

SOUTH AFRICA

CISKEI: TEN YEARS ON HUMAN RIGHTS AND THE FICTION OF "INDEPENDENCE"

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INTRODUCTION¹

A decade ago, on December 4, 1981, the South African government declared that the Ciskei, an arbitrarily defined area in the south east of the country, had joined three other "national states" in receiving "independence." No other state recognizes the independence of Ciskei or of the other homelands. For the following nine years, more than a million black South Africans, unilaterally declared to be citizens of the new "state," were subjected to the brutal rule of "President for Life" Lennox Sebe. In March 1990, Sebe was overthrown in a bloodless coup by Brigadier Oupa Gqozo of the Ciskei Defence Force, and for a brief period it seemed that the residents of Ciskei might enjoy political freedoms. This hope was dashed within a few months, as old style repression, characteristic of Ciskei under Sebe returned.

For the past year, Gqozo has made use of increasingly severe measures to silence opposition. Although Gqozo initially aligned himself with anti-apartheid groups seeking the reincorporation of Ciskei into South Africa, his administration rapidly assumed the form of an intolerant military regime. Allegations of government supported hit-squads and covert military operations surfaced, and a new organization, the African Democratic Movement (ADM) was launched with a simultaneous crackdown on opposition groups and individuals. Instead of negotiating a resolution to growing tensions with regional representatives, Gqozo arbitrarily changed local government structures and imposed traditional tribal leaders to be in charge of elected representatives. According to the new system all representations to the government such as land allocations and pension applications had to be made through a headman, provoking increasing resistance which soon turned into acts of violence against headman and their representatives.

On October 29, 1991, Gqozo declared a national state of emergency, only a few weeks after he signed, on September 14, a national peace accord together with the South African government and all representative groups. The agreement established a code of political conduct and was intended to encourage the promotion of political tolerance. The emergency also came at a time when the South African government announced proposals for the eventual reincorporation of the homelands into a federal South Africa. But despite the South African government's stated commitment to a unitary South Africa and provision of over 95 percent of the economic and military support to Ciskei, it has refused to seek a resolution to the injustices in the homeland. Instead it has indicated that it will not intervene in the growing violence until it has been asked to do so by the Ciskei authorities, maintaining the fiction of "independence." This abdication of responsibility toward communities in Ciskei prolongs the bitter struggle to attain a non-racial democratic South Africa.

¹ This report is based in part on the findings of an Africa Watch researcher, Bronwen Manby, who visited Ciskei in late July and early August 1991. Africa Watch would like to thank the Grahamstown Rural Committee, the Independent Board of Inquiry into Informal Repression and East Cape News Agencies who supplied invaluable information.

BACKGROUND

Ciskei as an administrative unit is entirely the creation of the South African government. According to the government's homeland policy, black South Africans were to be segregated from whites, assigned to a particular homeland according to their ethnic origins and consequently would lose their South African citizenship. Only in the homelands would they be able to live and exercise their political rights freely. Over 9 million black South Africans, who already lived in the territories defined as homelands, lost their South African citizenship, as well as an additional 3.5 million, who were physically relocated to the bantustans between 1960 and 1985 and subsequently regarded by South African law as aliens in the land of their birth. However, in 1986 the government passed legislation according to which only those blacks who were working and living permanently in South Africa regained their South African citizenship. In the face of national and international protest against forced removals, the government also put an end to this practice, but enacted the Particular States Extension Act, empowering the South African government to arbitrarily redraw homeland boundaries in order to incorporate areas designated as "black" in South Africa into the homelands. This act was only abolished in May 1990.

Originally, Ciskei was a collection of 15 tribal reserves and was only consolidated in the 1970s to become a new black homeland. The population of Ciskei was at the time of "independence" about 660,000 but a further 1.4 million black South Africans were subsequently deprived of South African citizenship, though permanently resident in South Africa, and declared to be Ciskei nationals. Only those who worked and lived permanently in South Africa later regained their original citizenship.

Ciskei is located in the "Border region" of the Eastern Cape Province, which is one of the poorest areas of South Africa and has almost no significant industrial development. The steady economic decay in the homeland has resulted in an expanding pool of migrant labor to benefit "white" South Africa. The income of Ciskei residents is almost exclusively derived from government employment or pensions, or from remittances received by migrant laborers. This bleak economic situation has been worsened by the introduction of a new industrial development program by the South African government, ceasing the eligibility for tax breaks of businesses willing to invest in the poorer regions of South Africa. Many factories are shutting down as a result of this policy change, increasing unemployment rates which are already estimated to be between 40 percent and 60 percent.

THE EARLY YEARS: "INDEPENDENCE" UNDER THE SEBE REGIME

Ciskei was granted its "independence" in 1981 by the South African government. This followed a referendum that was manifestly unfair,² conducted by Lennox Sebe, leader of the Ciskei National

² Out of 503,000 registered Ciskeian voters, 299,731 cast a vote. It is estimated that over 400,000 Ciskeians, living outside the territory did not register at all. The poll was conducted in an atmosphere of intimidation and fear, and illiterate voters, who constitute a large proportion, had to declare their choice in the presence of three witnesses, inevitably government officials or members of the ruling party. Numerous voters complained that they were threatened with the loss of pension and housing rights if they refused to participate in the referendum. Before the election, Sebe stated: "The voice and grumblings of our great chiefs is so loud and clear that there is no choice for us. Go to the polling stations singing the songs you sucked from your mothers' breasts. Or if you choose the worst to betray the nation, do not go to the polling stations on December 4th. The spirits of our great chiefs will make a piercing cry; they will deliver him or her to the officer to be cast into prison." See *Human Rights in the Homelands*, A Fund for Free Expression Report, June 1984.

Independence Party (CNIP) and subsequently elected "President for Life" of the new "state." The Sebe regime rapidly became notable as one of the most repressive of the bantustan governments. The security establishment, designed by the president's brother, Lieutenant Charles Sebe, a former South African security policeman, and headed by him until his removal in 1983, came to control all aspects of life in the homeland, using the sweeping powers given to it by the Ciskei National Security Act, which replaced South African security legislation with even more draconian measures.

Sebe never enjoyed any degree of popular support, but it was not until 1989 that open opposition to his government gained momentum. As the political situation in South Africa improved in 1990, residents of Ciskei began to agitate for similar reforms. Initially this opposition centered around the struggles of the communities of Thornhill, Postdam and East Peulton to reverse their incorporation into the homeland, but toward the end of the year the campaign became a mass political movement targeting the Sebe regime itself and the very existence of the homeland structures. The rural rebellion against the regime increased into 1990, as people burnt or collected and delivered to the authorities their CNIP membership cards, without which there could be no access to most forms of public service, and made statements supporting a united and democratic South Africa. Hundreds of people were detained and violent clashes erupted between police and demonstrators. On February 2, 1990, the day de Klerk announced the unbanning of the ANC and other political organizations in South Africa, a state of emergency was declared over half of Ciskei's population.

FROM REFORM TO REPRESSION: THE GQOZO REGIME

The Coup: "The Bisho Spring"

On March 4, 1990, Sebe, who was in Taiwan at the time, was ousted in a bloodless coup in Bisho, the capital of Ciskei. Brigadier Oupa Gqozo, an officer in the Ciskei Defence Force (CDF), took over the government and vested executive and legislative authority in a military council, or Council of State, appointed by him. On the day of the coup, Gqozo told a rally, at which he shared the platform with anti-apartheid activists, that his "intention was not to suppress the feelings of the people" and that his "ultimate goal" was the reincorporation of Ciskei into South Africa.³ The coup was greeted with enthusiastic popular demonstrations of support, which later escalated into attacks on and looting of property associated with the Sebe regime. The new government was forced to call in the South African Defence Force (SADF) to assist in controlling the situation.

For the first few months of Gqozo's government, he endeavored to become an ally of various groups seeking the reincorporation of the homelands into South Africa and the institution of democratic structures. Over the weeks following the coup he had many meetings with regional and national anti-apartheid organizations, and set out to build popular support in Ciskei. On March 30, he unbanned the ANC, the South African Communist Party (SACP), the Pan African Congress (PAC), and a number of other organizations banned by the Sebe regime, and subsequently provided material resources, especially transport, to the ANC to assist it in organizing. At the same time a body known as the State Trust Board was established to hold and investigate title to land controlled by members of the Sebe family, and in May the government announced the appointment of a commission to look into allegations of irregularities by South African officials seconded to Ciskei government posts.⁴

³ *Daily Dispatch*, March 5, 1991.

