what had happened in the offices of UDF and the meetings of the NEC and the RGC? -- It was my business and I think I did my best to do so but what did not happen is, this is one of the documents I did not come across or I was not told anything about this.

And page 10, I will read it into the record: (10)

"It is like that the past campaigns for an adequate, equal and relevant education will be intensified. Our affiliates from the educational sphere have already launched an education charter campaign to consult our people on the nature of the education system demanded. Also as a spin-off of the new constitution the government has decreed that the community shall bear the costs of education. We understand this move as a further attempt to weight the education system against our impoverished communities. This campaign will afford us the ability(20) to unite parents and students more around common problems which confront them. It is likely too that this might become a specialised area within the UDF."

Would you agree that according to EXHIBIT C.53 campaigns were conducted for an adequate, equal and relevant education? -- The document states that affiliates from the educational sphere have already launched an education campaign. It does not say that the UDF has launched a campaign of that nature. And maybe it might be relevant to draw the Court's attention to the very last sentence of that section for it says "it is likely too (30) that/....

that this might become a specialised area in the UDF. Up to that point in time the matter was not a matter that the UDF treated with any special attention. The document does say that it might become in some future, undetermined future.

Now in the middle paragraph of that section, the last sentence:

"This campaign will afford us the ability to unite parents and students more around common problems which confront them."

What did UDF do in this regard, can you tell the Court? -- (10)

No, no, it is important to look at this section as it is in fact. There is a general comment here of what the affiliates are doing, of what the spin-off of the new constitution is. It does not say that the UDF is busy with a campaign to unite parents and students. It does, what it says is that because of the new constitution our communities are going to be forced you know to carry the economic weight of paying for this education system here. If the UDF, if on the basis of the last paragraph if the UDF does take up this campaign it will afford the UDF the ability to unite parents and students. (20) It does not say that we have taken such a decision or that we are busy with such a campaign. It is clearly futuristic this thing.

No but now the question is did the UDF do anything in this regard? To unite the parents and students more around common problems which confront them? -- I think maybe in some, I do not have the full facts but in some cases, what I can say for a fact is that we did make calls from time to time that parents should set up parents committees so that they should involve themselves in the process of helping to solve the (30) problem/....

problem in education because after all the education question was the problem of their children. But I do not know of an occasion where the UDF has called a meeting of parents to set up for instance a parents committee. But we did encourage that kind of move. When finally, and that was you know subsequent to our arrest, there have been other developments that have taken place there but then that was long after we had been arrested and I can only talk from newspaper reports from there.

What is meant with a "relevant education"? -- That is (10)  
at what point?

It is the first sentence. The second line under the heading of "Struggles in the Education Sphere". C.53. -- Well first of all I have already said that I do not know this document, I do not know therefore what the author had in mind. I can of course express my opinion on it.

Now did UDF encourage its affiliates to campaign for a relevant education, yes or no? -- For a relevant education?

Yes. -- I think the resolution that was adopted at the National Launch merely says that the UDF will support struggles, education struggles that are being waged. Quite evidently we would have preferred the kind of education that would have been better than Bantu Education.

COURT: Well it is set out in A.1 at page 28 that

"We believe that education should be relevant."

So there you have a relevant education. What do you understand by "relevant education"? -- I think it would mean the type of education that would address the problems of the relevant communities. I do not know any specialised meaning of the word "relevant". (30)

MR FICK:/...

MR FICK: Was it not discussed at the launch what is meant by "relevant"? -- We did not, no, no, there was no decision or discussion relating to what the word "relevant" means. So I only understand the word "relevant" in the ordinary English usage of the language. There is nothing special about being relevant.

COURT: Yes, now if it is used in its ordinary meaning what does it mean? -- It would, in the ordinary English usage it would mean that it must be an education that enables those who receive it to become better and to grapple better with(10) the problems of life.

Now in what respects are the curricula inadequate in that they do not prepare people to grapple with the problems of life? -- I do not know whether it says here that the curricula are not relevant.

So you do not see that as saying the curricula are not relevant? What is then irrelevant? -- First of all the, I am trying to think back of I cannot remember what the specific discussions there, thinking back and referred to on the situation. The present education system which is afforded (20) us, the Black sections, has certain areas which are closed to us and therefore that it does not enable us to compete in certain fields in the labour market. It has also been argued that the content of the education that is given to us is inferior to the content of the education given to the other sections. Once more that cuts down on our ability ...

Yes, now you are talking off the point because it says here "equal". That word "equal" deals with inferiority and superiority between the education systems. I was asking you about "relevant". -- Well I go to, the next, only other (30) point/....

point that I can think of is that there would be subjects, maybe in our view which we find ourselves compelled to study but which are not of any practical use to us afterwards.

Which? -- Take for instance the African languages which are not the official languages in the country. Whether one wants to study Sesotho or not one has to study Sesotho.

Well is not the study of a language relevant in our society? -- Maybe if I am allowed to round off this point.

Yes. -- It will then be understood what I am talking about. Now even if I pass Sotho at school, unless of (10) course I maybe became an interpreter/clerk in the courts or something like that it does not become of use to me if I go into the labour market. Sesotho is not an official language and I cannot therefore use it to compete against other people. On the other hand if you take the White section of our country they only learn the official languages and instead of learning one extra language that is not of immediate use for them in the labour market they learn an additional subject. So that there is a certain amount of things which we learn but which we are not able to use them even after we are quali- (20) fied.

Well just apropos that statement at present all junior classes are learning a language which is not the official language in the White schools. But that is not the point. Are you saying that the study of Sotho is regarded by Sotho speakers as irrelevant? -- No if people, if there are people who want to study the language ...

No, not if there are people. I am asking in general by the Black community is the study of their language regarded by them as irrelevant? -- Well we have not taken any (30) collective/....

collective decision on it, but I was asked an opinion.

Yes but you have told me a lot of things what the Black community thinks. Now tell me this, is the study of a Black language regarded by the Black people as irrelevant? I find it strange to accept that I must say. That is why I am expressing myself so clearly on the point. -- I notice that the Court is quite surprised but I find that if I have to learn a subject, any subject, if I have to learn a subject just for the sake of learning it and it is not going to be of any use to me of what relevance is it to me, I have to be free to (10) choose to learn the subjects that I am going to make use of at a, subsequently. There are many people in my community who will want to specialise in studying Sotho. They will be free to study it if they want to study it and they can use it afterwards. Maybe they want to be Sotho authors or something. But I have, right now I have got a distinction in Southern Sotho in Matric but of what use is it to me? I am not able to use it. There are other subjects that I wanted to study but I could not study because I had to study Sotho. And at the time when this decision, this resolution, was taken one of the (20) considerations was considerations of that nature. White people now for the first time, after many years, it is only just now recently that they started, and now they are only here only in the junior classes. They are free, if they do not want to study Sotho they do not have to study Sotho. But why should I, I do not understand why I should study a subject if it is not going to be of use to me? I would regard it as irrelevant. There will be other people who would like language, who have got a propensity for language, who will study those languages and make use of them and so on. Then in that case of (30) course/....

course it is a different matter. But we have to be free to choose the subjects we want to study and in the direction in which we want to develop.

At what stage Mr Lekota? -- At what stage should we?

At what stage should you be free to choose whatever you like? At the end of your junior primary school or senior primary school or at the end of your senior school? -- Now one thing I would agree on is that maybe for the primary classes, because at that time you know the student himself cannot really decide what he is going to do and in any event we (10) will need counselling at some stage when we can see in what direction the talents of the people develop. So maybe for the starting classes it is proper that everybody must, people must have access and at least they must be made to study you know as many subjects as possible. But at some point once the direction begins to emerge that it is in this direction that the inclination is then emphasis goes in that direction. In our schools we do not even have counselling. In White schools there are people who would look at children and they can begin to see where the talents of the children are and they guide (20) them and then they study in those areas. I am not saying now that Sotho must not be studied. I am Sotho myself and very proud of the language but one saves a lot of time if people study subjects that they are going to make use of.

Like history? -- Like history.

Yes.

MR FICK: Is there any other basis on which you can give a definition of relevant education? -- No I think I attempted to say to the Court that I cannot recall all the points which were raised with regard to this matter. I am trying to be (30) of/....

of assistance to the Court, to the best of my ability. That is as much as I can say. I may possibly be able to think of other things at a later stage that I might draw the attention of the Court to.

COURT: Might "relevant education" not mean education bringing into context the struggle taking into account the history of the Black people? -- Well I am afraid that there is constantly a failure to really appreciate our desires and aspirations. Whilst it is true that we would like to see our situation improve the first step is that we see immediately things, the (10) type of education that is accessible to our White compatriots. We feel that, I can make a comparison, if we take a policeman here from an African school with me and take one from a White school, the same standard, I am sure and I have seen that happen, that one will find that the other will be more informed about many other things than the other one.

Yes but that is inferior education, it is not relevant education. -- Yes but the point is this that in any event, when the White child goes to school in this country today they get education that prepares them more, it is relevant (20) because it prepares them to be more efficient in the labour market. What happens to me if I want to compete with a White compatriot? If we come into an office and the other man has been taught much more in the issues that prepare him much more efficiently for this situation, I am out, I am not even a competitor, I have no chance of winning the job. So that education, I may know a lot of things which are just useless and therefore irrelevant.

MR FICK: Mr Lekota is it not so that the UDF or its affiliates have stated that they are not interested in White education?(30)

-- Some/....



-- Some people may have, well here is a resolution of the UDF, it does not say, it actually says here we want equal education. Here is the document in front of us, this is the official document of the Front.

Would UDF be happy with White education? -- As a first step, yes. If there are any improvements that needs to be made to it or any shortcomings and what not one can look at that but as a first step moving from what we are at the moment the next step is to go on to where our White compatriots are, that is the first step to take. (10)

COURT: And your second step would be what? -- If there are any complaints with regard to that at that level then people can begin to comment about that and then see how that can be improved.

MR FICK: The history of the ANC, is that not what is meant by relevant education? -- No, it could not be. I do not know what was the basis of counsel putting that to me.

