

NATAL VIOLENCE: WHY THE WAR CONTINUES

Since the violence in Natal was recognised as more than just a passing phase, researchers have spent much time and energy on theorizing why it began in the first place - and there are almost as many theories as there are researchers. But at least as important as the root cause of the war are those factors which have allowed or encouraged it to continue.

One of the factors which has been much touted as a cause and contributor to Natal's war is socio-economic conditions in the province. Whilst these cannot be ignored - because poverty, unemployment, the breakdown of families must cause discontent - socio-economic conditions cannot be said to be the only, or even the most important, factor. If this were so, we would be talking about a civil war in all of South Africa.

Indeed, one of the questions which begs an answer is why we aren't talking about all of South Africa. Why is there such a thing as "The Natal violence", a recognizably separate and distinct phenomenon?

One of the obvious answers is the complicated administration of the province by two separate governments, with separate political representatives, separate education departments, separate police forces, separate political agendas. In other words, the existence of KwaZulu, a puppet of the South African regime which claims to be its enemy, yet relies on that regime for its very existence.

This contradiction has to be systematically analyzed if any sense is to be made of Natal's war. Buthelezi and his government may well be opposed to apartheid, and "fighting the system from within". But his participation in the homelands system inevitably means certain things -

- He places himself and his government in the firing line of any attack on the homelands system

- He draws his salary from Pretoria, and thus opens himself to accusations that he has a vested interest in maintaining the status quo

- He is responsible for the success or failure of business, education etc. within KwaZulu

These things are important, because all of them leave him open to attack by the Mass Democratic Movement (MDM). The MDM has identified the homelands system as a particularly perverted but logical consequence of the ideology of apartheid. At the same time, the MDM has chosen as strategies in their fight against the South Africa regime stayaways and school boycotts, both of which, when applied to businesses or schools in areas under his control, undermine Buthelezi's authority and threaten his relationship with the South Africa government.

Thus the MDM's opposition to Buthelezi and KwaZulu is structurally inevitable. That this opposition should take so long to be felt is because Buthelezi's participation in the homelands system was originally sanctioned by the ANC. It was only with the formation of the UDF in 1983 and Cosatu in 1985, both of which identified the homelands system as a target, that this structural opposition was fully acknowledged.

Buthelezi's subsequent use of Inkatha (also sanctioned by the ANC at its formation in 1975) would appear to be an obvious attempt to undermine the MDM by playing on culture, heritage, the commonality of birth, to overcome this inevitable conflict. A Zulu front (opposed to apartheid) which is integrally linked with the KwaZulu state both divides the MDM and consolidates Buthelezi's bargaining position with the South African regime.

That Inkatha is indivisible from KwaZulu is clear. All members of the KwaZulu Legislative Assembly are members of Inkatha. Buthelezi himself is the head of Inkatha and chief minister of KwaZulu. There are continuous reports that employees of the KwaZulu government (such as doctors, nurses and teachers), as well as school pupils, are being forceably recruited into Inkatha. Thus tension between the MDM and Inkatha is axiomatic.

It is this tension which is being played out in Natal. The fact that it is being expressed in violent terms is largely the fault of the South African government, which has taught a lesson of political intolerance for over 40 years, by banning, detaining or killing its opponents. No mechanism for peaceful political opposition outside of parliament exists, so expression comes in the form of "cultural weapons", firearms, tyres.

In a relatively normal society, forces of law and order would step in at this point to control the violence. This can't happen in Natal because of the vested interests of peace-keeping groups. The KwaZulu police naturally side with Inkatha. (Buthelezi is head of the ZP as well). The South African Police naturally side with the homeland created by the South Africa regime, and thus with Inkatha. (Not to mention the effects of decades of "total onslaught" propaganda on individual members, which has not been meaningfully counteracted since 2 February 1990).