⁴ The Commission was later extended to cover any state corruption, although the Board's authority was terminated in January

New legislation was also passed. In May 1990 a new labor relations code was decreed, which had been drafted in cooperation with unions and labor lawyers and which brought about significant improvements on South African legislation in the same area.⁵ In June 1990 Ciskei abolished the death penalty and commuted existing death sentences to life imprisonment. In early September a draft of a proposed new constitution was published, which included a fully justiciable bill of rights, a first for any of the South African homelands. This constitution became law on December 12, 1990, although legislation such as the Ciskei National Security Act, which is in conflict with the bill of rights, was not repealed and remained in force.⁶

The good relationship which existed between the Ciskei government and anti-apartheid organizations during the early months of his government first began to show serious signs of strain in August/September 1990.⁷ Tensions arose from repeated civil servants' strikes, undemocratic changes in the system of local government, and allegations of government supported hit-squads. On February 13, 1991 a number of community organizations in King Williams Town, including the Border Civics Congress and Congress of South African Students called for Gqozo's resignation. On February 14, in an interview on the South African government-controlled television channel SABC TV 1, Gqozo blamed the ANC for a failure to achieve some of the goals of his government, stating:

[T]hey [the government's goals] were all thwarted by the disruptive and provocative and confrontational attitudes of the ANC in this region... [The ANC] must realize once and for all that it is in my country at my mercy.

On June 12, Lawyers for Human Rights, a prominent human rights organization, issued a press statement calling for the resignation of Gqozo, calling him "the greatest destabilizing factor in the region" who had "relentlessly pursued the destruction of human rights development." On July 9, church leaders in the Border and Eastern Cape issued a joint statement to express their concerns:

We are now deeply alarmed at the possibility of an explosion of destructive and divisive violence between the different groupings in the region...[it has become] increasingly apparent to us that the present government of the Ciskei has lost much if not most of what popular support it might have had immediately after the overthrow of the Sebe regime.

1991, before its investigations were complete.

⁵ The original draft was amended by the military council to exclude domestic and farm workers, small businesses and the public sector from its application, as is the case for similar South African legislation.

⁶ The ANC has brought a case in the Ciskei Supreme Court challenging the validity of certain sections of the National Security Act. The case was heard in October, but judgment was reserved.

⁷ One incident that caused earlier friction was the appointment of Vito Palazzolo, a convicted criminal, as Ciskei's ambassador plenipotentiary. Palazzolo was found by the South African government-appointed Harms Commission of Inquiry into the operation of hit-squads in South Africa to have been guilty of crimes including corruption, fraud and illegal entry into South Africa. He had been sentenced in Switzerland to five and a half years imprisonment for financing drug deals. He resigned in mid-July, after widespread public condemnation of his appointment.

During June, a tripartite alliance consisting of the ANC the SACP and the Congress of South African Trade Unions (COSATU), launched a one month consumer boycott in response to a perceived crisis in Ciskei caused in particular by confrontation between Gqozo and his civil service. The demands of the boycott included national issues such as the release of political prisoners, but focused on regional issues, including the resignation of Gqozo, the removal of covert military units and Ciskei's reincorporation into South Africa. Although none of the demands were met, the boycott provoked a response from the business community, in particular, the creation of the Border Business Action Committee (BBAC). On July 27, 1991, the BBAC and the tripartite alliance organized a "Peace Conference" in East London to which political parties, human rights organizations and church groups were invited, as well as white local authorities in the border "corridor" and the Ciskei and Transkei governments. Gqozo initially agreed to attend, but refused the last minute, referring to the conference as a "kangaroo court." He was the only major actor who did not participate. At the conference, Gqozo was repeatedly cited as the main, immediate cause of increasing tension in the Ciskei/Border region, although the ultimate responsibility was placed on the South African government as the architect of the homeland system and principal backer of the Ciskei government.

Andre de Wet, a Democratic Party Member of Parliament, described the two principal sources of tension in the region as conflict between the Ciskei government and the ANC, and between the National Party government and the Transkei government, both of which he described as ultimately a conflict between the National Party and the ANC. In a paper which he delivered at the conference he commented that:

The National Party [is] actively supporting, encouraging and manipulating, with direct and indirect intimidation, those that are prepared to adopt an anti-ANC approach.

Despite the establishment by the Conference of a Steering Committee to coordinate attempts to bring greater stability to the border region, levels of violence in rural Ciskei rapidly increased to a point that had not been seen since Sebe had been in power. Yet, in a later response to the allegations made at the conference, Gqozo stated, "my government maintains law and order. There is no violence or instability in my country. If violence comes now it is clear it will have been initiated from outside."⁸

The Onset of Repression

Many factors have contributed to the growing friction between the Ciskei government and anti-apartheid groups. Gqozo's initial willingness to create an atmosphere of reconciliation and reforms was brought into question by allegations of government-supported hit-squads and covert military operations with the tacit support of the South African government. Civil servants demanded pay parity with colleagues in South Africa and went on strike when their demands were not conceded. Tensions between the government and local communities turned into violence when Gqozo undemocratically changed local government structures and appointed traditional leaders in control of local elected leaders. Gqozo made minimal attempts to negotiate with local communities or representative groups to resolve the friction. Instead, he launched a "cultural" organization, the African Democratic Movement (ADM), of which he is the president, through which he attempted to win the support of traditional leaders, in an attempt to bring local government under his control. Freedom of expression and association became increasingly limited as Gqozo clamped down on opposition groups, dismissed ministers and police officers suspected of sympathizing with the opposition and ordered Radio Ciskei not to mention any political organizations such as the ANC and PAC.

⁸ Report of the Independent Board of Inquiry into Informal Repression (IBIIR), August 1991.

The clearest indication of Gqozo's refusal to solve the problems in the area in cooperation with local representative groups was the declaration of a state of emergency on October 29, 1991, which granted wide powers of arrest and search and seizure to the police and resulted in the detention of hundreds of anti-apartheid activists. In the week leading up to the declaration of the emergency, police arrested more than 400 people under Ciskei's "peace-time" National Security Act which provides for indefinite detention without trial. On October 28, in a broadcast on Radio Ciskei, Gqozo called on his police to "hit silly people on the head because courts take a long time while they [Ciskei residents] continue to burn people."⁹

Covert Military Operations

Gqozo's period in office has been marked by actual or alleged attempts to remove him from office, and by frequent allegations of the existence of a covert military group, known as International Researchers (IR) and later Ciskei Intelligence Services (CIS-IR), operating with the tacit support of the South African government. While rumors of such a covert unit began to surface in the last quarter of 1990, it was not until early 1991 that more substantive evidence emerged.

On January 27, 1991, the Ciskei government claimed to have thwarted an attempt to overthrow the military government. At a roadblock in Ciskei, CDF soldiers stopped and shot Colonel Onward Guzana, a former member of the Military Council from the early days of the Gqozo regime, and Major-General Charles Sebe, brother of the deposed president, who were allegedly returning to Ciskei to stage a coup against Gqozo's government. Guzana was killed in the skirmish, while Sebe escaped, but security forces shot and killed him at a nearby village the following day. According to Gqozo, the plot had been monitored for three weeks, and the two men had, at the time of their apprehension, been carrying documents implicating them in a planned coup and were armed with Uzi sub-machine guns and 9mm pistols. Gqozo later admitted that he had given orders to "search and destroy" Sebe and that Sebe was unarmed when he was shot.¹⁰ Gqozo also accused the ANC, in particular Chris Hani, the leader of the military wing of the ANC, Umkhonto we Sizwe (MK), of involvement in the coup. He later denied having explicitly made these statements.¹¹

Almost immediately, the families of the dead men raised questions about the alleged "coup." Specifically, they asked whether it was plausible that Guzana and Sebe would have driven into Ciskei with such minimal arms if it had been their intention to take over the government.¹² Ciskei's attorney general announced that an inquest would be held into the deaths. This inquest opened in the Bisho Supreme Court on June 3, 1991, and evidence before the court detailed the manner in which the two men had died. High velocity bullets had been used, and the wounds were inconsistent with an attack while driving through a roadblock. The inquest was then postponed to be resumed in September, and is still ongoing.