I am asking you. -- I myself, I have told the Court here I take particular interest in history, not only of the African people. I read extensively on the history of the White (20) people, the Afrikaners, the English, the Indian people. I have read their history from India into this country, I have read the history of the African people from long before the White people came here. Even just the ordinary stories of the cultural background of the African people. I read extensively from, when it is history I just eat the books up, that is what I do. Now I have a reason why I do that because I concern myself with the social dynamics of our society and I believe that if I have to make meaningful contribution to the creation of a democratic society in this country, one in (30) which/....

which the various racial groups of our country will be reconciled I must first and foremost understand the people that I am talking about and talking to, understand their fears and so on and so on and then it is imperative for me to know about their history. I must go back to Slagtersnek Rebellion. I must come down like that with the history of the Afrikaner people, the origin of the language of the people and I eat it because I also believe that it is only when I know the people of my country and understand them that I can actually develop a love for them. It is very difficult to love people you do not even understand and you do not know and I seek to do that. With the other smaller population groups like you know the Portuguese sections and so on and what not, I have not, I must confess I have not been able to come across literature that I can talk about but with the main groups in the country I make bold that it is my occupation.

What is democratic education Mr Lekota? -- It would be education that is offered to the people decided upon by the leaders of those people, having been elected by them. So if we say for instance a democratic government in this country the education officials, the laws which will be made at Parliament deciding what education should be afforded to the people and so on and so on and so on would have been the laws determined there by people that we have voted into power and who we have placed in positions of responsibility. It would be democratic therefore because the masses of the people of our country, Black and White, would have decided on the basis of the policies of the party or the organisation that was leading the country at that time what kind of society and what kind of education they want. That would make it democratic. (30)

Now/....

Now with Bantu Education which has been decided upon by the National Party politicians of whom we the African people did not elect they decided what education is good for us. It is not democratic. It defies anything that is democratic by all standards.

All you are saying is that you are linking the education system with the system of government? If the system of government is not democratic then the education system is also not democratic? -- If the foundation is undemocratic the product cannot be democratic. When we set up a government and the (10) people elect that government and they listen to the various parties and then they elect that party there they cannot complain, there is no complaint afterwards to say that it is not democratic because they were given a chance to choose and they have chosen it and then, because when the parties campaign they will say that our policy with regard to labour will be this, our policy with regard to education will be this, our policy with regard to housing will be this. With regard to, and then people choose on the basis of what they hear what the parties say that they are going to give them if they are (20) elected.

COURT: But is that correct? Why if the focal point is the way in which the country is governed, that is meant by democratic, why then only in point 3 at page 28 "And they hereby resolve" do we find that students and teachers and community organisations fight for democratic education. Why limit it to these people, why not include the workers and everybody in South Africa to fight for democracy? -- The concept of community is such an extensive concept as far as I am concerned that it would include everybody there. But the students and (30) the/....

the teachers are specifically isolated because they are a category of people that are immediately connected with it. The students are there in the schools, they ...

But why not include the parents then? -- The community includes that and that is why we have gone all out to say that there must be parents committees because we realise that if we want to keep discipline in the school it is important to have a certain linkage between the administration of the school and the parents. The community there, the work community there stands for the parents and people like that. Some(10) of the people are parents but they do not have expertise. So what would happen is that one would have in a sense community so that you are able to pull in various other people who may not necessarily themselves have a child there but who may at least have some expertise.

Well can you not link that to the first sentence:

"Noting that the separate and inferior system of education entrenches undemocratic ideas."

-- Inferior and undemocratic ideas.

Yes, well I am leaving out a lot of words. -- Yes. (20)

"Entrenches undemocratic ideas." -- Yes.

Then you want a democratic education which does not include undemocratic ideas? -- I am sorry will the Court repeat the last part of ...

And the last sentence of, under "Education" deals with a democratic education. -- yes.

So a democratic education must be an education which does not include undemocratic ideas. -- Let us take two, I see the context as concerned My Lord.

So it has got nothing to do with the way in which the (30) country/....

country is governed. -- No it has.

Yes? -- The Court will realise that with regard to the White community at the moment the education that the White community gets is in relation to them it is democratic because the White community has actually voted and elected, you know, the government on the basis of amongst other things the education that the government offers or was prepared to offer. So in relation to the White community it is democratic. In relation, however, to the Black community it is not democratic because we did not participate in the process of electing (10) the people who would govern over us and therefore who would be responsible for the task of prescribing the education for us. Now the relationship therefore comes here that if once Black and White participated jointly in electing the government that was going to decide what education we were going to receive we would then have a situation in which the education that would subsequently be provided would be democratic for all because all of us would have participated in the process of electing and therefore deciding on the policies that were to guide and govern our society. It is in that light that (20) I understand and I have always understood the position of the United Democratic Front.

MR FICK: I am going to another topic. I put it to you that both the ANC and the UDF accepted the question of the Ciskei was an issue to campaign around and mobilise the people? -- I do not know the position of the African National Congress and with regard to the UDF we did express ourselves on the developments in the Ciskei at the time and in keeping with our rejection of the Bantustan policy we also expressed general criticism of the Ciskei as a homeland, as a Bantustan (30) homeland./....

homeland.

Now I would like to refer you to EXHIBIT A.1, page 28.

-- Yes.

The Ciskei, Noting, 1:

"That the Ciskei is a shock absorber body intended to police and persecute the oppressed people in that part of the country in the interests of the racist Botha-Malan-Koornhof clique. That the ruthless harrassment and denial of the fundamental democratic rights to our people in that part of the country is not an accident (10) but a general expression of the tyrrany which grinds our people throughout the divisive system of separate development and we resolve that the struggle of our people in that part called Ciskei is indeed the struggle of the assembled democrats here and the democrats throughout the length and breadth of our country."

Now why do you say that the Ciskei is a shock absorber body intended to police and persecute the oppressed people in that part of the country? -- I think what is being communicated there is that having denied African people the right to (20) participate in the government of the country the government has set up internal colonies like the Ciskei and set up a government there which suppresses the genuine aspirations of the African sectin of the population that is there. In that way one finds a relationship in which the people, the masses of the people in the Ciskei are suppressed by the upper crust, that is being paid by the government.

Did not the people in the Ciskei themselves decide that they want to be independent? -- Well not that I know of.

COURT: How did they become independent then? -- As I (30)

understood/....

understood it the government had a number of people there who claimed to represent the people there and it installed them so to say as the government.

Were there no elections? Were there no elections in the Ciskei? -- Let me put it this way, I do not have, as far as I know in fact there was a commission that was set up there at some point or the other. I think it was called the Quayle Commission.

ASSESSOR (MR KRUGEL): The what commission? -- The Quayle Commission. Which amongst other things expressed dis- (10)  
approval of this. I am not sure of the facts now as to exactly what happened at what stage.

COURT: Well it was a simple question. Were there elections or were there no elections in the Ciskei? -- At what stage?

When they became independent? -- I am not sure of the process. I think I was in jail at the time they became independent, once more. But the majority of the people would have been here, they were not in jail, so they would know much better than I.

MR FICK: Did you not read the history of the Ciskei? -- I (20)  
have followed political developments but as I say I was in jail at that time, at the time when they became independent I was serving a prison term.

Did you not make a study of the history of the Ciskei afterwards? -- No I have not been able to study up to this point in time, I have not been able to make a specialised study on it. I would know, I know everything public that everybody else knows, you know publicly.

And did you ... -- I certainly know that a lot of people do not, even they in the Ciskei do not support it. (30)

And/....

And yet you also criticise the Ciskei government without...  
-- Well you know I criticise all these Bantustans to start with, the very principle of that. I do not, before anything else they are unacceptable. They have been unacceptable to my people for a long time, long before even I was around. The introduction of the 1913 and 1936 Land Act has met its opposition from our people. We have made it quite clear our people and the accepted leaders of our people have over time made it clear that they did not regard themselves as not being part of South Africa. So that this whole system of Bantustans (10) and so on it is something that has been done and forced on us. That is our position. So I mean apart from whether, it is not Mr Sebe only that I am concerned with. The principle of saying that we are not South Africans is unacceptable to us, it has been unacceptable to our grandfathers, is unacceptable to us.

COURT: Is it your contention that if one differs politically from you you can use any language you like, as strong a possible, to condemn him? -- As long, if the language, if the language corresponds to the facts it is said, that it is (20) correct that the truth must be stated as it is.

So you are saying that the racist Botha-Malan and Koornhof clique intentionall created the Ciskei to persecute the oppressed people in that part of the world? -- Well first of all I did not draw up this resolution. I was part of the meeting.

Well you are part of the resolution, you voted for it. -- What it does reflect though is that the people who were here, the majority of the people who were here feel as strong as this. (30)

No/....



No it is a question not of the majority, you voted for this. Is this factually correct, paragraph 1 under "Ciskei"? -- What, the fact that ...

That the Ciskei was created as a shock absorber body intended to police and persecute the oppressed people in the interests of the racist Botha-Malan-Koornhof clique? -- I would be in difficulties if I had to pick up detail or fact to back each and every one of the words that is there.

Well it is very strong language. If one cannot support if factually are you entitled to say it? -- No, no, I am (10) not saying that there are no facts to back it up. I am saying that as I am standing here now I may not have the facts to do so. But ...

Well did anybody get up at this meeting and say well can we not put it a little milder than so extravagantly? -- I cannot recall anybody doing that. What I can tell the Court with all honesty is that that is how the masses of the people feel about what apartheid is doing to them and there it has been stated and that is how it is, that is how they feel about it. (20)

Well that is not only how they feel, that is how you feel? Because you voted for this resolution? -- I do not know whether it is correct to say that I voted for this resolution. I was certainly ...

Well did you go along with this? -- No you see the point is that when the, in the course of the national Launch I was part of the planning committee that was really running the conference so when some of the things were taking place I was myself not specifically there. But I accept in fairness to the Court that insofar as even after when I got to know (30) that/....

that these things had been said and this decision had been taken I did not object to them. I must take the responsibility for them but I was merely trying to draw attention to the Court that not everything that was there I was part of it and obviously I would have, I might have used different language. I certainly would have used different language here. But I assure the Court that the majority of our people feel this way.

Well it may well be that they feel that way because they are told that these are the facts. --No, no, no, not that. (10)

Well one cannot get the majority of the people to feel in a certain way unless they are educated up to that point. -- No, in 1983 when we set up the United Democratic Front, at the meeting when this decision was taken, the UDF was being formed there and then at that point in time. At the time I was, I think I was about 35 years old, there were very many people that were much older than me, some of them in their 70's and people like the President, Archie Gumede, for instance, who were about in their late 60's, early 70's, and very many other people in their 50's, people like Dr Motlana and so (20) on and various others, some who had even served in the labour party who were part of the proceedings were there, much older than myself and I had only been out of prison for about six months and I would never have had time to teach people and educate them to go and say things like this. But expression is like this, the strength of feeling about what apartheid has done to our people and what it continues to do to them is like that. Unfortunately of course because we are, we do not get sufficient avenues of being heard very few occasions when White society is exposed to the actual feeling, to the thinking (30) and/....

and to the manner of expression within our communities and that I admit that must surprise a lot of people because they are not part of it. It is like getting a person who is a member of the United Democratic Front and suddenly throwing him in the midst of the Afrikaner Weerstand Beweging and I think he will get as shock.