This bias in policing the violence in Natal is the single greatest cause of its continuation. The bias is expressed in acts of both omission and commission - omission in standing by whilst Inkatha impis attack MDM settlements, or not responding to calls for help; commission by gun-running, transporting Inkatha members in police vehicles, or actively participating in attacks. Meanwhile, other measures available to the security forces, such as detentions, are used selectively, almost entirely at the expense of the MDM; and KwaZulu has actually changed its legislation to make the carrying of weapons by civilians easier. The terrible results of this partiality is the growing lack of faith of people in Natal in the concept of a police force as a

protector of the public - with frightening long-term consequences.

Perhaps this bias would be less problematic if it could be redressed through the courts. But this isn't happening. People who are known to have committed acts of violence, to have torched houses, threatened people, and killed people, continue to roam the streets. This is happening for a variety of reasons. Cases reported to the police are not being followed up, or are being followed up inefficiently. Prosecutors are presenting cases badly, not introducing pertinent information, not calling important witnesses. Evidence is being lost. Cases are taking years to come to court.

As a result, people have become afraid of testifying - the chances of the person they are testifying against being released to exact revenge on witnesses are too great. As witnesses become more reluctant to testify, the number of successful cases decreases.

This has led to an increase in the number of revenge killings. When people cannot rely on the existing system of justice to protect them, they must do it themselves. More and more people are taking the law into their own hands rather than trust a system which has proved itself to be cumbersome and ineffectual. Added to this is the fact that traditional Zulu government, still used by Buthelezi to a great extent, is not democratic - for example, it is impossible to get rid of a chief except through his death.

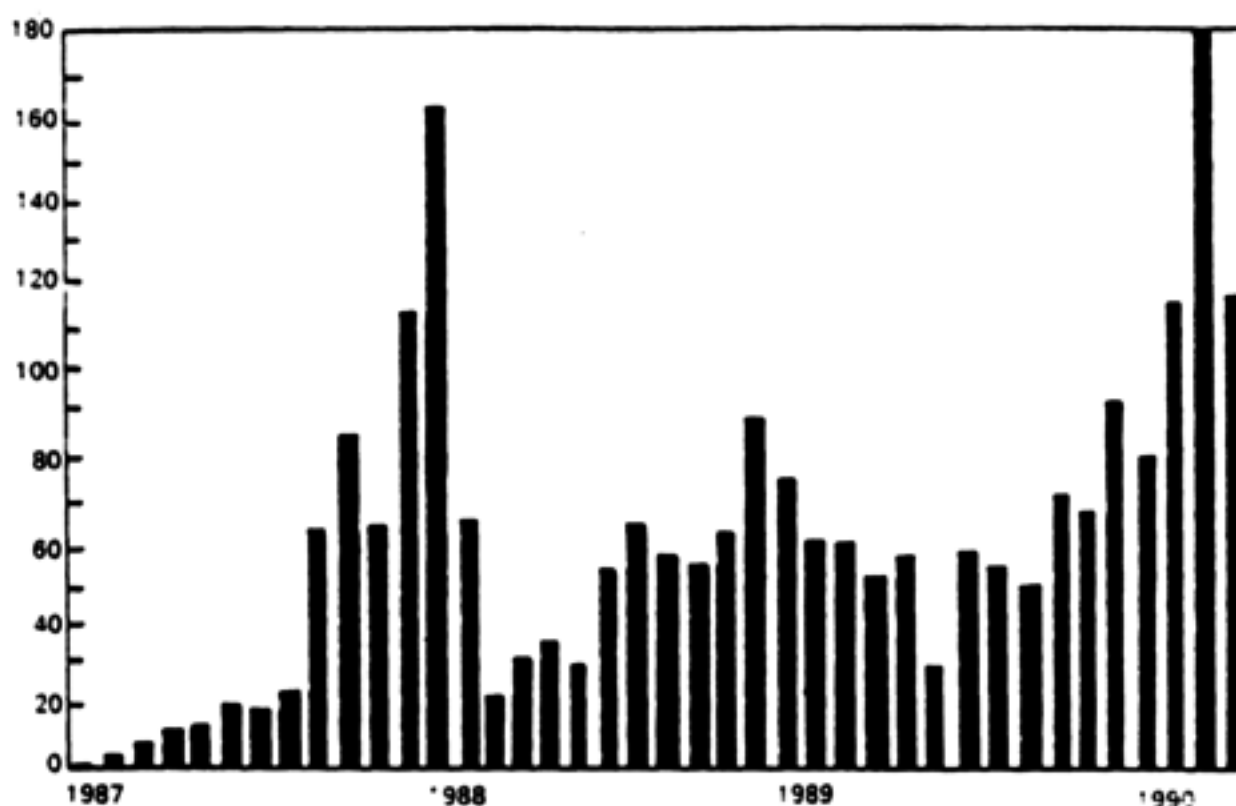
As in any war, there are people in Natal who have a vested interest in keeping the war going. The most obvious of these are the so-called "warlords" who rely on the war for power, not to mention the lesser advantages of petty pilfering or extorted protection money. There is also an acknowledged criminal element, such as the notorious Sinyora gang, who use the violence to their own ends. But very few would admit that they don't want peace. So declarations of commitment to peace are constantly being made, and peace initiatives are constantly being forged.