⁹ On October 30, the Ciskei Supreme Court ordered the Commissioner of Police to instruct his officers to disregard Gqozo's invitation to violent tactics. *Daily Dispatch*, October 30, 1991.

¹⁰ *Sunday Times*(Johannesburg) February 3, 1991.

¹¹ SAPA, February 4, 1991.

¹² *Weekly Mail*, February 1, 1991, Louise Flanagan "Sebe was Poison, We blew Him."

On February 9, Gqozo claimed to have put down the second coup attempt in the space of two weeks, with the assistance of South African forces. South Africa's Department of Foreign Affairs confirmed that about 60 SADF members were deployed at Ciskei's request.¹³ These soldiers have remained in Ciskei. The alleged leader of the coup attempt, Brigadier Andrew Jamangile of the CDF, was detained, together with three other senior officers who had been wounded and arrested. Ten others were reported to be on the run. Gqozo again alleged that there were signs of ANC and Transkei government involvement in this second coup attempt.¹⁴ Both denied these allegations and Gqozo later apologized to Transkei ruler Major General Bantu Holomisa.

Once again questions arose about the coup, and two CDF intelligence officers, Lieutenant Ntandiso Kleinbooi and Warrant Officer Vuyo Melane, claimed independently that it was an attempt to conceal a highly secret military operation. According to an interview given by Kleinbooi to East Cape News Agencies (ECNA) on February 17, 1991, a secret group of intelligence officers known as IR had been established in September, under the leadership of three white ex-SADF officers, named Anton Nieuwoudt, Clive Brink and Ted Brassell. This organization was regarded by Kleinbooi as similar to the Civil Cooperation Bureau, the South African hit-squad whose operations were revealed in 1989 by a former member. Kleinbooi stated that a cache of weapons belonging to this unit, including Semtex explosives, AK-47 rifles, an RPG7 rocket launcher and a SAM7 surface to air missile, was discovered at a house in the ministerial compound in Bisho, and reported to a group of CDF officers, of whom he was one, who were disaffected with Gqozo. Following the discovery and while the officers were discussing what action to take, members of IR fired on them. According to Kleinbooi, it was this incident that was described as a coup in order to disguise the truth. Kleinbooi escaped to South Africa.

On February 13, the body of Lieutenant Kadefunwa Qamata, according to Kleinbooi another of the officers involved in the discovery of the cache of weapons, was found dead in a dam near the military base. Official reports stated that he had committed suicide, but the evidence did not substantiate this explanation. A court inquest confirmed that Qamata had been shot by others, despite attempts to discredit evidence submitted on behalf of the Qamata family.¹⁵

Further information about the IR was revealed by court documents in a Ciskei Supreme Court case brought against Gqozo as head of IR by Warrant Officer Vuyo Melane, who claimed to be a member of the covert group. According to Kleinbooi, Melane was the person who had reported the cache of weapons to the officers involved in the alleged "coup." Melane sought an order restraining the group, especially its head, Anton Nieuwoudt, from harassing him, following an incident in which Nieuwoudt allegedly threatened to kill Melane. Melane's affidavit gave details of IR's structure and operations, and supported the allegations made by Kleinbooi. It described how the unit lured Guzana and Sebe back to Ciskei, ambushed and killed them, and how the unit stockpiled weapons for an unknown action. In connection with the deaths of Guzana and Sebe, Melane stated in his affidavit:

¹³ SAPA February 9, 1991.

¹⁴ Interview on SABC TV 1 Network February 10, 1991.

¹⁵ Lawyers acting for the government produced evidence that the Qamata lawyers had leaked documents to the press before they were handed into court, and claimed that the inquest was being used to seek publicity.

It was quite clear that the Intelligence Unit was responsible for the whole operation, and they also took command of the ordinary soldiers who were part of the roadblock, even though officers of the Ciskei Defence Force were present.

Although parts of this affidavit were later struck from the record after a court application by the Ciskei government under the National Security Act, the affidavits in response by the Minister of Police and by Nieuwoudt confirmed the existence of a group of "security personnel operating under the title of International Researchers," and made reference to the weapons described by Melane. On May 10, 1991, Melane was granted an order by the court that members of IR should not harass him. In July, however, he was detained twice and appeared in court on July 15 on charges of assault.¹⁶

On July 22, Ciskei head of military intelligence, Colonel Gert Hugo, fled from Ciskei and appealed to Transkei for assistance. In a news conference in Umtata, the Transkei capital, on July 26, he stated that he had left Ciskei for fear of his life because of IR. He alleged that the Ciskei government was effectively controlled by IR-CIS, and that Nieuwoudt had fabricated threats to Gqozo's life from the ANC, in order to obtain greater payments for his services and to keep his position of influence. Hugo linked Gqozo's antipathy to the ANC to the formation of IR-CIS in September 1990 and the influence of Nieuwoudt, and confirmed that the group was involved in the shootings of Sebe and Guzana, and the Jamangile "coup."¹⁷ The Transkei government declined to offer Hugo asylum, and he was handed over to South Africa, and subsequently extradited to Ciskei to face charges of theft. Following the Hugo conference, the Ciskei government denied the existence of a group called IR, despite its previous admission in court.¹⁸

However, on August 30, the government announced the closure of IR-CIS, and said that the CDF and police would take over its functions. Nevertheless, individuals associated with IR-CIS appear to remain in the employment of the Ciskei government.¹⁹ The decision to disband the unit followed a meeting on August 5, between Gqozo, the South African Deputy Director of Foreign Affairs, Mr. Rusty Evans, and chief of the SADF, General Kat Liebenberg, after which it was admitted that the South Africans had told Gqozo that the unit would have to go, because it had become an embarrassment to South Africa. At the same time South Africa denied that there was any connection between the SADF and IR-CIS.²⁰

Despite the denial by the South African government of its involvement with IR, it is clear that at least elements within the South African government were aware of its operations. On several occasions South African government officials admitted their knowledge of the unit, while denying any control over its actions. South African troops also remain stationed in Ciskei. Even if it is true that the IR-CIS operated entirely independently of South African control, the South Africans made no attempt to prevent it doing so, despite their ability to pressurize the Ciskei government, until the exposure of the unit by the defection of Colonel Hugo and other leaks of information turned it into an embarrassment.

¹⁶ *Daily Dispatch*, July 17, 23, 1991.

¹⁷ SAPA July 26, 1991.

¹⁸ East Cape News Agencies (ECNA), July 22, 1991.

¹⁹ IBIIR Report, September 1991.

²⁰ SAPA, August 30, 1991.

The Heart of the Crisis: Local Government

In Ciskei, which is an amalgam of former white farmland and "tribal areas," traditional structures have always been relatively absent, and local administration has been carried on, from colonial times, through state-appointed headmen rather than the hereditary chiefs and councilors. This system was inherited when Ciskei became "independent" and abused to an unprecedented degree during Sebe's regime. The imposition of headmen on communities who did not recognize their legitimacy, caused widespread resistance and violence. In reaction to the increasing corruption, communities initiated the formation of residents' associations, or "civics", as an organized and democratic expression of their political aspirations. Gqozo gained much support in the months immediately after the coup which brought him to power, by recognizing the residents' associations, following negotiations with the Border Civics Congress (BOCCO), the umbrella group for the local residents associations. At the same time he dismissed all of Sebe's headmen, and deposed several "traditional" chiefs, following the appointment of a commission to investigate their credentials.

The recognition of local democratic structures began to weaken in mid-1990. Tensions were precipitated in particular by Gqozo's failure to recognize the residents' association of Thornhill, a community devastated by forced removal to Ciskei 15 years before, who had moved onto nearby deserted land in South Africa in July 1990, but were forced at gunpoint to return to Ciskei. Although this incident did not immediately sour relations between the Gqozo regime and the civics movement, the second half of the year saw increasing tension develop, with allegations of interference in civics' affairs and choice of leadership. In response, Gqozo claimed his government was reacting to reports of lawlessness, intimidation and "forceful" appointment of certain individuals into leadership positions. Gqozo said that his "government has a duty to protect the poor people from an escalation of violence and intimidation."