Well he will not talk as much as you have been talking today.

Mr Lekota I wanted to ask you this document A.1, it was not published at the time of the launch. When was it (10) published? -- Shortly afterwards. I would say towards the end of September, beginning of October.

Of 1983? -- Of 1983, yes.

Thank you.

MR FICK: Now since 20 August 1983 up to the Second National General Council meeting in 1985 there was no decision by the UDF or any of its regions to change the wording in any way of this resolution? -- There has not been effort that I know of ever to change this.

Not by you either? -- Oh no I have never done any effort, (20) I have never made an effort to change it.

COURT: Could I just attempt to place this resolution into perspective. -- Yes.

At this time that the resolution was passed was there a bus boycott, at the time or not? -- In the Ciskei?

Yes in the Ciskei. -- There was.

How long had that been going on? -- It had been going on from I think either the beginning of August or end of July, somewhere there.

And it was still going on? -- It was still going on. (30)

It/....

It went on I think right into 1984. I do not know whether it has stopped now.

Yes thank you.

MR FICK: Now I am still busy with the first paragraph.

"Noting that the Ciskei is a shock absorber body intended to police and persecute the oppressed people in that part of the country."

I stop there. On what basis does UDF say that that is part of the country, the Ciskei? -- That there must be understood in the general historical perception of the situation. (10)  
Before these Bantustan administrations were set up the general tasks or process of controlling Africans when they had complaints, the people that they had to go to would have been people, government people like earlier on the Native Administration Departments, then later on the Bantu Administration Departments and so on. When however areas like these were said to be independent Black administrations like Mr Sebe and his people, you know, got placed there. So instead of now, the task now of controlling you know African life in those areas fell to other Africans who had made common cause with, the percep- (20)  
tion generally within our communities has been that these people operate as shock absorbers in the sense that now you now have to, if you want to go to complain to the government then the government says no you go and, it is not us, you talk to your, it is one of your people, it is not us. And then the government has placed them there. That has been the general perception and I think what that sentence there attempts to articulate is that perception and feeling.

COURT: Now this was an independent country at the time was it not? -- That is the perception, or at least the attitude (30)  
that/....

that is adopted by the government and its supporters that these areas are free. Within our communities we do not see them as free because as far as we see them, even as the declaration of the UDF says, they are part of South Africa and that in fact the constitutional dispensation or settlement that will be acceptable to our people because when South Africa is accepted as one country and all of us can share in it our perception is that the areas which are said to be these Bantustans, which are said to be the areas where we must go are in the first place areas which are very largely improve- (10) rished. The best parts of the country are what is, are the 87% or so that is supposed to be White South Africa and we do not see a future for ourselves in those areas that are called Bantustans. That is why we want to become part of South Africa and as far as we are concerned South Africa is just one country. It must be that. So our dissatisfaction goes much much deeper.

MR FICK: Mr Lekota is it not so the UDF is simply ignoring a fact of history in that the Ciskei became independent and you cannot talk for them and say we want that and we want (20) that, they elected to become independent and you simply ignore the fact? -- No, the UDF is not ignoring the facts of history. We are not the only ones who do not, who reject these schemes of the government. The international community in the United Nations organisation for instance rejects ...

Mr Lekota.... -- ... the whole policy of apartheid of the government, it has been rejected over a period of time.

... if the people ... -- I am sorry if I can just complete this. Apart from the fact that we, our people have rejected it the international community itself has rejected that as (30)

a/....

a solution that cannot, as a model that cannot solve the problems of South Africa. So we are not unique, we are not doing anything, we are not saying something that, it is only the government, as far as I am aware, that believes that in the period 40 years after the Second World War and the formation of the United Nations Organisation and therefore the passing of the Declaration of Human Rights, that believes that men must be looked at on the basis of colour. It is only the government. The whole world has rejected that and we reject it. (10)

Mr Lekota on what basis do you tell this Court that this scheme of the government that the people of the Ciskei have elected to become independent? -- I think I have, I attempted to say, I have said that African people in this country have expressed their opposition to this approach of the government, of separate development or whatever else one may want to call it. They have rejected it long before we came onto the scene. We are merely a generation at a particular time in the history of our country, a product of that background. We express the consciousness of our people at a point of time in history. (20) But we are very committed to the idea of one South Africa for all of her people. On that point there is no doubt that we believe that South Africa must be one country. I may further record perhaps with regard to this, to EXHIBIT A.1 because it happens to be in front of me, in a message of support in 1983 the Chairman of the Special Committee against Apartheid ...

COURT: Page? -- Page 12 My Lord. The Chairman of the Special Committee Against Apartheid, Mr Alhati Yusuff Maitama Sule, wrote as follows:

"United Nations and the international community (30)  
have/....

have repeatedly made it clear that a just and lasting solution requires the release of Nelson Mandela and all other political prisoners, amnesty to those restricted and exiled, end to all repression and discussion by genuine representatives of all people on the establishment of a truly democratic state. They have offered all the appropriate assistance in pursuit of such a solution."

And then he goes on to point out that, maybe I should just read the next paragraph. He says: (10)

"I hope that even at this late stage the Pretoria authorities will abandon their disastrous course of escalating repression and aggression and seek a just solution. They cannot prevail against opposition of the majority of the people in South Africa and the rest of the world whatever their apparent might today."

So the point I am making is that we are at a point, the issue of South Africa is not only an issue of the people of South Africa, the issue of the whole world and we the African people and the other Black sections believe, and correctly so as (20) far as I am concerned, that South Africa should be shared equally by all of us, including her White inhabitants. I simply refuse to accept that the Bantustans are anything to go by for use, we will not accept them.

COURT ADJOURNS UNTIL 14h00.

C.923 COURT RESUMES AT 14h00.

MOSIUOA GERARD PATRICK LEKOTA: d.s.s.

FURTHER CROSS-EXAMINATION BY MR FICK: Mr Lekota page 12, A.1.

-- Yes.

Now the very first paragraph: (30)

"In/.....

"In reaction to your letter dated 22 July 1983 requesting for messages of solidarity on the occasion of the National Launch of the United Democratic Front on 20 August in Cape Town we gladly present you herewith, with our appreciation and solidarity with this important step towards greater unity in the struggle of the South African people against apartheid."

Now who wrote this letter dated 22 July 1983 to the United Nations? -- I do not know. I was not yet serving in the UDF at that time. I expect though that it would have been (10) the joint executives, the joint executive or the secretaries.

This letter is it before Court, do you know? -- The letter that was written to the United Nations?

Yes. -- No I have no knowledge of it whatsoever.

COURT: Why would the gentleman write here "In this year of united action"? -- I do not know whether maybe the United Nations General Assembly had taken a decision that this would be the year of united action or whatever. I do not know what his basis is for saying that. It does happen every year that the United Nations, every year that comes, the United (20) Nations sets out for something special. Sometimes the United Nations declares that the coming year, like 1985 was the year of the youth, international year of the youth. I am not sure whether the decision of the United Nations was with regard to 1983 because I only came out in December.

MR FICK: Now it is stated here:

"In this year of united action against apartheid in South Africa and abroad we regard this meeting to launch the UDF on a national level as a crucial development to strengthen the struggle for freedom, justice (30)

and/....



and democracy in South Africa."

Now do you know that 1983 was the year of united action of the ANC? -- I have no such knowledge. I assume on the face of this document written by the Chairman of the Special Committee Against Apartheid that the United Nations would have set aside 1983 as the year of united action.

You are now busy with speculation? -- As I say I do not know what is its basis for saying so but I know that every year the United Nations sets aside a specific issue that it says this year will be devoted to this, this year will be (10) devoted to that. 1985 as an immediate example was the year, was the international year of the youth set aside by the General Assembly of the United Nations Organisation. It is very likely, taking that this man here is in the United Nations that the United Nations had set aside 1983 as the year of united action against apartheid. We know that the United Nations has long since passed a resolution and taken a decision that apartheid is a form of racism that must be combatted and that in fact it is a crime against humanity. So those decisions had been taken before, long before 1983. The United (20) Nations could easily have set a year for that.

Do you know whether the UDF regarded 1983 as the year of united action? -- I do not know of any decision that was taken by the UDF to that effect because the UDF was formed in August 1983.

Well do you know whether this man, Mr Maitama Sule, ever visited South Africa? -- I do not know.

Do you know who the other members of this special committee against apartheid is? -- I do not know. But it will be member states of the United Nations or perhaps (30) representatives/.....

representatives of member states of the United Nations.

Was this man not merely stating what UDF said to him, wrote to him in the letter of 22 July 1983? -- No, no, he is replying to a letter, as he says there the letter was requesting a message of solidarity, of support. Now he then writes on behalf of that community expressing that support and he says of himself what the United Nations and this community of theirs feel about the situation and he does indicate here, the UDF did, this whole section for instance that I have quoted here is quite evidently you know the position of the United Nations with regard to, of the United Nations Special Committee against Apartheid with regard to the question of apartheid and how the United Nations see a peaceful path towards resolving the problem, namely the release of leaders and then the calling together of a conference where people can draft a new constitution.

Do you know whether any of the UDF reported anything to the United Nations before the launch of the UDF, national launch? -- I do not know. I only got to be involved with the affairs of the Front very late but this here it is clear (20) that this message was provoked by a specific letter asking for a message of support. And the last paragraph, perhaps even recalls the 1966 Resolution of the United Nations because it says there that the struggle of the people in South Africa for democracy is not only a great moral struggle but has tremendous international significance today as elimination of racism from the globe has become imperative. Now when we know that in 1966 the United Nations resolved that it would make it its concern to work for the elimination of racism of all types throughout the world and it specifically also (30) identified/....

identified apartheid as one of those forms of racism and then later on in 1973 it further resolved that apartheid was a crime against humanity. So that I think is in keeping with the position of the United Nations on the question of apartheid.

Were you a member of the Advance Planning Committee for the launch of the UDF? -- That is correct.