Whilst any right-minded person in Natal would welcome any peace initiative, it has to be acknowledged that failed peace initiatives are an important cause of countless deaths. As each peace pact fails, the level of violence escalates suddenly and horribly. The latest initiative, that between Nelson Mandela and Gatsha Buthelezi, must thus be seen from all perspectives - as a (hopefully) sincere attempt to end the war; but also as an incredible risk. This initiative has been called for since the violence first broke out; if it fails, there is nothing to fall back on. In comparison, spontaneous, grassroots peace accords, such as that in Imbali, have held.

Just as there are hundreds of theories on why the war began, there are hundreds of theories on how to stop it. Without trying

everything at our disposal, it is difficult to evaluate their relative worth. But what might at least break the logjam is consistent, impartial and committed policing; an increase in the number of courts, prosecutors and investigators to speed up the judicial process, and a guarantee of some kind of state protection to all witnesses; and the dismantling of the homelands system with its built in contradictions and tensions. These are necessary, not just to end the war, but to reinstate the faith of the people of Natal in a system of justice, and a system of peace.

DEATHS, 1987 Apr. 1990
Pietermaritzburg and Natal Midlands: Monthly death toll



Source: Centre for Adult Education, University of Natal, Durban

After further violence in Northern Natal in April/May including the attempted assassination of COSATU leader Jeffrey Vilani, the UDF COSATU joint working committee recently issued the following demands:

- The abolition of the Kwazulu police who purport to police a conflict in which they themselves are political protagonists, and, at the least, the removal of Chief Buthelezi from his position as Minister of Police in Kwazulu.
- Effective and impartial peace-keeping by the security forces. State President, F W De Klerk, must be informed that the Natal violence is his responsibility. Any failure to resolve this conflict must, finally, be attributed to him.
- A judicial commission of enquiry into the role of police in the causes and perpetuation of the conflict.
- The prosecution of the leaders of Inkatha known to have taken part in the violence.
- The dismantling of the bantustan

structure which will not only facilitate free political activity but will enable homeland leaders to genuinely test their popularity.

- International pressure on Chief Buthelezi to enter into meaningful peace negotiations.

At the beginning of July these demands were the subject of a week of national protest action called by the UDF and COSATU with the support of the ANC. On 2 July an estimated three million workers stayed away from work to register the national concern at the situation in Natal.



Repression Monitoring Group

BULLETIN 15

DEATHS - DECEMBER '90 AND JANUARY '91

	DECEMBER	JANUARY
Durban	-	1
Hillcrest	-	1
KwaNdengezi	1	-
Mpumalanga	13	-
North		
Empangeni	2	2
Eshowe	-	1
Inanda	4	1
KwaMashu	5	2
KwaNyuswa	1	-
Ndwedwe	4	2
Ntuzuma	3	1
Obanjeni	2	-
Tongaat	5	-
South		
Ananzimtoti	1	-
Craigieburn	-	2
Harding	6	-
Ilfracombe	1	1
Isipingo	-	3
KwaMakhuta	15	-
Magabeni	1	-
Mfolweni	1	1
Murchison	1	2
Port Shepstone		
Boboyi	3	-
Kolomeni	3	-
Mbotsha	1	-
Umgababa	-	24
Umkomaas	4	1
Umlazi	-	3
TOTALS	77	48

TRENDS

The high number of deaths recorded in Mpumalanga, KwaMakhuta and Umgababa account for the high death toll:

Mpumalanga: NADEL representatives claim that 12 people died in revenge attacks after the death of Ms. Rejoice 'Majoy' Mcoyi in December. These deaths are attributed to in-fighting amongst ANC members.