In particular, relations deteriorated between the government and the Mdantsane Residents Association (Mdara), representing by far the largest population center in the area. In July 1990, Mdara presented residents' grievances over the acute housing shortage to the government, and in September requested a meeting with the government to discuss these problems. This request was refused, on the grounds that Mdara should prove its representativeness at the polls before approaching the government for talks. Mdara applied for permission under the National Security Act to hold a march on November 17 to protest the failure to recognize its legitimacy and the lack of response to residents' demands. The Council of State refused permission for the march and described the Mdara leadership as "rabble-rousers motivated purely by self-interest". Ciskei government spokesperson Ian Dixon said:

[The application for the march serves] no other purpose than to alienate the Council from the residents of Mdantsane. The secondary purpose of this insolent challenge is to elevate the organizers into the political limelight in the hope that they might acquire bogus status as champions of the people...While not associating with those who seek to abuse the liberties now existent in the Ciskei, the Council of State feels it is time that the residents of Mdantsane perceive the true nature of their self-elected spokesmen, and choose more worthy representatives. It is not practical to have ill-informed and poorly-educated persons to handle the responsibility of their affairs.²¹

²¹ *Daily Dispatch*, November 11, 1991.

Mdara responded by pointing out that the military government itself had no mandate, and that local government agents, including the township manager, unit supervisors and the police, recognized and worked with Mdara. A conciliatory statement was later released by Minister of Works, H.R. Salie, according to which the government did recognize Mdara, and that "active community participation is regarded as a critical element in the planning process."²² The march never took place and Salie was later dismissed.

On December 4, 1990 Gqozo proposed an "interim local administrative structure," until, according to him, "a duly elected local government structure" for the entire Ciskei could be put into place. This interim structure essentially involved the re-establishment of central appointments for local representatives, and the removal of the role of the residents' associations. According to Gqozo:

A consequence of the necessary disbanding of the tribal authorities has been that a significant administrative burden has been placed upon the shoulders of Magistrates. As a consequence, it is clear that the administration of justice is being hampered.²³

On January 15, 1991, a meeting was held in Bisho between Gqozo and the ANC and BOCCO. In an interview with Africa Watch on August 2, 1991, a BOCCO official stated that the ANC and BOCCO rejected Gqozo's local government plan on the grounds that it was similar to proposals presented at a secret meeting between bantustan leaders and the South African government, the details of which BOCCO had become aware, and that they would undermine national negotiations. According to the BOCCO official, Gqozo subsequently tried to side-step BOCCO and the ANC by announcing that a second public meeting would be held, at which individuals and not organizational representatives would have a voice. Gqozo also said over Radio Ciskei that he would implement the proposals irrespective of other developments.

The proposed new local government system remained in abeyance until June 1991 when Gqozo announced that local authorities would be restructured as part of a democratization program, and that traditional leaders would play a more important role. In July he sent a directive to all magistrates in Ciskei that they should no longer recognize residents' associations in their dealings with local communities, and instead arrange for the re-election of headmen. This reimposition of the former system, which had created serious conflicts within local communities during the rule of Sebe, is seen as an attempt to undermine democratically elected local structures.

Events since then have borne out these fears. All dealings with the government, from pension applications to land allocations, now had to be made through a headman, and resistance to this process has provoked an increasing number of violent incidents and attacks on the headmen or their representatives. The situation in the Alice region of Ciskei, where the university of Fort Hare is located, illustrates the conflict surrounding the system. The chief of the Alice district, Chief Maqoma, is an ally of Gqozo, and has been accused of helping to run a business as a front for International Researchers in Alice. He is also alleged to have supplied pistols and shotguns to headmen in the surrounding area. Of the 78 villages in the district, eight are known to have had headmen installed. In seven cases the local magistrate accompanied the chief to install the headman. According to the Victoria East Civic Congress, which represents the Alice area, at four

²² *Daily Dispatch*, November 14, 15 & 16, 1991.

²³ Text of speech issued as a press statement.

of these villages less than 12 people were present when the headman was installed, and at the others only "a handful" attended. Although those residents who did attend meetings often only did so in order to voice their protest, and walked out later on, elections went ahead. Four of those "elected" were headmen under the Sebe government, and a fifth is the brother of the chief who elected him.

Concerted attempts have been made to resist the headmen. One headman had his home stoned, two had their businesses boycotted and in one village residents boycotted all social occasions of the headman, such as funerals and slaughterings. Communal taxis have refused to transport headmen. The Alice region is also participating in a campaign of resistance to the system organized by BOCCO throughout Ciskei. As a result, at least three headmen in the region are reported to have resigned.²⁴ The government has however not hesitated to use all its force against opponents of the system. Police arrested and detained over 600 people during September and October 1991 in connection with conflict over the imposition of headmen.²⁵

These tensions have resulted in various acts of violence:

- On September 3, Headman Jimmy Kula of Msobomvu village imposed a curfew and called for the CDF to patrol his area. He claimed to have received a threatening letter from an activist, but was unable to produce the letter.
- On September 8, an elderly man was killed and a number of people injured in a clash between supporters of Chief Makinana and residents' associations near the Tyefu irrigation scheme.
- On September 13, a Seymour magistrate refused permission for a march in Balfour to protest living conditions and the reintroduction of headmen. On the same day, Ciskei security police questioned Alice ANC official Malusi Mayatula about why he spoke against headmen at a union rally.
- On September 21, police arrested eight ANC and two residents' association members at Zweledinga, following violence between supporters and opponents of the headman system.
- On September 30, police arrested nine people after fighting over the headmen system in Msobomvu village.
- On October 1, 150 pensioners who had marched on Alice Magistrates' court were turned away because they were not accompanied by a headman.
- On October 1, a large number of police with dogs searched for youths hiding in forests surrounding Msobomvu.
- On October 2, thirteen Msobomvu residents appeared in Alice magistrates' court on

²⁴ Reports by IBIR.

²⁵ ECNA, October 16, 1991.

charges of attempted murder and assault. Ten were jailed because they could not pay bail of \$100 each.

- On October 8, Jimmy Kula, the Msobomvu headman resigned, bringing to 10 the number of headmen who had resigned.
- On October 10, police arrested forty Kwezana residents for marching against the headman system. They were released the next day without charge.
- On October 12, houses of three headmen from Peelton were fire-bombed by youths. Ten people were arrested for arson.

The Ciskei government and police have refused to comment on these incidents.

The African Democratic Movement: A Facade of Democracy

On July 8, 1991, Gqozo launched his own party, the African Democratic Movement (ADM), to facilitate local support in the same manner that Sebe had previously used the Ciskei National Independence Party (CNIP).²⁶ At the launch of the party, which was described as a "cultural movement," Gqozo stated that the ADM would "be a mouthpiece of the silent majorities in southern Africa," and that it rejected "a unitary state and nationalization because it is dictatorial and not democratic." He said that the new party was against violence, intimidation and the armed struggle; supported the free market system and a bill of rights protecting (inter alia) "responsible" freedom of speech, freedom of religion and freedom of association; and "is based on sound Christian principles, values and ethics, and acknowledges God as the creator and true leader of us all."²⁷

Little is known about the ADM, which refuses to speak to the press. The government of Ciskei also refuses to comment. However, there have been increasing indications of an association with the Inkatha Freedom Party, headed by KwaZulu leader Chief Gatsha Buthelezi,²⁸ and the new party is widely associated with the reintroduction of the headman system by Ciskei residents. Violent incidents have occurred targeting property or persons connected with the party. On August 7, in Masele village near Peddie, police arrested several people after a hand grenade was thrown at the store of an ADM organizer. On October 27, just before the declaration of a state of emergency, a group of people burnt down the store of an ADM organizer in Izeli village, near King Williams Town, and police used teargas to disperse the crowd. There are also reports of burnings of ADM cards, recalling the burning of CNIP membership cards at the end of Sebe's rule. Despite all attempts to win support, it is clear that the ADM has as little popular support as Sebe's CNIP.