Did that committee not work with the messages of support, have anything to do with it? -- No it, certainly not in connection with this one and with any others. As I have said the question of the Advance Planning Committee was just (10) dealing with the practicalities of the matter, the venues, preparing the routes for instance to the conference, setting up marquees, closed circuit TV and generally looking at logistics of that nature and here and there just looking at some of the documents which were there to see to it that those are in proper condition for the conference. In any even these activities only began in the course of the week, Tuesday or Wednesday, leading up to the 20th. So we could not have been in a position to write letters to the United Nations and so on and so on. It would not have been possible. (20)

Now would you turn to page 13. There is a message of support from SWAPO. Do you know anything about that? -- All I can tell the Court about this message is that it was read at some point at the National Launch.

You do not know if anybody asked for a message of support from SWAPO, who it was? -- I do not know for a fact because I was not part of the process of that, but I would think, I would expect that the Secretariat or the Regions would have done so before that time. I was not serving in any official capacity you see. (30)

Now/....

Now according to this message of support of SWAPO it states:

"Rest assured... "

I am not going to read the whole of it.

"Rest assured that your struggle for liberation in South Africa is also our struggle. Your victory is our victory."

-- That is correct.

"Our Victory is your victory". -- That is correct.

Now is that generally accepted in the UDF, that SWAPO and UDF are struggling together? -- That is correct because I (10) think it will also be seen that, or with regard to the resolution on the Namibian struggle that was also reiterated by Conference.

We will come to that. -- And all that it means really is that those at home in South Africa and in Namibia people are busy with the struggle against apartheid and therefore that the elimination of apartheid in the respective territories would bring about freedom from this racial discrimination for the peoples who live there.

Now still on page 13, do you know anything about the (20) message of support from Die Komitee of Suidlike Afrika? -- I cannot recall it specifically but it must be, it is correct I think that it was read there.

Do you know anything about this Komitee van Suidlike Afrika? -- I have no personal knowledge of this committee.

Did you not contact them as Publicity Secretary ever? -- No I have not had any dealings with them.

Did anybody acknowledge receipt of these messages of support after the Launch and thank them? -- If I recall correctly the National Executive Committee did take a decision that (30) acknowledgement/....

acknowledgement of receipt of these messages must be sent to the various organisations which had sent messages of support. That was now subsequent to the National Launch.

Was it your task? -- No, no, I think the task was given to accused no. 19, I think so.

Are you not sure? Why do you say you think so? Did he write letters to the organisations and thank them for their messages of support, accused no. 19? Did he do that? -- The NEC took a decision to the best of my knowledge that he should write and thank them. I did not monitor whether he did in (10) fact do so.

Do you know anything about the message of support at page 14, Africa Groups of Sweden? -- It would have been read at the National Launch. I cannot say anything special about it.

Did you make any contact with these groups after the launch of the UDF? -- I have not had any dealings with this group. I did not make contact with them.

And the Anti-Apartheid movement in London. Do you know anything of this message of support? -- This was also read at the National Launch. (20)

Did you contact them after the Launch at any stage? -- Not myself but I think if the acknowledgement of these messages was sent accused no. 19 would have done so.

No, no ... -- I did not have dealings with them.

Not at all? -- I cannot recall any dealings that I had with them.

The American Committee on Africa. Do you know anything about the message of support, was it read at the Launch? -- It would have been read at the National Launch. I may just mention that of course there were so many of these messages(30)

of/....

of support, some of them were of course were not read but I take it that the ones which I hear on the whole were read.

Now will you turn to page 16. Do you know anything about the message of support from Archbishop Trevor Huddleston? -- Yes.

What do you know about it? -- It was read at the National Launch.

Did you contact Archbishop Trevor Huddleston after the launch of the UDF for any reason whatsoever? -- The UDF as such? (10)

You? -- I have not had any dealings with him, I have not had any cause to contact him.

And the Anti-Apartheid movement in France? -- I think the same applies to this one as to what I have said to the others.

Now will you turn to page 17. The Irish Anti-Apartheid Movement, do you know anything about this message of support? -- I think this message of support was also read at the National Launch.

Now if one looks at this message of support the third paragraph it is stated: (20)

"The Front's declaration firmly rejects the new constitutional arrangements which will entrench the apartheid regime's position."

Did UDF or anyone on behalf of UDF send their declaration to organisations outside the country? -- I assume that in order to inform these organisations about the UDF and its purposes copies of the declaration that was adopted at the anti-SAIC meeting in January were sent along with the letters. I do not know of course but I just assume that that is what would have happened. That is what happened. (30)

Now/....

Now would you turn to page 18. -- 18?

18, one eight. There is one, first of all the Irish Congress of Trade Unions. -- Yes.

Do you know anything about this Congress? -- I know nothing about the Congress as such. I think it is the Irish Congress of Trade Unions as the name says.

Did you make contact with this congress after 20 August 1983? -- No, not that I can recall, I do not think so.

The second message of support from the Swiss Anti-Apartheid Movement? -- Yes. (10)

What can you tell the Court about this movement? -- I cannot tell the Court anything about it other than that they sent the UDF this message of support.

And the third one is the Danish Youth Council. -- Yes.

What can you tell the Court about the Danish Youth Council? -- I have no information other than what is reflected in this page.

Now let us turn now to page 20. There is a message of support from Connie Braam, the Chairlady of the Dutch Anti-Apartheid Movement. -- Yes. (20)

Anti-Apartheid Beweging, Nederland. Do you know anything about this message of support? -- I only know that as it is reflected here that it was sent to the UDF at the time of the National Launch.

According to this, the first line:

"In reaction to your letter dated 22nd of July 1983 requesting for messages of solidarity on the occasion of the National Launching of the United Democratic Front on the 20th/21st August 1983 in Cape Town we gladly present you herewith with our appreciation and (30)  
solidarity/....

solidarity for this important step towards greater unity in the struggle of the South African people against apartheid.

-- Yes.

Now I put it to you that UDF, or people on behalf, someone on behalf of the UDF wrote to these organisations, they forwarded the Declaration of the UDF to these organisations and they requested these organisations to send messages of solidarity to the UDF. Would you agree with that? -- From some of these letters I think that is what happened. The others do not state what the position is. (10)

Now page 21, there is a message of support from Brendan Halligan, Chairman of the International Affairs Committee of the Irish Labour Party. What can you tell the Court about this message of support? -- That is correct.

Did you make contact with this organisation or this member of the European Parliament after the launch of the UDF? -- No I have not made contact with this member of the International Affairs Committee, Irish Labour Party.

You see on the same page there is also a message of support from the International Association of Democratic Lawyers. -- That is correct. (20)

From Omar Bentumi(?). As well as one from the Irish Anti-Apartheid Movement from one Sean McBride? -- That is correct.

MR BIZOS: He says he only heard through the Anti-Apartheid Movement, not part of it.

MR FICK: And then lastly there is one ...

MR BIZOS: The first sentence makes it clear how he came to write that. -- Yes.

MR FICK: Lastly on page 22 there is one from SANROC, (30)  
South/....



South African Non-Racial Olympic Committee. Do you know anything about this organisation? -- This is the South African Non-Racial Olympic Committee.

Is it an organisation inside South Africa or is it ...  
-- No I think it is based abroad but from my understanding it is an organisation of South Africans who are opposed to apartheid in sport.

Can you tell the Court whether anybody else on behalf of UDF, after 20 August 1983, made contact with any of these organisations? -- I know that a decision was taken by the (10) NEC for acknowledgement of these messages to be sent to them.

Except for that? -- On an occasion I myself have sent a message of support to the South African Non-Racial Olympic Committee. I think that was on the occasion of protest against a proposed rugby tour by the British Lions or the British Rugby Union, one of those two. Maybe on other occasions when some of our officials had been abroad may have met some of the members or officials of these organisations. I do not think I can provide any more information than that.

Did they not report at UDF meetings meetings with (20) any of these organisations? -- I beg your pardon?

Did not the officials of the UDF report at UDF meetings about meetings they had with any of these organisations abroad? -- Those who had been abroad and if they had met some of these organisations would have reported when they came back that maybe they had met officials of these organisations and so on.

You yourself applied for a passport to leave the country to visit organisations or countries abroad, is that correct? -- On an occasion I was invited by a group of churches in Holland and I applied for a passport and it was refused. (30)

Now/....

Now let us return to the dissolution of the Ciskei.

-- Yes.

Page 28, A.1, sub-paragraph (2), under the heading of the "Ciskei". -- Yes.

"That the ruthless harrassment and denial of the fundamental democratic rights to our people in that part of the country is not an accident but a general expression of the tyranny which grinds our people throughout the divisive system of separate development."

What do you mean by stating that there, this is part of the (10) general expression of tyranny which grinds our people throughout the divisive system? -- I think that part there expresses what I said earlier on that the system of Bantustans was imposed on our communities against their will. They are perceived therefore as tyrannical because they have not come about as a result of a democratic process by which our people would have been able to say clearly what they want and therefore influence the course of events. And of course it is regarded as divisive because we are, or at least sections of our communities are divided one from another, Sotho from Xhosa (20) and so on. Not because we have made the choice but because the government has chosen to decree it as such.

But the ... -- At the best of moments we would prefer to live together. We have never made a choice that we want to be divided.

But do you not regard the election of the people of the Ciskei to become independent as a democratic process? -- I dealt earlier on with the very foundation of the idea of this. I have stated that right from the beginning our people have never supported the idea of this tribal divisions. History (30) is/....

is strewn with cases of where our people have constantly stated that they did not want this policy of separate development and so on. Now it cannot become democratic after the fact. We must look at the foundation of the thing, that if African people had chosen that they wanted to be cut off from South Africa and they wanted to be divided group from group and so on that would be something else. There is, history on the other hand says something different. If we look at the turn of the century in 1912 when South Africa became a Union Africans in the Transvaal under their organi-(10) sations like the Transvaal Native Union and the Transvaal Native Organisation, Africans in Natal under the Natal Native Congress, in the Free State under the Orange River Colony Vigilants Association and later on the Congress there and the Cape organisations like the South African Native Congress in the Cape, they came together in Bloemfontein in 1912 and what our people said there was that they wanted to be included as part and parcel of South Africa, they wanted to be part of the government that was set up under the Union Act. Subsequently even when the 1913 Land Acts were set up, well (20) first of all I think I must put it this way that when they were not included Africans in the various colonies sent out representatives who took a ship in Cape Town and travelled abroad led by Olive Schreiner including, so it was not only the African people but also the Coloured community, people like the late Maphikela, John Tengo Jabavu, Rubusana, and from the Coloured community people like Dr Abdurahmann, Lynders(?) and others. They constituted a delegation of nine people representing the African and Coloured communities. They went to Britain because at the time Britain was still in control (30)

at/...

at whole. To complain that they have not only been included in the National Convention that set up the Union Act but that the Union Act did not give them full rights to participate in the government of the country. When in 1913 again the government introduced the 1913 Land Act which said African people may not own land in what is now called White South Africa, in fact at that time it was on 93% of the land of the country or at least 92. Again our people sent out a delegation from here, having protested here they sent a delegation abroad to England to go and state the case of our people against this. It (10) was during that period also that whilst he was there Sol Plaatje wrote that book on native life in South Africa. So the whole, when in 1936 the Hertzog Bills which had initially been moved in 1927 were now to become law in 1935/1936 African people came together in a large number of their organisations in an all African convention and again our people stated their opposition to that legislation and their denial of participation in South Africa. So the whole of our history is strewn with examples when we have protested. It cannot be said that our people were happy about this. Ultimately (20) the government has had to carry on with its programmes much against the opposition of our people.