KwaMakhuta: The area is seen as supporting the ANC and allegations about the deaths and incidents of arson recorded in the area involve collusion between vigilantes and the ZP.

Umgababa: Members of Inkatha attacked residents the day after the peace talks between the ANC and Inkatha were held (29/1). This was a largescale attack which required co-ordination and planning and it is hard to accept Mr. Buthelezi's excuse that news of the peace agreement had not yet filtered down to all his members.

Gathering information

We are concerned about the lack of reporting of many incidents - for example, the deaths of twelve people in Mpumalanga were not reported at all. It is extremely difficult to get information about the South and North coast and the press (with the exception of 'The New African') do not cover events in these areas, although the deaths (especially in the South Coast region) have accounted for a large proportion of deaths in the Coastal area in the past.

Furthermore, there are often no clear indications which make it possible to distinguish politically motivated and criminal attacks.

DEATH IN DETENTION

An ANC member, Mandlakayise Mdima (27), appears to have died in detention. He was abducted from his home in D Sect KwaMashu in December by unknown persons. It was only when the lawyer acting for his family threatened to make a Habeas Corpus application for the state to bring him to court that the state attorney phoned the lawyer to say that the youth had died and his corpse was at the Verulam mortuary. His family have now lost their three sons in the war - one in 1989 and two in 1990. All three have been killed by unknown people. It appears that nothing relating to their deaths has come to the courts.

SECURITY FORCES: SADF and SAP

Some monitors suggest that SADF and SAP members are responding to requests from communities for intervention in clashes with more urgency than was displayed in the past. However, we received a report that in one incident in December in Ocean Drive in a squatter area near Tongaat, SADF personnel were given warning of an attack, in which 2 people subsequently died, and did not respond. After the incident they said they could not find the

area.

The troops who are normally stationed in areas and who have built up some knowledge of the politics and geography of areas were given leave and replaced by soldiers who did not know anything about the areas. We are concerned, too, about the policy of moving battalions around as the knowledge gained about areas is then lost. The SADF say that the reason for this policy is to prevent bias.

We received reports of thefts of money and goods by SADF personnel during raids. In one such alleged theft in January an amount of R880, tapes, albums and 8 bottles of brandy disappeared after a raid on a resident of Esinanweni (nr Inanda). Others in the area made similar allegations. SAP members raiding L Sect in KwaMashu in January were also accused of stealing money.

In one incident in Ndwedwe allegations are made that a member of the SAP killed a youth. Allegations of assault by soldiers and SAP members were also received. Members of the elite Parabats are accused of being involved in these assaults.

An Umkhonto weSizwe cadre was allegedly abducted near the border of Swaziland and tortured by members of the SAP. His allegations of an askari camp near Durban lend weight to the allegations of John Fonono Mchunu, also abducted and taken to an askari camp last September.

ZP

ZP members continued to be seen as actively opposing the setting up of ANC branches and colluding with vigilantes to attack ANC supporting areas and individuals. They have allegedly been responsible for the deaths of at least 9 people in the Dec/Jan period. There have also been reports of ZP members in KwaMakhuta helping vigilantes throw buckets of petrol over homes belonging to ANC supporters. We can find no trace in newspaper reports of any of these allegations being investigated.

Some examples of allegations against the ZP are :

- * shooting people attending a vigil in C Sect, KwaMashu in January and injuring a person in this incident.
- * repeated allegations that ZP members in Ndwedwe collude with vigilantes.
- * Attacks in KwaMakhuta.
- * Shooting at and injuring youths in C Sect Umlazi in December
- * Assaulting men, women and children during a raid on the Uganda squatter settlement
- * Destroying shacks and houses in Isipingo in December because ANC branches were being set up in the area.