²⁶ The launch of the ADM came at a time when President De Klerk announced that homeland leaders would only be considered as participants in a multi-party conference to discuss the future constitution of South Africa as leaders of political parties and not simply as representatives of the homelands over which they are in control.

²⁷ East London News Agency (Elnews), July 9, 1991.

²⁸ Gqozo has been seen on SABC TV with Buthelezi, has met with the head of the Inkatha Youth Brigade, and was alleged to have made payments to Inkatha during the civil servants' strike. ECNA, September 10 and *Daily Dispatch*, September 23, 1991.

Targeting the Opposition

FREEDOM OF EXPRESSION: RADIO CISKEI

During the period preceding the launch of the new party, the commitment of Gqozo's government and the ADM to the principles it professed was already being called into question by events at Radio Ciskei. On the same day as Gqozo launched the ADM, an employee of the station, Mr. Crosby Kolela, was dismissed with immediate effect. He claimed that this followed a telephone conversation between Gqozo and the executive chairman of Radio Ciskei, Mr. Fikile Lubisi, in which Gqozo ordered Lubisi to "clean up the station" and remove from the staff any people who might oppose the ADM. Kolela had taken part in a meeting on June 24, 1991 between staff at Radio Ciskei and Lubisi, called to voice disapproval of censorship at the station.²⁹ The dismissal of Kolela followed in the wake of a series of conflicts between Gqozo and news staff:³⁰

- In February, news presenter Lindile Silimela was suspended on the direct orders of Gqozo for showing too little respect for him, after telephoning him for comment on the death of Charles Sebe at a police roadblock.
- On April 3, Ciskei security police detained disc jockey Mputami Mafani for three days after allowing an official of the National Education, Health and Allied Workers Union (NEHAWU) to telephone in and announce a union meeting on the air.
- In May, during the visit of former British Prime Minister Margaret Thatcher, two news presenters, Nomava Didiza and Mziwubanzi Tshikazana, were suspended for inviting Transkei ruler Major General Bantu Holomisa to comment on the visit.
- On June 16, Ciskei soldiers burst into the studio and forcibly ejected PAC publicity secretary Barney Desai while he was on air, participating in a live phone-in program about his involvement in the PAC.
- On June 22, a meeting of top management at Radio Ciskei was held, whose minutes recorded that there was "an urgent need to change programs due to a call from the head of state and cabinet of dissatisfaction on our 'news and programs' content", as a consequence of which in the future there would be "no mention whatsoever of any political organization including PAC, ANC, AZAPO, etc."³¹ Following this meeting news programs and live phone-ins were severely cut back. However, Mr. Lubisi strenuously denied the existence of any censorship.³²

²⁹ *Daily Dispatch*, July 10, 1991.

³⁰ ECNA July 2, 1991.

³¹ A copy of these minutes was made available to ECNA: ECNA July 2, 1991; and according to SAPA a statement that the organizations would not be mentioned in future was broadcast over the air by Radio Ciskei itself: SAPA July 1, 1991.

³² SAPA July 2, 1991. Lubisi also denied that the statement had been broadcast.

Commenting on the dismissal of Kolela, the South African Union of Journalists stated:

With this action and by banning the Ciskei radio to make reference to certain political organizations, the Ciskei government's commitment to democratic values can rightfully be questioned by all those who value traditions which go with democracy, like freedom of speech and the press and fair labor practices.

FREEDOM OF ASSOCIATION: ATTACKS ON INDIVIDUALS AND ORGANIZATIONS

Whilst launching his new party, Gqozo simultaneously cracked down on freedom of expression and association for other groups. All those expressing opposition to Gqozo have been subject to increasing harassment during 1991. Even prior to the launch of the ADM violent incidents were occurring:

- On February 15, Ciskei and South African police stopped, teargassed, sjambokked, and pointed guns at some civil servants, and arrested others outside Bisho, who were on their way to meet union leaders from Johannesburg.
- On February 12, riot police in armored vehicles with gas masks deployed in the city center of Bisho after a lunch-time demonstration and picket. This was part of a civil servant's strike condemning a planned meeting between Gqozo and Inkatha leader Chief Buthelezi, questioning government spending and demanding salary increases and recognition of their union, NEHAWU.
- On April 27, a man appeared in the Zwelitsha regional court on charges of making "insubordinate or subversive statements and actions" against Gqozo.
- On May 23, at a speech made in Bloemfontein, Gqozo accused union and church leaders and the ANC of sowing the seeds of violence and said that the ANC would have no real support without use of intimidation.
- On May 27, shots were fired at the Dimbaza home of Smuts Ngonyama, the deputy chairman of the Border Region of the ANC. An Opel Monza, commonly used by the Ciskei police, was seen parked a short distance from the house at around the time of the attack.
- On June 27, Ciskei police searched the Dimbaza home of Nomzi Gxuluwe, executive member of the ANC Women's League. Gxuluwe also reported receiving a death threat at work at Mount Coke hospital following the raid.
- In July, police detained and held for over 5 hours, member of the SACP Cyril Wasa, at work, after he allegedly insulted Gqozo. No charges were laid. Wasa had made a comment about Gqozo's newly launched ADM to a fellow passenger while traveling to work in a shared taxi.
- On September 15, police arrested and rearrested nine ANC members on two consecutive days in Donqaba village near Frankfort following the boycott of a business owned by an ADM supporter. Later police teargassed a group of residents meeting to discuss the

arrests.

- On September 21, police entered the hall of Fort Hare University during the annual congress of the SACP and confiscated the banner. The banner was taken after a security policeman entered the hall, followed later by two police vehicles, one full of policemen who entered the hall and took the banner.
- On September 25, police arrested five ANC members near Msobonge, and fired teargas at a meeting of 300-400 people.
- On October 2, five men armed with shotguns walked into an ANC Youth League meeting in King Williams Town and challenged them to a fight.

Gqozo's attempts to eliminate any form of opposition also reached the realm of his government. In early June two ministers, Keith Mathee, Minister of Justice, and as such responsible for such reforms as the abolition of the death penalty and the introduction of a bill of rights, and H.R. Salie, Minister of Works, were dismissed. They claim they were never given reasons but complain that their dismissals were prompted by their support for consultations with regional anti-apartheid groups. The Ciskei government issued a statement that the ministers had been "relieved of their duties in the interests of unity of purpose of the government."³³

The Ciskei government has also embarked on a purge of the police force, with the apparent aim of removing officers who may oppose Gqozo, by the use of internal boards of inquiry into misdemeanors committed years ago. More than 60 non-commissioned officers have been dismissed since the arrival of a new Commissioner of Police, J.J. Viktor, a former South African Police Divisional Commander in Soweto, and others have been demoted or warned not to be too lenient to ANC or union members.³⁴

³³ SAPA, June 10, 1991.

³⁴ IBIIR Report, October 1991.

The Civil Servants Strike: Government v. Bureaucracy

One of the most explosive issues of Gqozo's period in office, more recently overshadowed by the changes being carried out in local government, has been the dispute between the government and its bureaucracy. This confrontation centered on the issue of pay parity between Ciskei civil servants and their counterparts paid by the South African government, and on the recognition of unions, principally the National Education Health and Allied Workers Union (NEHAWU), in the public sector. In the early month of Gqozo's government, a new labor code was published which explicitly excluded the public sector from its ambit.

On April 2, 1990, nurses at Ciskei's largest hospital, Cecilia Makiwane in Mdantsane, went on strike for higher pay and better working conditions. Police arrested 650 nurses. Gqozo addressed the striking nurses and warned NEHAWU to "keep out of Ciskei government affairs, or you will burn your fingers." He urged the nurses to "stop being easy prey for forces of destabilization and destruction," and claimed that the strike had been instigated by people other than nurses. NEHAWU denied orchestrating the strike.

In May 1990, Gqozo announced that the salaries of certain categories of civil servants would be raised to match their South African counterparts. The increase would apply to police, military and prison staff, as well as to nurses and lower echelon clerks. These increases were never generally implemented, and on November 6, 1990 about 600 clerical staff at the hospital went on strike demanding parity in wages with South Africa. A NEHAWU shop steward said that the strike was due to the failure of the Council of State to keep its promise to grant all employees increased wages, and not just nurses. The Councillor of State for Health, Dr Henk Kayser, blamed this failure on the South African government for holding up the transfer of money to the Ciskei to pay for the increases. CDF troops were deployed at the hospital and an ultimatum was given to the striking workers to return to work or be evicted by force if necessary from government premises. Staff returned to work by November 21.