Now lastly I want to put it to you that UDF had no right, moral right, to speak on behalf of the people of the Ciskei after they have elected to become independent. You cannot speak for them any more. -- I disagree with counsel. It is, the UDF had the right to do so. They were representatives of the people, masses of the people in the organisations in the Ciskei and trade unions who were there and they constituted part of the discussions there. (30)

Now/....

Now in the so-called government of the future do you, does the UDF accept that these parts, the independent states, the Bantustans, should become part of one undivided South Africa?

COURT: Could we just define terms first. By Bantustans do you mean thereby the independent states, former South African territory, or do you include under the term Bantustans the present homelands which are not independent? What do you understand by Bantustans? -- As I understand it, the term Bantustans refers to all of those areas. But maybe for (10) the convenience of the Court I can restrict myself to using one term that may be generic and another generic for others. But in any event from our position all of them in fact must become part of South Africa.

I just want to clarify matters so that we do not get mixed up when we use terms like Bantustans and homelands and things like that. -- That is correct. When I refer to any category separate from others I will indicate to the Court but under normal, in general when I say Bantustans or homelands I will just be referring to all of them. (20)

ASSESSOR (MR KRUGEL): You do not go back far enough in history to also include Lesotho, Swaziland and Botswana? -- No, I think the history of those territories is slightly different because they have never really been part of what is generally regarded as South Africa at the moment, and I do not think their position has been questioned also because the policies of the government ...

No, just for clarity sake. -- Oh no that is alright.

COURT: Will you repeat your question now just bearing in mind the definition of Bantustan. (30)

MR FICK:/....

MR FICK: Is it accepted policy in the UDF that in the government of the future, or the South Africa of the future, will include the homelands as well as the independent states?

COURT: Except independent states are still regarded as homelands. -- I think as the Declaration of the UDF clearly states it will have to be free, it will be a South Africa that is free of any homeland or any bantustan. We say there that we believe in a unitary South Africa, it must be just one country.

MR FICK: Now through what process are you going to get (10) for instance the Ciskei to be part of this undivided South Africa? -- I have already indicated to the Court that as far as we saw the position in the United Democratic Front the government would have to be prevailed upon to call a national convention in which representatives of all the people who fall within the territory that is recognised as South Africa by international law for instance would participate in drawing up a new constitution.

But on what basis is this government going to compel the people of the Ciskei and the Transkei to form part of the (20) national convention? -- There is no need for the government to compel the people of those territories because they are part of South Africa and in fact on various occasions even those people who are supposed to serve in those homelands have made it quite clear that they see themselves in the long run as part of South Africa. That is why some of the people who are at the head of those territories continue to refuse to take what is called independence.

No Mr Lekota the fact is that Ciskei, Transkei, Venda, are independent states. Now how is anyone going to compel (30) these/....

these governments to partake in a national convention? -- The problem is that the premise between counsel for the State and the premise from which I move are different, my premises.

COURT: One has to work on a factual premise. -- Yes.

Legally they are independent states. -- Legally they are so what we say is that they have been so by a process that was undemocratic and the people have been forced in those and that as far as we are concerned the people of those territories if afforded an opportunity would state clearly that in fact they prefer to be part of South Africa. That is why the govern- (10) ment continues to find itself in a situation in which very many of our people are being taken to those territories by force, much against their will. They do not have even jobs there, they do not have so many things are not available there. Otherwise the government would not even, if we wanted to be there the government would not need all this legislation that it arms itself with, it would not need all these trucks that have to come and take us by force when we refuse to move.

MR FICK: Mr Lekota I put it to you that this whole concept of a national convention is not viable concept? -- Only the (20) government and the supporters of the government view things in that way. The majority of the people of this country, within our communities, the Black communities for instance certainly do not. The international community itself does not. I may say that the whole idea and ideology of apartheid and separate development actually defies the laws of economic development because as the industrial centres grow ...

COURT: Just a minute now, where are we going to Mr Lekota. I think you must confine yourself to the questions. What is the question that you are attempting to answer? -- The (30) question/....

question that I am attempting to answer is that this idea is unworkable. Well I think that what suggested to me is unworkable.

No it is not a question of whether it is unworkable, it is a question of whether the independent states are unworkable, it is a question of whether your idea of a national convention is unworkable. -- Yes that is what the State is suggesting, that it is unworkable.

Yes but it seems to me you are answering the question whether the independent states as States are unworkable. (10) .  
-- No, no I am answering the question, maybe I did not express myself very well but what I am trying to say is that it is, the idea of a national convention is a workable idea and that in fact the policies of separate development, of setting up these homelands in themselves are unworkable in the long run because as I was saying they actually defy economic laws of development.

Well let us just get clarity now. On your concept of a national convention. -- Yes.

In your concept of as national convention how are people (20) to be represented? Let us take for example Bophuthatswana.  
-- Yes.

Is Bophuthatswana to be represented and if so by who? --  
It is to be represented but not as Bophuthatswana. I think the starting point is that we are moving from the position that we should persuade the government to the point where it must agree that there has to be a review of the whole constitutional set-up in the country and in the country including those homelands. To deal with the people in those areas which are called homelands and people who are not even in those (30)  
an/....



an opportunity to state whether, first and foremost whether they favour to be in those, the country to be divided into those or not. Our contention is that the majority of the people would not support that.

I do not, I just want to get clarity, you need not tell me what is behind your thinking. So you are saying that Bophuthatswana will not be represented by its government. In fact as an entity Bophuthatswana will not be represented. -- Bophuthatswana in our view is part of South Africa so that what will happen is that ... (10)

No you need not tell me why you say so. Let me just get clarity. -- Yes.

You agree with what I have put to you, is that your view? -- That Bophuthatswana as an ...

As an entity will not be represented and it will not be represented by its government? -- Let me put it this way that it should be represented but not as an entity.

Well so it would mean then that if you represent people by, in areas you will not necessarily limit yourself to the borders of Bophuthatswana when you demarkate those areas. (20) -- That is correct.

Is that what you say? -- That is correct.

So the moment you say that that precludes representation of Bophuthatswana by the Bophuthatswana government? -- THAT is so.

Does the same apply in respect of Venda, the Transkei and the Ciskei? -- That is correct. But all of that premised on the fact that the government should have been moved to the position where it agrees that that should be the position.

Yes, that would mean then that to get a national convention/.... (30)

convention started one would have to negate the whole constitutional process of those independent States up to date, one would sort of wipe the slate clean? -- I do not like that phrase but I think that the Court is stating my thinking as it is but I do not like that, I think what, I would rather put it this way that the government would have to be persuaded to the point where it must agree that it abandons the policy of apartheid and what structures may hve been set in that process and proceeding from there set in motion a process that would result in a new order. Now one cannot do it of course (10) overnight. It would be a process that would take a period of time. Maybe it, in some cases it might even take five to ten years.

So let me just get further clarity then. So to have a national convention one would, let me not use drastic phrases but start off with a clean sheet actually, a clean piece of paper and there are no longer any independent States, the people in those areas would have to be represented somehow. -- That is correct.

How would you get, how would you set about it to give (20) them representation? -- I think earlier on when I spoke in the court about it I pointed out that those nitty gritty things had not been gone into by the UDF but I also want to say to the Court that I gave myself time amongst others to pursue this idea. One of the things that I uncovered in the process was that in early 1982 having spoken to a group of naturalists and political scientists at Rand Afrikaans University they themselves, independent of me of course, they themselves had been thinking about it and they made a recommendation, they drew up a document making recommendations to the President's Council. (30)

Its/....

It is a model that unfortunately I had when I was arrested, it was a document that I had in my possession and I was intending to put it before the National Executive Committee because I was impressed by the idea that they were putting forward there. It is the only document that I had, and fortunately the State has passed it back to me. I would like to say that, with the permission of the Court, I would be willing to advise this just to give an idea. I can summarise it now if that suits the Court and try to give an idea ...

Well actually I was questioning you to determine the (10) UDF's thinking and your own thinking, not as you stand in the witness box today but in the relevant period. -- That is why I am referring to 1985 because that was a time in 1985 when, having discussed the matter in NEC in July, because as I told the Court earlier on I actually came up with the subject to the NEC because when I was meeting people and talking to them about the UDF there were a lot of problem questions that people were asking and because I had to answer these questions I constantly had to come back to the NEC and say now people are asking this, you know what we think about it. So in 1985 my (20) thinking was very much close to what is referred to in this document that I am referring to. There they use the Nigerian model of moving from a military government to civilian government. It is a process that lasted over a period of about three years or so. But they made, the one point that they made there which I think is a very important point in making those recommendations was that what model must be developed for the country must involve the leaders of the Black communities as well and that it must be leaders who are accepted by those communities. So in my thinking the position is that we (30) need/....

need a format whereby having created the clean slate, if I may borrow the Court's language, whereby every territory, every part of our country would be represented and in a phased programmed over a period of time move towards a point where ultimately we establish a constitutional dispensation that would be acceptable to all. Of course that process may be so long, indeed, that it may not be completed in the lifetime of some of us but what one really seeks at the moment, and what we seek in the UDF is to contribute towards the beginning of such a process. We cannot even dictate the process entirely. (10)

Could I just get clarity on the next point and that is we know now that as far as the independent States are concerned one has to start with a clean slate. As far as the rest of South Africa is concerned, let us take the Witwatersrand area or whatever area you want, does one take it area by area irrespective of the colour of the skin of the persons who live in that area or do you represent ethnic groups in your national convention? What is the type of representation, do you represent areas of all the inhabitants of an area or do you represent ethnic groups? -- I must say at this stage (20) that I am actually presenting to the Court now purely what is my thinking. At the first level I want to say that, as I said earlier on, we realise that and I do not think we can move forward without starting from what are the realities at the moment. So that it is going to be important in a process of that nature that the reality in which we are operating is taken into account. It may well be, and I recall years ago when I was reading Kwame Nkruma's book Africa Must Unite where he attempts to make a study of a wide range of constitutions and one of the constitutions I recall there was written in (30) it/....

it Chacks(?), because it had general ...