30/1 Councillor Johannes Mbeje and Mrs Jabu Msomi brought an urgent application in the Supreme Court, Durban, against a group of vigilantes who unleashed a reign of terror on residents during the evening of January. He alleged that the main cause for the breakdown of law and order in the area was the conduct of members .

of the ZP who "provided support to certain criminal gang elements in the township". They also do not respond to complaints of attacks. An interim order was issued interdicting four vigilantes from assaulting or shooting the applicants or members of their families.

HOSTELS

Allegations were made that vigilantes from Thembalithle hostel were involved in the killing of 3 ANC supporters (Mrs. Alice, Mr. Moses Zondi and Ms Thandi Mbele). CONTRALESA also claimed that a plan to assassinate chiefs who are members of their association was hatched in Denver Hostel near Thokoza. There is an indication that Inkatha's efforts to control hostels has not ceased. In Esikhaweni (nr Empangeni) ZP members allegedly raided hostels and threatened residents who could not produce Inkatha membership cards. (A ZP spokesman denied this, saying that the raid concerned illegal occupants.)

SCHOOLS

Despite a 'back to school' call by both the ANC and NECC we have received reports that prospective pupils are facing difficulties in enrolling in schools. Not only are many being turned away due to overcrowding in classrooms (KwaMashu high schools are facing a 1:90 teacher-pupil ratio this year), but there have also been allegations that certain preconditions for enrolment have been introduced in some schools. Note that

- * at Ubambiswano High School parents were allegedly required to produce R90 and Inkatha membership card on enrolling their children

- * at Wenbezi High School, near Estcourt, an Inkatha membership card was allegedly required as a prerequisite for enrolment.

South Coast

Sketchy reports from the South Coast indicate that criminal killings, "witch" and paid killings have continued. It also appears that people have come into areas in groups and attempted to force communities to do their bidding. The SADF prevented an attack at Murchison when impi advanced from Mbotsha in January. The incident followed an alleged house-to-house attack by a large group of Inkatha supporters on all non-Inkatha members in the Mbotsha area where five youths were injured. Peace talks between SAP, ANC, local tribal authorities and recognised community leaders have been in progress since August '90.

A F F I D A V I

1. I do hereby make oath and say that I
1. I am a female resident of Okunjeni. I do not know my age.
2. My postal address is : c/o Okunjeni Sotres.
3. My son, , left Okunjeni in about mid-June of this year. He left because he and the other youths in the area fear that M will kill them.
4. M has said that he wants everyone in Ndwedwe to join Inkatha.
5. My son and many of his friends decided to leave Okunjeni after the Shelembe house was attacked and burnt down. I do not know when this house was burnt down.
6. On about the 1990 a meeting was held at Kwa Mdimu in Ndwedwe. The speakers at this meeting were Japan Cele and Ellington Ngwane. I attended this meeting.
7. At this meeting Ngwane announced that they want all the children who have left Okunjeni back within 14 days.
8. He said that if the children are not brought back, the parents will be sent away. Ngwane said that this was an instruction from Ulundi.
9. One of the speakers said that they knew where the children were hiding. He said that the children were at the Lutheran Church in F section, Kwa Mashu.
10. This speaker said that if the parents did not go and fetch their children, they would see for themselves what would happen.
11. We parents are confused. We do not know what to do. We need direction. We have seen terrible things happen to other children and we do not want to see that happen to our children.

A F F I D A V I T

I, . do hereby make oath and say that :