In February 1991, labor unrest amongst civil servants again rose to the surface, following an order from Gqozo forbidding Ciskei civil servants from participating in a national stayaway and demonstrations protesting the opening of the white parliament in Cape Town. On February 6, civil servants in Bisho resumed the strike, which rapidly spread to almost every other town in Ciskei. On February 12, police arrested twenty-four strikers in Bisho during a lunch-hour demonstration. On February 15, police dispersed a crowd of 800 in Bisho with teargas and sjamboks. There have also been several incidents in which people or property associated with the union have been targeted, for example, the Mdantsane home of a striking civil servant, Oscar Dinginto, was fire-bombed on April 25 as well as the offices of NEHAWU in King Williams Town on May 10.

Most of the administration ground to a complete halt, and the government finally called for the "tripartite alliance" of the ANC, SACP and COSATU to step forward to negotiate on behalf of the striking workers. In a meeting on February 15 between National Executive Committee members of the ANC and the Ciskei government, Gqozo attempted to prove that the strike had been organized by the ANC by showing a video of striking workers singing ANC songs and slogans, and alleged that the ANC was attempting to destabilize Ciskei. No agreement was reached, though negotiations continued. On March 1, the striking civil servants marched again in Bisho, demanding the immediate resignation of Gqozo, the reincorporation of Ciskei into South Africa, full recognition of all trade unions, and the recognition of popular structures of local government. The Ciskei government and COSATU/NEHAWU reached a settlement on that day and issued a joint statement stating that parity of salaries would be implemented from that date, that all charges would be withdrawn against workers involved in the strikes, and that a task team would be appointed to look

into the possibility of unionization in the public sector. The civil servants returned to work on March 5.

Gqozo failed to fulfil the commitment to implement pay parity, and at the beginning of April the strike was resumed. In an interview with Africa Watch on August 2, 1991, a NEHAWU officer and negotiator said that police detained at least 14 NEHAWU members during April and later arrested and charged more members. Negotiations between NEHAWU, representing the workers, and the Ciskei government resulted in an agreement that a joint task team would be appointed to look into the question of parity. Meanwhile the workers had to return to work, on the strength of an undertaking that there would be no victimization or dismissals of workers who had been on strike, that detainees would be released and that all charges against strikers would be withdrawn. Despite this agreement, the government dismissed about 3,000 civil servants after they defied an ultimatum to return to work. According to one NEHAWU officer, the government refused to consider any further attempts by the union to negotiate. Gqozo also canceled a meeting with COSATU on this issue,³⁵ an incident which had contributed to the decision of the tripartite alliance to institute a consumer boycott in June.

At the end of June, civil servants still at work were told that they had to sign documents swearing oaths of secrecy and pledging loyalty to the government. Two documents were issued by the government, which read:

I promise that I will not directly or indirectly reveal, or use for private purposes any information which might come to me during the performance of my work or otherwise, other than in the proper and authorized discharge of my duties.

I solemnly declare my loyalty to the government of the day and to the public service and promise not to take any active part in politics as I understand that the public service has to be impartial and serve all citizens of the Ciskei equally.

Later in the month Gqozo announced that civil servants' salaries would increase to parity with South Africa. Nevertheless, the issue is still unresolved. On September 11, police in Mdantsane stopped a march, organized by the NEHAWU calling for reinstatement of dismissed civil servants and the withdrawal of all charges, because permission had been denied on the ground that Gqozo has declared the matter closed.

States of Emergency: Silencing Dissent

PARTIAL STATE OF EMERGENCY: WHITTLESEA

On April 27, 1991, the Ciskei government declared a local state of emergency, with a 9:00 pm to 5:00 am curfew, in the magisterial district of Whittlesea, encompassing the communities of Sada, Shiloh and Ekuphumleni in northern Ciskei, following a month of increasing confrontation with the police. The actions of the police seemed initially to be aimed at striking civil servants, then at activists who protested the crackdown, and finally at all ANC structures in the area.³⁶

³⁵ *Daily Dispatch* July 4, 1991.

³⁶ Information supplied by Lawyers for Human Rights and the IBIIR, together with copies of statements from detainees and community members.

- On March 29, police shot and injured Whittlesea ANC member Welani Bokvelt at his home in Ekuphumleni.
- On April 4, the local District Commandant refused permission to a community delegation wishing to meet and discuss the situation in Whittlesea. That evening, police teargassed a meeting of civil servants in Sada organized by NEHAWU, and detained four NEHAWU members.
- On April 6, Gqozo went to Whittlesea to observe a protest. The same day an unofficial curfew was imposed, with police and soldiers ordering everyone off the streets by 7:00 pm.
- On April 7, police detained four people, officials of both local ANC branches and residents' associations and members of the delegation that attempted to discuss the situation with the police on April 4.
- On April 11, a march was planned to demand the release of the detainees. All eight detainees were released before the march took place.
- On April 23, members of the Congress of South African Students (COSAS) marched to a meeting in Whittlesea being addressed by Ciskei Councillor of State for Education to protest at his presence. Police arrested at least four students who were later released on bail.
- On April 24, COSAS students marched to the Whittlesea police station to demand the release of detained leaders. Police opened fire on the students with live ammunition and teargas, injuring four.
- On April 24, police detained three people at the home of the Vantyu family in Shiloh, one of whom was believed to be an MK member. Weapons were confiscated from the house.
- On April 25, police questioned resident Emily Vantyu and accused her of harboring "terrorists".
- On April 27, the government declared an official state of emergency covering the Whittlesea area. Under the emergency meetings of more than 12 people were banned, except for funerals and church services. The curfew continued throughout May and June.
- On April 29, the South African police detained Petros "Bushy" Vantyu in East London, where he is Public Relations Officer for the ANC Border Region. He was taken to Port Elizabeth for questioning, and held overnight, but was subsequently handed over to the Ciskei police at Whittlesea and detained under section 26 of the National Security Act until May 7.
- On May 6, a march of approximately 3,000 people protesting the curfew walked to the

South African border to hand a document to an official from the South African embassy. As they were returning the marchers were dispersed by police using teargas and birdshot. Ekuphumleni ANC Youth League chair, Nyansile Rohlilahla, was taken to hospital with birdshot in both legs.

- On June 26, an ANC Women's League delegation handed a memorandum protesting the continuing curfew to the South African ambassador to Ciskei.

The state of emergency was lifted on August 2, 1991.

NATIONAL STATE OF EMERGENCY

Early on Tuesday October 29, 1991 Gqozo declared on national television a state of emergency throughout Ciskei. Over a million South Africans, already largely excluded from the reforms taking place at the national level in South Africa, were subjected to powers of arbitrary arrest and detention and the banning of political organizations. Emergency regulations very nearly identical to those in force in South Africa during the state of emergency that lasted from 1986 to 1990 gave the Ciskei government the power, inter alia, to detain indefinitely all those resident within its area of control, without access to legal advice or independent medical opinion. Between the declaration of the emergency and its lifting on November 17, up to 500 people, mostly connected in some way with the ANC and its allied political parties, or with local residents' associations and their umbrella organization, the Border Civics Congress, were arrested or detained.³⁷

It appears that the decision to declare a state of emergency was taken by Gqozo without the knowledge of his advisors, nor of the South African government. No legal documentation setting out the provisions of the emergency was available till the following day, and the proclamation detailing the regulations appeared to have been drawn up after the state of emergency was declared. Almost immediately, lawyers questioned the legality of the emergency on the basis that it was in open conflict with the bill of rights included in the much-publicized new constitution for Ciskei which entered into force in December 1990. The bill of rights, effective from December 12, 1990, states that "No persons shall be subjected to arbitrary arrest, detention or denial of bail", and that all persons arrested shall be brought before a magistrate within 72 hours of arrest. It also provides that there shall be freedom of association and assembly. On November 7, shortly before a challenge to the legality of the emergency in the Ciskei Supreme Court, a decree was promulgated repealing the sections of the constitution that gave the court competence to rule on the validity of legislation derogating from the bill of rights, which provided that any change to the bill of rights should be carried by a two-thirds majority in a referendum. Judgment on the legality of the emergency was reserved, and has not yet been handed down.