You know Mr Lekota you are the same type of witness that one has normally and that is you give your reasons first and then your answer. Why do you not give me the answer first and then the reasons? -- Okay I am sorry My Lord. Let me start this way, my personal thinking would be that it might be more comfortable to being with dual representation.

Dual representation? -- Yes. In other words every citizen have two votes.

Yes. -- In that case what one would do, for the start (10) what one would do would give people, that is because of the nature of our society give people an opportunity to vote representatives on the present model but, I am sorry representatives on a general model and then representatives representing groups. But all of which must combine.

Now just a moment. You get two votes? -- Yes.

The one vote being for what? -- The Afrikaners as a people let us say now they have got certain concerns of their own, just to satisfy them but now there is no proble. They must have a representative, they will vote for a representative (20) who will be what one may call for their group, group interests.

Let us say that is on the ethnic group basis. -- That is right.

One vote and then the other vote? -- The second vote be a general vote now, on a general basis. But both of these representatives from all the groups must sit together to constitute one general assembly.

ASSESSOR (MR KRUGEL): Now the general type of vote would be an area representative type of vote? -- An area representative type of vote, yes. But all of those representatives then (30) sitting/....

sitting in one chamber, one forum.

COURT: Now that is what you say. What was the thinking in the United Democratic Front? -- That is, my problem is this that I say that those nitty gritty things had not been worked out by the UDF. That is why I say to the Court now I came to present to the Court what is my own thinking and these I am not ascribing to the United Democratic Front. We had not even reached that level. My idea of the theme may be acceptable and it may even be rejected. But at least I think for a start that kind of situation would allay the fears of (10) some of the people that maybe their group rights would suffer and so on. If they feel they are represented and they are custodians to that, as time goes on of course and people gain more confidence the process would be decided by people from time to time as to what to eliminate and what to add and so on.

So this will be a long process then? -- I do not think that it can be a two year, one year time thing, I think it will be a process that will stretch over a period of time. If we take as an example the present dispensation. If one looks (20) at the political process when the government first started talking about it was in about 1977/1978 and by the time the thing was implemented it was in 1984. So it takes a period of time. Now we cannot, it is a very sensitive issue. It involves a lot of people, it involves a huge country and one has to be very careful from step to step, not just, it cannot just running as fast as one wants. We may even begin the process that at some point we pass into history and others have to continue to finish it. The important thing is to begin to find the process, to begin the process. (30)

Well/....

Well will it take longer than this case or shorter? --  
It is not for me to say.

Because if it takes as long as this case I do not want  
to be part of it. Yes Mr Fick?

MR FICK: Now the idea of a national convention was part of  
the UDF's policy since August 1983? -- That is correct. Maybe  
some of the affiliates would even have ascribed to the idea  
even earlier than that.

And you have set certain minimum demands? -- That is  
correct. No, no I am sorry, you said certain minimum (10)  
demands?

COURT: The question is you set certain minimum demands? --  
I think for clarity sake we just differentiate between minimum  
demands and conditions for the national convention. The Court  
will remember that when I explained the Minutes earlier on I  
attempted to show that I understood two different sets of ...

Well let us now just define then minimum demands and  
preconditions. -- Yes.

Preconditions are conditions that you lay down and that  
have to be fulfilled otherwise you will not come to the (20)  
table? -- Yes.

That is as I understand it. What do you understand by  
minimum demands? -- Those are not attached, preconditions are  
attached to the national convention. Minimum demands are not  
attached to the national convention as such although they con-  
tribute to the process.

Well do you mean that minimum demands are demands that  
you will with your minimum demands come to the table and then  
on that basis negotiate at the table? -- Yes with ...

Because that is what is meant by minimum, or is a (30)  
minimum/....

minimum demand a precondition? -- No they are not preconditions. At any time in any way we can go and talk to the government. If we talk to the government we may put to the government certain requests, certain, one may call it demands you know. Those things which the government, the pass laws, if one looks at the Minute it will be seen that the pass laws have been cited there. It is something that the government can do maybe just to gain the confidence and say look we are serious you know. So this type of thing can be done and we can do it now. We can make a commitment that there must be a national con- (10) vention, not that it is beginning there and then but we can make the commitment. That kind of thing would help to build...

Now just a minute, I was just getting clarity on the terminology. Now counsel can ask you about it. -- Thank you My Lord.

MR FICK: Now what was UDF's policy on the minimum demands? -- I think our position on the minimum demands was simply that we, as we looked at the situation in July 1984 it did not seem to us that the National Launch would be called next week or the week following so we thought that there were issues (20) that in any event, whilst we continued to persuade the government towards the calling of a national convention some of the requests which can be fulfilled or some of the things which the government could effect independent of a national convention and there were therefore a set of issues that could be raised with the government over a very much short term nature.

ASSESSOR (MR KRUGEL): Those now are the minimum demands? -- Those are the minimum demands. May I just refer quickly to H.1? If one looks at that under that minimum demands one (30) finds/....



finds ...

Sorry are you now referring to H.1 page 5, paragraph 10?

-- That is correct.

For the record purposes. -- That is correct.

Yes? -- I want to take the easiest example and that would be the last one under minimum demands where one would say to the government to create the proper atmosphere or an atmosphere of mutual confidence we would seek that the government must terminate things like forced removals and relocations. That is something which the government could do. It is not a (10) condition for the national convention. It would really be what one could call a gesture for goodwill. Similarly with the issue of GST for instance where we might say to the government would not the government, we want the government to scrap GST on some basic foodstuffs and so on. The government would of course look at its budget and circumstances and if it suited it the government, purely as a gesture of goodwill, could do that. That has nothing to do with whether there is a national convention or not. And in general it would tend to win the confidence of people and persuade them on the issue of the (20) seriousness of the government to take into account their views and feelings. Similarly if the government said, let us take point 1, we accept the fact in principle, only in principle, that our country must move towards a non-racial democracy arising out of participation by all the people. It would be a statement of intention that this kind of thing could be done, it is not a condition, it is not a precondition for the national convention. It is something that the government can say and one cannot even determine precisely when it will start but if the government made a commitment of that nature (30) people/....

people will be persuadable to be patient with the government and even to participate in its think tanks for instance. That is the thinking that I understood with regard to these minimum demands. On the other hand with regard to the national convention those preconditions, like the release of the leaders and so on, would become imperative because that process there now, for it to take place it would need some of these people to be there to participate because we would then be seeking to undercut the basis of the conflict in our society.

Now paragraph 10.1, EXHIBIT H.1. -- Yes. (10)

These demands set out in paragraph 10.1, are they now all the minimum demands? -- No I said earlier on, I attempted to explain to the Court that as I saw it there has been a confusion of these issues here in minuting this thing because such things as release of political prisoners, the return of exiles, the unbanning of banned people. Those are preconditions for the national convention. They should not really have been that mix up. I do not know how it happened because I did not take the minuting. My understanding of the debate at the time was as I have tried to put it to the Court. (20)

COURT: Well looking at this are the minimum demands not a minimum alternative political programme, alternative to a mere boycott of elections as set out in the first paragraph? Stating therefore that our programme is a non-racial democracy, a society based on justice, release of political prisoners, return of the exiles, a national convention, including disarming the armed forces, scrapping of the Bantustans and puppet local authorities, meeting of authentic leaders and an end to GST, removals and relocations. That is the political programme. -- No with respect to the Court as I indicated earlier on (30)

the/....

the reason I brought this matter up to the Secretariat earlier is because for the better part, until this time, we had expressed criticism of the new dispensation without stating very clearly or perhaps in a detailed fashion. If we say the government must abandon the new dispensation or we say it is not acceptable as a process of reforming our society what alternative political path do we suggest. It was in that spirit that this discussion here came to pass. So that we were not setting, it was not setting out a blueprint of an alternative social order that the UDF wants but in the manner in which I have (10) attempted to explain, I do not want to repeat myself too much.

Yes I just want clarity in my own mind. Were the demands set, apart from mistakes made by the secretary who put it in that wrong paragraph? -- Yes.

In one or two instances. Generally speaking were these minimum demands demands set in connection with or relating to a national convention or were they an alternative political programme? -- I put it this way, they were put as short term demands, short term in relation to the national convention that while the national convention was not yet achieved we should(20) have something to say to the government. I hope that that clarifies the position there.

So are you saying that by 10.1, apart from a mistake here and there, it is meant we are going for a national convention but in the interim until we have it these are our demands that we want fulfilled? -- Yes that is correct. That is my understanding. And the methods are then set out there. I must also say that this whole thing of the disarming of the armed forces comes, it is really here, it is under 10.2 in my understanding.

ASSESSOR (MR KRUGEL): Anyway before that happens there (30)  
cannot/....

cannot be a conference or a convention? -- Before?

Before the disarming of the police and the army? -- In the context of the discussion there this point was advanced in that fashion but as I have also tried to explain earlier on it has always been our understanding that these additional points that were thrown in there, first of all were subject to discussion but even if the UDF adopted them they would remain subject to the negotiation process. They are not, these are not, you know the first three are non-negotiable we said but the rest of these other ones could be negotiated (10) on and even the question of the disbanding of the army it is more really it would be something that would be decided by the process of those who would negotiate the national convention, how it must operate. For instance one of the issues that we raise here is at what point. I do not think, and that was not our thinking obviously, that today the armed forces and so on must be disbanded. There would be a dangerous situation that would exist for all of us. In any event it would be too childish type of thinking. But at some point one would foresee a situation where the armed forces and so on would be, (20) had time to be seen as more neutral, to be taking a position that at least can change the perception, especially of the majority of the communities which perceived them as a threat to themselves. Exactly how that would take place would be subject to discussion and negotiation and so on and I cannot take the matter further than that now. There would be no time when there would be no law enforcement agencies. That cannot be, it is, you know one cannot even contemplate that kind of situation.

Well the language used Mr Lekota is to describe any (30)  
particular/....

particular person or any particular body. -- Yes.

Is always very important. -- I agree.