1. I am 31 years-old and live in a house directly behind St. Joseph's Hospital in Amatikwe, Inanda.
2. My postal address is : Iqinisiweni - P O 36915, Inanda, 4310 or Box 43035 - Inanda, 4310.
3. I was awoken this morning Wednesday about 1.15 a.m. by loud knocking at the door. I asked who it was and a person replied that they were policemen.
4. I got up and opened the door. I saw many white men wearing SADF uniforms. I also saw several vehicles parked outside my home, including 2 Buffels.
5. About 5 soldiers entered my bedroom. They demanded that I open a door leading off my bedroom. I moved my hi-fi set and opened the door for them.
6. They asked me where the guns were. I replied that I had no guns. The soldiers then began assaulting me. They kicked me and beat me with their fists and rifles.
7. The soldiers ordered me outside and instructed me to undress. I undressed until I was naked. When I was naked they continued hitting me. They kicked me with their boots in my face and all over my body. They cut pieces of my hair off with a knife.
8. The soldiers said that they were hitting me because I was still a member of the ANC. During a previous assault on Monday 13 August 1990, the soldiers demanded that I stop my ANC activities. They said that they would kill me if I continued being a member of the ANC. They said that they would kill me if I went to ANC meetings and that being a member of the ANC did not pay.
9. The soldiers set fire to ANC posters and leaflets I have stuck on my wall. One of the posters they set alight advertises the launch of the ANC Women's League on 12 August 1990. They said that when they come back they do not want to see any ANC posters or leaflets on my wall.
10. I have been collecting donations from the community to cover the costs of the funeral of my brother Sipho Mlotshwa. The soldiers confiscated the donation sheets used for this purpose. They also stole R25 I had put in a book under my mattress that I had collected for the funeral.
11. This is not the first time that members of the SADF have assaulted me. I have made another affidavit concerning assaults which took place on Monday 13 August 1990.
12. I would be able to recognise some of the soldiers who assaulted me. I would like them arrested and criminal charges of assault and theft brought against them.

AFFIDAVIT

I declare under oath:

1.

I am an adult man residing at C1 U extension Umlazi Township. I am 36 years old. I am unemployed.

2.

This affidavit relates to incidents which took place on Tuesday 1990, in Umlazi.

3.

At about 8:30 pm on that night, I was in my house and I heard knocking at my door. I opened the door, and saw a number of white soldiers in brown uniforms, together with a uniformed Kwazulu policeman. They all came into the house, carrying their guns.

4.

They started searching the house, and one of them asked me where I kept my dagga. I told them I did not smoke or keep dagga. While others were searching the house, two or three of them began to assault me. I was hit in the face with fists, and hit on my body with the butts of rifles. I sat down on some bricks which were in my dining room (I am in the process of making additions to my house) and as I sat there, they continued to assault me. One of them kicked me with his boot just above my eye, causing the skin to split open, and to bleed.

5.

They left after this, leaving me in the house. They did not find any dagga, or any thing else illegal. I suffered a very swollen face, on the left hand side. I also suffered a very painful blow or blowe, to the ribs, and I believe my ribs may be broken. One of the soldiers also took my watch, which is worth about R70.00.

6.

I don't know why the soldiers did this to me. I was very cooperative with them when they came, and did not give them any cause to hit me. I am annexing two photographs showing the injuries on my face.

IMBALI FOES CALL A TRUCE

by KHABA MCHIZE

NATAL WITNESS 17-11-90

THE declaration of a truce between Inkatha members and ANC "comrades" was yesterday celebrated in the streets of Imbali, a township racked by widespread violence and assassinations.

Imbali councillor and Inkatha leader Abdul Aweta was seen shaking hands with prominent "comrade" Borgart Ndlovu during the spontaneous celebrations in which hundreds of people took part.

According to Aweta, the peace initiative was prompted two weeks ago when he and his colleagues met with the "other side" to talk about ways of stopping the disruption of examinations.

Imbali Unit 13 Residents' Association chairman Siphso Shezi, Imbali Youth Organisation leader Siphso Gabela and Stage 2 ANC branch chairman Skhumbuzo Ngwenya held talks with Aweta, Imbali's mayor Phikelela Ndlovu and a handful of residents.

From the success of the talks a follow-up attempt was made to broaden the talks to cover general peace in the township.

Yesterday's celebrations were a result of the success of the talks.

Streets in Stage 1, the heart of the huge sprawling township, were filled with vibrant, toyi-toying adults and youths wearing Inkatha, ANC, Cosatu and Cosas T-shirts.

The celebrations started when special constable Thembinkosi Mshengu and Inkatha youths went to "Vietnam" where they told ANC comrades from "Phenduka", "Uganda" and other affected areas about the truce.