The resort to emergency powers was condemned by a wide range of political, religious and human rights leaders, including the Border Civics Congress, the Border Council of Churches, Black Sash, the Human Rights Commission, and Congress of Traditional Leaders of South Africa. Gqozo, who signed the National Peace Accord entered into between political leaders in South Africa on September 14, 1991 in an attempt to stop political violence, defended the imposition of the state of emergency on the grounds of a threat to the security of Ciskei. A government press release stated that, "Despite the signing of the Peace Accord, members of various parties are pursuing a course of violence," and cited attacks on headmen, on

³⁷ *Daily Dispatch, Weekly Mail, New Nation*, October/November 1991.

members of Gqozo's political party, the African Democratic Movement, and on government institutions.

The emergency was lifted on November 17 following a meeting between Nelson Mandela, leader of the ANC, and Gqozo. Nevertheless, the government retains wide powers under non-emergency security legislation. The 1982 Ciskei National Security Act, provides, inter alia, for indefinite detention without trial for interrogation, and stipulates that any meeting of more than 20 people is unlawful unless the written permission of a magistrate has been obtained. These powers, very similar to those contained in the equivalent South African Internal Security Act until it was amended earlier this year, have been challenged in court, in an application by the ANC, on the grounds that they conflict with Ciskei's bill of rights. In his affidavit supporting this application, Arnold Stofile, Chair of the ANC Border Region, stated that "the two sections, individually and collectively, and their practical application, create a situation in which it is impossible for the ANC or its members to operate effectively as a lawful organization". The case was heard in October, and judgment was reserved.

Since the lifting of the emergency, further efforts have been made to stabilize the situation in the region by the establishment on November 20 of a Border Peace Committee, linked to a national reconciliation attempt. The committee, made up of members of the region's major political groups, including the Ciskei government, issued a statement identifying matters for immediate attention, including the integration of the Border region, Ciskei and Transkei; the establishment of political tolerance and free political activity; the promotion of industrial stability; and the legitimization of government structures. The committee has also discussed but did not comment on an earlier proposal for an interim administrator in Ciskei,³⁸ to be appointed by the South African government from a panel agreed by other parties, pending the national negotiation of new administrative structures.

THE VICTIMS OF SOUTH AFRICA'S FORCED REMOVALS

Thornhill

In 1976, when Ciskei's neighbor Transkei became the first "independent" homeland, the borders of Transkei, which had long existed as an administrative unit, were altered to incorporate several previously declared "white" areas into the new "state." Amongst these were the districts of Glen Grey and Herschel, in western Transkei. The inhabitants were given the choice of joining Transkei in its new status, or moving to land in the Hewu area west and south of Queenstown, in what is now northern Ciskei but what was then still part of South Africa, where they were promised good farming land, cattle, implements, and an infrastructure of schools and clinics. On the strength of those promises, and in distrust of the new independence of Transkei, approximately 50,000 people uprooted themselves, to find that they were allocated a tract of bare, exposed land, with nothing but tents to live in and no facilities. This was the "temporary camp" of Thornhill, which still exists today, 15 years later. Nothing has been done to improve conditions by the South African authorities, and the community was deprived of its South African citizenship in 1981, when the area became part of the newly declared "independent" Ciskei.

Thornhill has been described by the Surplus Peoples Project, a South African non-governmental organization, as "one of the worst cases of resettlement ever." The Grahamstown Rural Committee

³⁸ This proposal was made by the steering committee of the Border Peace Conference, a previous attempt to avert violence in the region, which was set up in July 1991.

described the area in a newsletter in 1983:

The Hewu area is an undeclared disaster area. The drought is an ever-present feature. There are no crops and the ground-cover is gone. The area is hopelessly overgrazed...It is bleak and terrible labour bureau country, a rural dormitory. As for the Thornhill camp, where tens of thousands still hang on, this desolate, dead tract of land, far from everywhere, dry, all the bushes gone, is the worst possible base for survival, let alone any development. It is hard to see how people can keep alive, or to know how many have died here.

Over the years, many of the displaced have been resettled in marginally better conditions on farms in the area, under the various chiefs who had moved with them from Herschel. But a group of approximately 12,000, known as Group 4, remain in the Thornhill camp. Group 4 moved without a chief, the result being victimization by the Ciskei government for not operating through the system of tribal authority and for refusing to accept the authority of a new chief imposed upon them by the Ciskei government. As a consequence, it has been subjected to constant intimidation, ranging from police raids and assaults, the imposition of extraordinary taxes and suspension of pensions which is the only income for many of the inhabitants of the area, to the interruption, for weeks at a time, of water supply to the few taps serving the settlement.

At the beginning of 1990 the South African government at last seemed to be taking the community's demands seriously, and indicated that it was prepared to settle the community on nearby land at Waverly in the Ciskei. This proposal was rejected by the community because the land offered was not sufficient and because it was in Ciskei. The government ignored requests for further meetings. In July 1990, the Thornhill community finally decided to take matters into its own hands, and approximately 600 people moved onto a farm 20 kilometers away, outside Ciskei and belonging to the South African Development Trust (SADT). This is the land, according to the Thornhill community, that should have been allocated to the people who left Transkei in 1976. This farm, known as Lower Merino Walk, is part of "Released Area 60" (RA 60), land which the South African government bought in the late seventies and early eighties, through the SADT, from white farmers neighboring Ciskei. The land had been earmarked for black settlement and eventual incorporation into Ciskei, but had stood idle or been farmed by the SADT Corporation for a decade.

The government did not hesitate to use action against the community, accusing it of trespass on South African land:

- On July 26, 1990, the Ciskei Defence Force (CDF) trucked most of the community back to Thornhill at gunpoint, despite promises during the previous week by the Ciskei government, after meeting with community leaders and with the South African government, that no forcible removals would take place pending negotiations with the South African government in September.
- On July 29, police detained four community leaders, including ANC branch activists.
- On July 31, police used violent means to force a crowd of approximately 500, which marched on the local police station to demand the release of detainees, back into Thornhill.

- On August 3, CDF soldiers and police assaulted residents, including schoolchildren.

Conditions remained bad for the rest of 1990. The Ciskei government refused to negotiate with the Thornhill Residents Association, and instead dealt with an unrepresentative "Crisis Committee" set up by Gqozo to speak for Thornhill and the surrounding communities.

In early January 1991 several hundred people from the Group 4 community at Thornhill again occupied Lower Merino Walk, taking belongings and livestock with them. In reaction, the South African government stated on January 15:

The South African government is prepared to fulfil its obligation in accordance with the undertaking given to them during recent negotiations and fails to understand the present dissatisfaction of the people concerned as developments are already well advanced.³⁹

The Thornhill Residents Association had, however, not been aware of any negotiations, which presumably had taken place with the Crisis Committee set up by Gqozo. On January 17, the South African Deputy Minister of Development Aid, Piet Marais, visited the families on Merino Walk, and indicated that the government was concerned to "stabilize the situation on the farm" and therefore to deal directly with the community and not through the Ciskei government as in the past. It was agreed that no more families would move across to the farm for one month, giving the South African government time to make a serious offer of land for resettlement. On February 1, the Minister of Development Aid stated that the major portion of RA 60 would be "used for the orderly settlement of black people" and that it would not be handed over to Ciskei. A committee "could be elected by the qualifying communities to render assistance in the orderly planning", but no further unplanned settlement would be allowed. However, on March 4, at a meeting between a Thornhill delegation and Marais, the community was told that the South African government had nothing specific to offer them. On March 5, the water supply to the farm was cut off.⁴⁰

During April, more families moved onto Merino Walk, where there were now more than 600 people crammed into inadequate shelters and farm buildings, although the South African Department of Development Aid had set a deadline of April 12 for the return of all but a small number of those who had moved. On May 24, members of the community who were still in Thornhill moved onto two more farms in South Africa, adjacent to Thornhill, of which one was owned by the SADT, but the other was private property, though unoccupied. Police arrested thirty of those who had moved onto the farms and charged them with trespass. Despite the efforts of the authorities, people continued to cross the border during the following months, until several thousands had done so. In August the South African government gave de facto recognition to this fait accompli, and agreed that sheds on Merino Walk would be converted into classrooms for the 1,298 school-age children on the farm. In September it was agreed that South African identity documents would be issued. But despite these victories, conditions on the farm remain appalling, and no long term solution to the problems of the residents is in sight.