Even when we have to deal with the police and the army and what they do, organisations and what they do, moderation is never out of place. -- No doubt, that is so, I think I must agree that this is so. I may perhaps also say that I would myself appeal to the Court to take seriously the, into account the issue of how, the amount of frustrations that are within our communities and I would also say to the Court that it is important to keep in mind that even the language that is (10) being used by people in our meetings is not exactly the, and at times it is true that the language does become very rough. I would appeal to the Court to accept that those of use who have taken it upon ourselves to help find a peaceful solution to the problems of our country are now conscious of the risks which are involved and we do not do things purely because we want to cause mahem. There are truly moments when we have no choice but to express ourselves in very strong terms. In the end, however, I think our thinking and the motive behind our activities is truly honourable. And not only for some of (20) us who are young people or younger men. Our conditions sometimes defeat the very old people within our communities. They sometimes one finds them at the very lowest levels of moral courage to face up to the problems which are caused to us by apartheid and the policies of the government. So I merely say that, without saying that everything and every manner of expression that has been used is correct but one at least, to attempt to have a grasp of the language of our frustration.

MR FICK: Now Mr Lekota the UDF accepted that the government would not be prepared to agree to these minimum demands (30)

and/....

and therefore decided to use, to work through extra-Parliamentary opposition and to apply the method of mass mobilisation, mass action and building of organisations of the people? -- I did not get the first part of the question?

COURT: Are you referring to paragraph 10.1?

MR FICK: 10.1, Yes My Lord.

COURT: Methods?

MR FICK: Methods.

COURT: Yes now the question is?

MR FICK: UDF accepted that the government would not agree (10) to the minimum demands and therefore they decided to mobilise the masses and mass action and build organisations of the people? -- No in fact the minimum demands were put forward in our perception as actually easier to persuade the government on, easier in relation to the national convention so that the reason they are put there is to break down the process, to begin, to set in motion a process that would break down the situation that seemed to be very difficult to unlock.

Is it not break down of resistance by the government? -- That is not the spirit within which we approached the matter. (20)

Now this explanation you have given here to the Court did you convey that to the government? -- In the first place we did take up the issue of for instance the national convention onto the platforms and we spoke about it. For the remainder of the other issues we still had to go to our membership and for discussion there and so on. We were not able to take any action. I myself was subsequently detained and when I came out in any event the issue remained there. I am not aware that any steps were taken subsequent to that and even the discussion that had been recommended by the NEC after July 1984 had (30)

not/....

not as far as I could ascertain at that time be completed or so. And that is why one will find that there will be continuing debate on this beyond and into 1985.

Now ... -- Hence if My Lord would take the statement of the NEC in 1985 one will find that at the end of that statement is once again set out there a number of minimum demands. A number of these also feature there and again, and I had had to take that issue up when I spoke to the NGC to ask that we must address specific demands to the government. Unfortunately again a week later, or two weeks later both myself and (10) accused no. 19 were detained and then we were not able to take the matter any further.

Now paragraph 10.2, EXHIBIT H.1. Are these now the conditions for the national convention? -- That is correct. With the explanation that I had already given, you know that the first three in any event had always been part of it. The remainder of the others were the ones that were being proposed to be added.

But these other conditions, and I am not talking about the first three now, were they not accepted by the NEC at (20) this meeting? -- In relation to the NEC they were accepted.

Now there is something I would like to take up with you on this and I want to put it to you that during 1984 this meeting was held. The NEC was the policy making body of the UDF and not the NGC? What do you say to that? -- Subject to consultations with the regions of the Front. And I think in any case the Working Principles make it quite clear that even the decisions that are taken by the NEC are subject to ratification by the NGC.

That, I put it to you, is not the position for the (30)  
period/....

period 1984? -- For 1984?

That is correct. -- I disagree.

Now just go to the Working Principles of 1983. Now will you look at page 9, EXHIBIT A.1. -- Page 9, A.1.

That is it. -- Yes I have got it.

Paragraph 8.4. -- Yes.

"The NGC will be the supreme body of the UDF." -- Yes.

That is all it states. Now if you turn to page 10, paragraph 9.3:

"The NEC shall carry out the policy and programmes of (10)  
the UDF as determined by the NEC from time to time."

Nothing is said about the policy making by the NGC. -- No. I think there is a misunderstanding there. You see the policy of the UDF in fact the supreme body, that is the body that is the policy making body. But in between NGC's, because the NGC's is only for a short space of time, maybe once a year, maybe once in two years, in between that period when issues arise the NEC is the highest body that therefore will determine policy on various aspects. Where it is not in a position to do so it will call an NGC. Now I may just given an (20) example. If one takes the referendum issue in 1983 one will notice that once the NEC found itself not in a position to settle that matter it referred the matter to an NGC and it had to call a special NGC. But even the NEC outside the NGC, the NEC cannot, it cannot just determine policy without consultation with the regions. The matter would, may be raised by the NEC, referred to the regions. It must be accepted by the regions.

Where is that stated Mr Lekota? In the Working Principles?  
-- That is how we operated. (30)

No, /....



No, no, where is it stated in your Working Principles.  
-- I do not think, well may I just have a look at them for a while?

Sure. -- I think that there is an indication, if we take for instance page 9, if we take section 8, paragraph 8.3 we will find there that it says that, I am sorry let me just start at the top of the page, that is 5.3. It says there that the terms of membership etcetera, etcetera, will be determined by the National Executive Committee in consultation with Regional Councils. Then if we go to 8.3 on the same page, page 9, it(10) says there that voting rights and representation at any conference or meeting of the NGC shall be determined by the National Executive Committee in consultation with the Regional Councils before the meeting or conference. I refer to those clauses merely to indicate that the NEC did not have a blank cheque to do as it pleased but that it had constantly to act in consultation with the Regional Councils of the Front. And indeed in practice when issues arose we constantly had to refer to the Regional Councils otherwise we would have been threatened with divisions and splits. The other example is (20) that one of the referendum and the Port Elizabeth conference. The other one is this very same matter we are discussing in H.1 at page 5 because once this discussion, these discussions had been carried out it was decided that these matters must be referred to the regions for discussion and then only then after synthesis of the views of the regions a policy position could be adopted. I think also the document we discussed this morning in which accused no. 19 wrote a letter to Steve Tshwete requesting him to draft a document does indicate that because he does say that when the document is available it will be (30) referred/....

referred to the regions for discussion before it can be adopted as a policy document.

Mr Lekota I put it to you that your explanation is totally wrong and not in accordance with the Working Principles and I would like to refer you to the Working Principles which forms part of EXHIBIT C.102. -- Yes.

More or less page 20.

MR BIZOS: Am I entitled, with respect, to draw Your Lordship's attention to one section of the Working Principles and also to 10.3 of the very document that the witness is dealing with because, with respect ... (10)

COURT: Ten point?

MR BIZOS: 8.4, 8.4 says:

"The NGC will be the supreme body of the UDF."

That is the one.

COURT: Yes we had that one.

MR BIZOS: And the other is that in 10.3.

COURT: 10.3, I do not have ...

MR BIZOS: 10.3 of H.1. The reference on these matters to the other bodies is recorded. (20)

COURT: Yes but you did that in evidence-in-chief.

MR BIZOS: Yes but what is being put to him now ...

COURT: It is a long case but we do not have a short memory.

MR BIZOS: Well My Learned Friend has, with respect, because he puts to him that the evidence of the witness is completely wrong and that it is implied in that that he is not telling the truth when the document in fact supports the witness, with respect.

COURT: No it is not a question of telling the truth. It is a question of interpretation. He will probably at the end (30)

of/....

of the case give a certain interpretation to this document.  
Well he has the right to put it to the witness.

MR BIZOS: As Your Lordship pleases.

MR FICK: Thank you My Lord. Do you have EXHIBIT C.102 in front of you, it is in Volume 6. The Working Principles. It follows after the secretarial report. Do you have the Working Principles Mr Lekota? -- Yes I have the document.

Now I would like to refer you to ...

C.924 COURT: Just a moment. Are these now the Working Principles of April 1985? -- As adopted in 1985. (10)

Well then we will call them the 1985 Working Principles in contrast to the 1983 Working Principles. -- That is so, yes.

MR FICK: Now I would like to refer you to page 3 of the Working Principles, paragraph 7.2.2 of the Working Principles of 1985. -- Yes.

There it is stated:

"The National Executive Committee shall carry out the policy and programme of the UDF as determined from time to time by the NGC."

-- That is correct, as determined by the NGC. (20)

Yes.

ASSESSOR (MR KRUGEL): Seven point two point?

MR FICK: 7.2.2. on the third page of the Working Principles. -- It shall have the power to carry out the policy and programme of the UDF as determined from time to time by the NGC.

Yes. And here it is for the first time stated that the NGC will determine the policy and programme of the UDF? -- Well this clause is, or it merely states what had been happening up to that point in time in any event. I concede that in this Working Principles that began the matter was not as (30)

clearly/....

clearly articulated but our practice in fact had always followed this. That may in fact even explain why this amendment and this matter had to be stated so categorically and clearly. And the other clauses that I referred to in the original ones also show that in fact that was the practice.

Now at paragraph 7.5.1 on the same page of C.102, there it is stated:

"The National General Council shall be the supreme decision making body of the UDF."

-- Yes.

(10)

That was also not the position before? -- It had been said clearly that it was the supreme body. Unfortunately I do not know how this decision making was left out but it is actually said that it is the supreme body by which I would understand that there would be no organ of the UDF that would supercede the NGC. But I agree also that here it is much more clearly stated than in the original Principles.

Now will you turn the page, paragraph 9.2, the very last paragraph. The fourth page of the Working Principles of 1985.

"The NEC shall co-ordinate the decisions of RGC's between NGC's." (20)

-- That is correct.

That was also not stated in the Working Principles of 1983, do you agree? -- Yes there was no such specific clause there.

Now I put it to you that what is stated in paragraph 10.2 was the policy ...

COURT: 10.2 of H.1.

MR FICK: Of EXHIBIT H.1. Sorry My Lord. Was the policy of the UDF and was simply referred to the Regions to get their feed back on what they think of it. -- No it was subject (30)

to/....

to amendments, additions and subtractions. It was not final.

Do you agree it is not expressly stated anywhere in EXHIBIT H.1 that these are only, these are not final conditions, or finally accepted as conditions for the national convention? -- I do not grasp the question very well, that they are not ...

Do you agree ...

COURT: What is the question?

MR FICK: Do you agree that nowhere in EXHIBIT H.1 is it stated that these conditions are not the final policy of the UDF? (10) Or of the NEC on this matter. -- I must disagree with counsel for the State. I think clause 10.3 where it says the above must be referred to Regionals and feedback must be given before the 18th of August and so on that that makes it quite clear that the matter must, is subject to further discussions and amendments and I would be satisfied that that shows that it is not a final.