Mshengu, who was not armed,

mingled with comrades and Inkatha youths as they criss-crossed the borders which had been drawn during the violence.

They chanted their way to the Stage 2 hostel, which has for some time been an Inkatha stronghold.

None of the hundreds of rejoicing residents was carrying any weapons.

They toyi-toyed around the township up to the far eastern end of Unit 13 and went to the house of KwaZulu MP Velaphi Ndlovu to celebrate.

Never before have such big groups failed to attract the attention of security forces to the township, which has suffered great loss in terms of human lives and property.

One police van was seen at a distance monitoring the carnival like activities while three army vehicles were patrolling on hilltops overlooking the streets.

Youths from both Inkatha and the ANC sported T-shirts with pictures of ANC Deputy President Nelson Mandela and Inkatha Freedom Party leader Mangosuthu Buthelezi, and embraced each other with exclamations of "mfowethu" (my brother).

"Today we are toasting a new Imbali," shouted one comrade.

Using a loud hailer Aweta addressed the jubilant residents, followed by Ndlovu, who announced a "Kick for Peace" soccer game to be held at the Stage 2 stadium tomorrow.

Zazi Mthembu, who was speaking on behalf of comrades from "Beirut", said: "Let's stand together and stop being set apart by agents of oppression."

Chief Zuma of Slingspruit was given a tumultuous response when he shouted unity slogans.

Advocating peace, facilitating war ^{NW} 1/12/90

Lawyers have questioned Ulundi's commitment to peace after the repeal of legislation amid calls for its enforcement. CARMEL RICKARD reports.

PARADES featuring large groups of men armed with an array of fearsome weapons have caused alarm from Durban to Johannesburg. Last month weekend shoppers fled in terror from a crowd of armed men marching through the streets of Johannesburg, and there have been calls for marchers to be disarmed before they take to the streets.

However, at the end of November three key provisions which could have been used to stop the carrying of these dangerous weapons at least in Natal/KwaZulu were scrapped by the KwaZulu Government, prompting some lawyers to question the commitment of Ulundi to peace and order in the region.

An official statement from the KwaZulu Government noted the repeal in their entirety of Sections 115 (F) (d) and 117 (3) (a) and (b) of the KwaZulu Code of Zulu Law as well as Government Notice 8 of 1978 made in terms of the Dangerous Weapons Act.

The first prohibited the carrying of any dangerous weapons to any gathering; the second completely barred the carrying of particular weapons with a few stringent exceptions and third, the Government notice, prohibited the carrying of any weapon in 11 listed KwaZulu townships. In all three cases a few exceptions were allowed.

These provisions appear to give the police the power they need to curb the carrying of dangerous weapons, so why were they scrapped?

In a statement, Ulundi said the decision was taken because the legislation was "archaic, impractical and redundant".

"In practice, the courts have tended to prosecute in terms of the Dangerous Weapons Act No 71 of 1968, which will continue to apply in both Natal and KwaZulu.

"The existence of extra legislation tends to create confusion and, in view of the fact that the carrying of dangerous weapons is fully covered by the Dangerous Weapons Act, the aforementioned legislation has been repealed."

The now repealed legislation has been at the heart of repeated discussions between Durban's Legal Resources Centre and officials from Ulundi and Pretoria this year. The discussions followed a number of serious incidents of violence after rallies and marches at which men and sometimes women carried a frightening collection of weapons.

The LRC argued they were "dangerous weapons" as defined in the legislation — among them sharpened assegais, sticks with glass shards fastened on the end and clubs studded with nails. Ulundi officials said the weapons carried were "traditional weapons" and that it was not appropriate or necessary for police to remove them as

they were part of Zulu culture.

The LRC has persisted with their claims that the police should act in terms of the KwaZulu Code; particularly those sections which outlaw the carrying of assegais, axes, knobkerries or other dangerous weapons to any gathering or in public. Commenting on the decision to scrap the very sections which LRC had urged Ulundi should implement, LRC lawyer Howard Varney said from the date of the promulgated legislation — 1985 — it was clearly not "archaic".