The Hewu district of Ciskei is heavily overpopulated, and tension between original inhabitants and recent immigrant victims of forced removals is inevitable, each community having its own legitimate claims - including others with claims to RA 60. The potential for conflict is extreme. At the same time as Thornhill

³⁹ *Daily Dispatch*, January 16, 1991.

⁴⁰ Correspondence between the South African government and the Grahamstown Legal Resources Center.

residents were moving into Merino Walk in early January other communities in the Hewu area, from Sada and Ekuphumleni, also moved onto SADT land, but were turned back by South African Police. In an attempt to diffuse the tensions between the various communities, the ANC Land Commission in the Border held a meeting on February 13 in the Hewu district at which about 30 settlements in the region agreed to establish a coordinating committee.

Nkqonkqweni

In August 1988, the South African government forcibly incorporated Nkqonkqweni, a village in East Peulton near Bisho, into Ciskei by unilaterally redrawing the homeland's boundaries. The community, deprived of South African citizenship, spent over a year bearing the brunt of the worst excesses of the repression of the Sebe regime, including detentions, assaults and tear gas attacks. In addition, the South African government ceased payment of pensions, the only means of support for many families.

In October 1989, the Ciskei government declared a state of emergency, the village was sealed off and bulldozers sent in to demolish homes. Approximately 850 residents fled to King William's Town, a town in South Africa neighboring the Ciskei capital Bisho, and spent six months sheltering in church halls and tents. In June 1990, in the face of winter, they returned to Nkqonkqweni after obtaining a guarantee of South African citizenship and pensions if they returned. They were also promised compensation for the destruction of their homes by the Sebe government. Meanwhile the Nkqonkqweni Residents Association was re-established and recognized by the Gqozo government as the representative body of the community, replacing the tribal authority and attempting to heal divisions caused during the exile of many of its residents. In February 1991 the community finally obtained \$ 200,000 compensation from the South African government for the damage caused to its homes by the Ciskei government. The payment of pensions from South Africa was also resumed. Although the village technically remains in Ciskei, this settlement represents an unprecedented admission by the South African government of responsibility for the actions of a homeland government, and a victory over the process of forced incorporation for the residents of the village.

REINCORPORATION OF THE HOMELANDS?

The attitude of the Gqozo government to reincorporation of Ciskei into South Africa has been ambiguous. On the day of the coup which brought him to power, Gqozo stated that his ultimate aim was reincorporation, but since then contradictory statements have been made at different times. His position however seems to be that Ciskei should remain a separate regional unit in a federal South Africa.

In July 1990 Ciskei official spokesperson Ian Dixon told a journalist that the Ciskei government hoped to preserve itself as a regional administration in a future South Africa. But in early November, at a conference on the future of the four "independent" homelands, officially referred to the TBVC states (Transkei, Bophuthatswana, Venda and Ciskei), Gqozo stated his vision of Ciskei as a regional state within a South African federation. He also called for the incorporation of King William's Town and surrounding areas into the Ciskei to strengthen the homeland's economic base. He said that he did not believe that he needed a mandate from the people to represent them and said: "Until eight months ago I was part of the people, and I believe that I am still part of the people" because Ciskei had always been inextricably linked to SA.

However, on February 27, 1991, South Africa and Ciskei issued a joint statement which seemed to indicate a first step towards reincorporation. According to the agreement, South Africa would henceforth be

responsible for the appointment of several ministers in Ciskei including economic affairs, finance and state administration, justice, transport and public works, and agriculture. South Africa undertook, in return, to support Ciskei with budgetary aid, guaranteed overdraft facilities, technical and personnel assistance and maintenance of law and order. Minister of Justice for Ciskei, Keith Matthee, who was later dismissed, said he hoped that this agreement would "further facilitate and expedite the process of reincorporation into South Africa." Gqozo said that the treaty was the "first step on the road to incorporation into a new, non-racial democratic South Africa". However, Pik Botha, South African Minister of Foreign Affairs, stated that reincorporation was "not an issue" in the agreement.⁴¹ The agreement formalized the significant degree of control already exercised by the South African government over Ciskei through its hold over the financial viability of its administration.

On September 4, 1991, the South African government announced proposals for the reincorporation of the homelands into South Africa. In a document which will be presented to an eventual constitutional convention, the government envisages a federal South Africa consisting of nine regions or states - none a homeland. At a press conference in Pretoria on September 10, addressed by Gqozo and by Mr. Pik Botha, it was stated that Ciskei had accepted the conditions for reincorporation, including an agreement on financial restructuring.⁴² However, no attempt has been made to repeal legislation setting up the homelands as separate individual states.

On November 18, in response to demands that Gqozo resign in favor of an interim administration, a Ciskei spokesperson stated that, while accepting that Ciskei was not sovereign, the government had "domestic jurisdiction" over the homeland, and would not abide outside interferences in its affairs.⁴³

CONCLUSION

For a decade, life in Ciskei has been characterized by a cycle of repression, leaving little hope for an adequate resolution in the immediate future to the region's complex problems. These problems can however not be solved without addressing the underlying cause - the homeland policy itself. Although both the South African government and the Ciskei regime, have stated their commitment to the reincorporation of Ciskei into the rest of South Africa, the legislation through which the South African government has attempted to create black states at its peripheries, with the purpose of containing black political aspirations and facilitating the use of cheap migrant labor, remains intact.

The continuing existence of these homeland structures has resulted in the development of an entrenched homeland bureaucracy, that resorts to covert military operations and security legislation to suppress opposition and molds local government structures to weaken opposition and ensure support. The repressive tactics of the Gqozo regime have caused growing friction, which, in the past few months, have turned into violence between the homeland regime and its representatives and opposition, seeking the reincorporation of Ciskei into South Africa. Although many anti-apartheid groups within the region have

⁴¹ SAPA March 1, 1991.

⁴² SAPA, September 10, 1991.

⁴³ *Daily Dispatch*, November 18, 1991.

attempted to bring the violence to an end and to promote respect for fundamental human rights, the situation will remain serious until it has been addressed at a national level. Only after both the South African government and the Ciskei regime make the reincorporation of the homeland a priority and address the problems in the region in a constructive spirit, can the establishment of a new South Africa be realized.

RECOMMENDATIONS FOR ACTION

To the authorities in Ciskei:

- Immediately release all those detained without charge under the National Security Act; otherwise, they should be charged with a recognizable criminal offence and given a fair trial in accordance with international standards.
- Repeal all legislation which conflicts with the bill of rights incorporated in the Ciskei constitution, in particular the National Security Act, which provides for detention without trial and requires authorization for all meetings with more than 20 participants;
- Ensure freedom of expression and association according to the standards of international human rights law;
- Cease the reintroduction of the headman system, and return to the recognition of residents' associations as the legitimate representatives of the residents of Ciskei at local government level;
- Establish independent and thorough judicial commissions of enquiry into the use of covert military groupings and hit squads, and ensure that all security activities are kept under strict control;
- Establish an ombudsman to investigate violations of fundamental rights and freedoms contained in the bill of rights, and provide genuine remedies for such violations;

To the South African government:

- Insist that the Ciskei government amend security legislation to come into line, at the minimum, with the equivalent legislation in South Africa;
- Establish independent and thorough judicial commissions of enquiry into the role of the South African police and military in Ciskei and their involvement in any covert military groups or security activities. Make public the results of such investigations, and based on the findings, take such action as is appropriate, including disciplinary action;
- Immediately repeal the legislation establishing the homelands as independent states.

To the International Community:

- Demand that the Ciskei government ensures the release of all those detained under the National Security Act and amends the repressive legislation within the standards of international human rights law;
- Call on the administration in Ciskei and the South African government to publicly investigate the role of the police and military in formal and informal repression;
- Ensure that the dire situation in the homelands does not continue to be forgotten. The reincorporation of the homelands into South Africa should be an important feature of future discussions on the progress towards change in South Africa.

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