Mr Lekota whilst we are busy with the national convention and preconditions and minimum demands, EXHIBIT C.102, I am referring to the statement of the UDF National General Council. (20) -- Yes.

It is approximately the sixth page of the document.

ASSESSOR (MR KRUGEL): Page? What page?

MR FICK: The statement of the NGC. -- Yes, page?

It is approximately the sixth page of the document.

ASSESSOR (MR KRUGEL): It has got a big heading on this. -- I have got the document, do you want from page 1 of the document? I have got it.

MR FICK: Do you agree that this is now the final policy of the UDF as stated in 1985? C.102 Mr Lekota? -- Yes I have (30) got/....

got the document. Yes. This is a statement that was issued by the NGC at the end of the 1985 General Council meeting.

COURT: And unless somebody made a mistake in it I take it this is the policy of the UDF as at that stage? -- I think insofar as it was adopted by the NGC, yes.

Well I mean can there be anything in it which is not adopted by the NGC unless the secretary made a mistake? -- No. The only thing is I would understand the policy of the UDF much more than this in the sense that there are resolutions and other things but in any case it is true it is an official document, it was accepted by the NGC and we take responsibility for everything that is stated in it. (10)

MR FICK: Now were you party to the discussions on the NGC on this statement of the UDF? -- I was not party to the discussion of the contents of this document or its drafting. I did, however, in my address to the NGC at the beginning of that NGC put forward the idea that the NGC must address clear demands a set of clear demands to the government. I did make a suggestion of that nature. In some ways as I understand it some of the issues which are stated here were in part, I do not know if any but I think in part because of that suggestion that I have made. (20)

Can you tell the Court who drafted this document? -- No I was not in the NGC when it was drafted and I take it the resolutions committee there would have done so but I was not part of the proceedings so I cannot give firsthand information about it.

Now who were the members of the Resolutions Committee? -- The, ordinarily at conference the people are elected but I do not know who constituted it. You see I was only in (30)

at/....

at times and then most of the time I was not there.

Did you get a copy of the statement of the UDF National General Council after ... -- Yes that is correct. I actually read this statement to the newspapers subsequently.

As the policy of the UDF? -- Well as a statement of the UDF and on the issues that are here, expressing the UDF on issues which appear in this statement.

Now page 1 of the statement of the UDF NGC. -- Yes.

The third paragraph:

"There is still time for the racist minority regime to (10) consult with the authentic leaders of the people with the sole objective of making the necessary arrangements for the speedy and effective dismantling of the apartheid State and the transfer of power to the people."

-- Yes. That is correct.

Do you agree with this part of the statement? -- Yes I believe that there is still time for the government to consult with the leaders of our people with a view to establishing a democratic order.

And ... -- And that is what I would understand by a (20) transfer of power to the people, the majority of the people.

And do you also regard the government as the racist minority regime? As stated by the NGC? -- The language, it may be a little bit thickly painted but it is correct. It is racist because its policies are racial. It is minority because it represents a small minority of the population of the country. It means no more than that.

And the regime? -- And?

The regime, what is your explanation for the regime? -- The system of government. I understand it as system of (30) government/....

government. I do not understand anything more than that.

ASSESSOR (MR KRUGEL): Does not this also mean Mr Lekota that the government is not the authentic leaders of the people? -- No, no, the focus here is that the government constantly consult with leaders who are not regarded within our communities as our leaders. That is where the focus is. That just says the government must consult with our authentic leaders. All the time when the government says it is consulting with the leaders it is consulting with people whom we do not regard as authentic. That would be our meaning. (10)

So the people in this sense here will be the, will not be the people who are represented in Parliament? -- No, no.

It is difficult. -- No it is not difficult, it is quite easy. In that NGC as it was sitting the Indian people, the Coloured people, African people and White people but what it is referring to really, on the question of authentic leaders it is referring to leaders who are accepted by the majority and not the ones who are selected by the government. On that issue, I am sorry what was the second part of the ...

No I merely made the observation that as it stands (20) here the leaders of the people were, in this context it cannot include the government as leaders of the people, the government itself? -- No, that would not be our interpretation. You see as long as the majority of White people, and I do not think there is any doubt on this question, have voted, the majority of them have voted for the National Party. We cannot say it is not the authentic leaders of the White community. There would be no basis for saying that. The situation changes, however, when it comes to the Black communities where we say that the majority of the people regard these people as their (30) leaders/....



leaders and the people say no, no, that is not your leaders here are your leaders. So it is not referring to the government. We would not even say the government must consult with the leaders. The fact that we say the government must consult with the leaders is because in its own right it has a constituency that elected it and no one can question the fact that the majority of White people support the government.

COURT: Well does this mean then the racist minority regime will probably be represented by its leaders, that is the Cabinet, and it would have to consult with the authentic (10) leaders of the people, the people then being the Black people of South Africa, the voteless people of South Africa? -- The other sections of the population would then have, would have freedom to choose who to represent them and those are the people that the government would settle down to discuss with.

Well that is then taking it to the next step. -- Yes.

There are quite a number of instances where the people have been told by UDF persons that the authentic leaders of the people are the people in jail at the moment, on Robben Island? How am I to interpret "authentic leaders of the (20) people"? -- I thought in my evidence-in-chief I attempted to show that some of the people who are in prison on Robben Island are by no doubt regarded as the leaders of our communities but I also did attempt to say to the Court that there are some of the people who are in the prisons who are not necessarily regarded as leaders but as political prisoners. The fact of the matter is that some of the leaders of our people, and the most respected and the ones who enjoy more support than anybody else are really in the prisons of the country. But some of them are not, some of them are out within our communities. (30)

Like/....

Like the President Archie Gumede.

MR FICK: The Rivonia trialists, are they the true leaders of the people, the authentic leaders of the people? -- They are certainly regarded, they are part of the leadership of the people. In fact Nelson Mandela for instance would be accepted, would be widely accepted, Walter Sisulu and those people.

So what UDF actually says is that the government should consult with people in jail for the sole purpose of making the necessary arrangements for the speed and effective dismantling of apartheid State and the transfer of power to the people? (10) -- What the UDF does say is that the leaders of our people who are in the prisons must be released and that in the process constitutional dispensation should be negotiated. The language may be a little bit colourful but I do not think we should be diverted from the main issue by that.

By the authentic leaders do you regard the people, the membership of the ANC also as the authentic leaders of the people, like Oliver Tambo? -- Some of them like Oliver Tambo certainly are, enjoy a fair amount of support and I think there have been public polls which have shown so. Whether, (20) I may just add that we in the UDF are not the only ones who have, who see things this way and who have expressed ourselves in that direction.

But I think you must ... -- Very many other political organisations in the country and outside the country have also stated a similar position.

You must now answer the question. Do you in UDF regard Oliver Tambo as an authentic leader of the people, yes or no? -- The UDF has not taken a decision on that. Speaking for myself, however, I think that he is regarded as one of the (30) leaders/....

leaders within our communities. He, in any event even before the banning of the ANC he had already been elected to the Vice-Presidency of the African National Congress. So his position as a leader does not, was established long before we were on the scene.

COURT: So what you are in fact saying is that, with certain variations and other leaders that may come into it, is that the government must hand over control of the State to the Rivonia trialists and Oliver Tambo and others? -- No, not at all. What we are saying, however, is that the government (10) must pull together all these leaders of various groupings and, including as we have said, some of those people who enjoy support within our communities, even if they are in exile, they must be brought back at home. Our concern is that there must be a way in which our country can find a way of resolving the conflict that is there and if we leave out a sector that on the face of things enjoys a considerable amount of support from sections of the population it is important in order to neutralise the conflict to bring them into it because then you know you assuage your, or you satisfy everybody in the (20) process. It is not because we have got a brief for the African National Congress but we are concerned about terminating this conflict that is, that seems to be growing within our community, within our society. It must be terminated.

ASSESSOR (MR KRUGEL): Mr Lekota I have got another problem with this particular paragraph. -- Yes.

The word "people", the word "people" is twice mentioned in the paragraph. -- Yes.

I do not think one can give another meaning to the same word in the same paragraph. You cannot give different (30) meanings/...

meanings to the word. So what is claimed here is that there is time for the racist minority regime to consult with the authentic leaders of the people for the sole purpose, the sole objective of making the arrangements necessary for the speedy and effective dismantling of the apartheid State and the transfer of power to the people. Do you see what I mean? -- I am at a slight disadvantage but I think I will overcome it. In the sense that I was not, maybe if I knew just like who were the people with regard to the State but that does not excuse, I am not putting that as an excuse. The point which(10) I want to make is this that, let us take "people" in the first context there, "consult with the authentic leaders of the people". I have explained that to the Court and I am very firm about the fact that authentic leaders of the people would mean the leaders as I have attempted ...

The leaders of the Black people? -- Yes in the context of the Black people.

But now again transfer of power to the Black people? "People" in the last two words of the sentence. -- No, I think it is very important now that I must put this ex- (20) planation of that. Insofar as today political power is enjoyed by a section of the population. I am talking from this side of the colour line. Insofar as political power is enjoyed by a minority of the population of our country it means that, and the majority is excluded from it, what I can say is that the people of South Africa are not participating. If we take it that ordinarily the people would be seen as the majority, that therefore when the government sets in motion a process whereby apartheid goes and political power now is to be shared with the majority of the people it is correct and one may say (30) that/....

that now power is in the hands of the people of South Africa. Not to the exclusion of White people but more that now the majority of the people of South Africa are able to vote into power the government and choose who must govern them and how they must govern them. It is only in that spirit and I must appeal to the Court that however colourful the language is I am quite sure that this is what was meant by conference. I have been the public spokesman for the UDF since its inception in August 1983 and I have constantly to explain the policy of the UDF. I would know quite firmly, especially on official (10) documents, I would know really that this is what is meant here and I can explain it without even batting an eye or looking behind me whether somebody is not happy about what I am saying. I know that this is what it means.

MR FICK: Mr Lekota must the Court now ignore the very clear language of this paragraph? -- I am appealing to the Court to understand what we meant by this and I am trying to explain that, and indeed you know this is what was meant here. Nothing else was meant here. I challenge anybody to come here and say that this is not what we meant. (20)

Now but nobody else except the Court has the privilege of your explanation? -- Because I have been brought before the Court and the Court wants to know whether this is the right thing or not so I must tell the Court the right thing. Anybody could have called me before the Court called me. I would have given them the same explanation.

COURT ADJOURNS UNTIL 17 SEPTEMBER 1987.