"The conditions which existed in past years which prompted the law makers to enact such laws still exist today. In fact today the use and proliferation of dangerous weapons has become much more commonplace. The need for such laws is more urgent than ever before."

Varney also says it is not true to argue, as the KwaZulu Government does, that the repealed legislation is not needed because the Dangerous Weapons Act on its own covers the issue. While the sections of the KwaZulu code and the Government notice now scrapped made it an offence simply to be in possession of dangerous weapons in public, the Dangerous Weapons Act requires an element of intent — it is an offence only if the bearers have the intention of using their weapons to commit an offence.

"In other words it is permissible to walk in the streets with a dangerous weapon so long as you do not intend using it unlawfully. Not surprisingly few are arrested in terms of the Act. The laws which have been repealed provided teeth to the Dangerous Weapons Act by outlining the circumstances in which the mere possession of weapons was an offence."

Varney said that Natal was still in the grip of unprecedented levels of violence and he questioned the commitment of the KwaZulu Government to the maintenance of law and order in the light of the repeal.

"Why has the KwaZulu Government chosen now to repeal these laws at the very time when there is such a drastic need for strict enforcement? Instead of curbing the carrying and display of lethal weapons in public, the KwaZulu Government, by repealing these laws, is facilitating this dangerous and provocative practice. This is hardly a commitment to peace and order.

"At the very least, the Dangerous Weapons Act must now be strictly enforced — the police must act against people carrying such weapons at meetings and rallies, particularly when they are chanting militant slogans. It should be obvious under those circumstances that they do have unlawful intentions."

Campaign to ban cultural weapons starts

7/12/90

LAWYERS, human rights activists and unrest monitors have embarked on a programme of action to bring about a change in the legislation concerning the carrying of "cultural weapons" following a meeting in Durban this week.

And they have warned that the changes made to the laws on carrying dangerous weapons are fuelling the political violence in Natal — with an escalation in the violence noted during the past two weeks.

This comes shortly after the KwaZulu Government scrapped KwaZulu legislation restricting the carrying of dangerous weapons. They repealed all the laws concerning the carrying of dangerous weapons last week, saying they were "archaic, impractical and redundant".

"It is very unfortunate that they took such a drastic step at a moment when every possible step should be taken to discourage people from carrying dangerous weapons," Durban attorney and National Association

Nicola
Cunningham-Brown
Political
Reporter

of Democratic Lawyers representative Ms Linda Zama said.

"Now the carrying of dangerous weapons has been made very easy by the South African Dangerous Weapons Act. When the KwaZulu legislation was still intact, we could pressurise the Government to enforce the law. Now there is nothing for us to try and enforce."

African National Congress southern Natal vice-chairman Mr Jeffrey Radebe said there had been a sudden escalation of violence in Natal during the past two weeks.

He said the areas affected included Estcourt, Mooi River, Stanger, KwaMakhutha, Umgababa, Adams Mission and KwaMashu. Refugees were fleeing from the strife-torn areas.

Mr Sipho Cele, Cosatu's northern Natal regional secretary, said one of the clauses in the Lower Umfolosi Peace

Accord — which was signed by Inkatha, the ANC, Cosatu and all the security forces in the area and which has been very successful — prohibited the carrying of dangerous weapons.

"It is really disappointing to see the KwaZulu legislation scrapped — its being made more difficult for us to achieve what we set out to do," he said.

Delegates at the meeting this week set out a comprehensive programme of action which they hope will highlight the repeal of the KwaZulu legislation as a signal to people to sanction the use of weapons; will highlight the fact that such laws were not previously enforced anyway and will attempt to "explode the myth surrounding cultural weapons".

A joint sub-committee of the Black Lawyers' Association, Lawyers for Human Rights and Nadei has been set up and will work out alternative legislation concerning the carrying of dangerous weapons.

Once this has been completed and checked with the organisations and individuals concerned, they will attempt to put pressure on the Government to change the laws.

Place : Durban
Date of Incident : 9/12/90
Event : The repeal of the weapons act in KwaZulu had promoted violence during the past 10 days in Entshaweni, near Stanger, KwaMakhutha, Umgababa, Adams Mission and KwaMashu