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## War in Worcester:

Pamela Reynolds

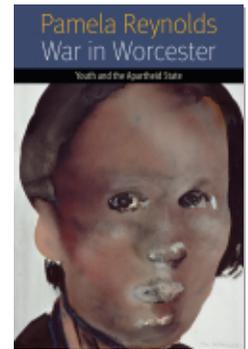
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## Neutralizing the Young

Had never expected hope would form itself  
 completely in my time . . . was never so sanguine  
 as to believe old injuries could transmute easily  
 through any singular event or idea . . . never  
 so feckless as to ignore the managed contagion  
 of ignorance the continued discontinuities  
 the felling of leaders and future leaders  
 the pathetic erections of soothsayers

— ADRIENNE RICH, “MIDNIGHT SALVAGE”

This chapter is about the difficulties of recording the role that the young play in wars and of describing their action and practice during conflict. It is a contribution to the critique of a system of knowing or causing to know (see Last 1981). By obscuring reality, we excuse ourselves from knowing the consequences for the young of war and oppression and from acknowledging the profundity of their understanding and the courage entailed in their engagement in conflict.

Adrienne Rich has, as poets do, seen clearly that a single event or idea like a truth commission is unlikely to transmute harm done. Nor can it compensate for the felling of leaders and the inability to build on the trust, political wisdom, and moral strength of those who fought on the streets of the “earth made wretched under apartheid.” At the time of the conflict, the role of young activists in the fight for liberation was internationally acknowledged; within South Africa, it is now accorded due honors on a specific national holiday and in minor ways, often as part of rhetoric. However, the details

of the contribution of young activists and the description of their fight, despite the efforts of the Commission, have not been fully recorded. Few of them received reparations, and there has been put in place a minimum of assistance in care, training, education, or employment opportunities. Here, I begin by harvesting details of what was done to thousands and thousands of the young under apartheid, drawing on data gathered during the time of conflict by brave and admirable nongovernmental organizations. The findings of the South African Truth and Reconciliation Commission, as given in its initial five-volume *Report*, follow. The chapter examines one aspect of the TRC's account of the South African war for liberation between 1960 and 1994. It looks at how casualties are listed, classified, and classed between "civilian" and "soldier." It is hard to know how the Commission will be judged as time goes on. Some of its shortcomings are already clear, and one of them, in my opinion, lies in the manner in which its concentration on violations obscured the part played by the young in securing democracy. The following account is a warning tale: it suggests that definitions themselves can exclude and occlude.

An ethnographic study of the Commission constituted a strange piece of fieldwork. Being a detached observer of the TRC hearings was distressing. I knew but a few of the testifiers and made no attempt to meet others, not wishing to intrude during anguished times. The hearings filled me with ambivalence about the Commissioners' roles and my own. I was particularly troubled by the realization that the testimonies were like snippets from a collage, cut out of time, place, history, relationships, contingency, choice, and pattern. The general subsumed the particular. It soon became apparent that few young activists were testifying and that little would be documented about the nature of their fight.

### *A Subtle Form of Neutralization*

Some statistics about the numbers of the young who were involved in the struggle against apartheid were compiled during the conflict and were available before the Commission began its work. It is still not known how many of the young were directly involved from 1960 to 1994. No liberation organization has figures available. A senior officer in the ANC, in response to our

request for them, said, "I shall be delighted if anyone has the information." He doubted the usefulness of Youth League or Youth Congress figures, as they were largely based on attendance at rallies. Neither the Pan Africanist Congress (PAC) nor the Azanian People's Organization (AZAPO) had figures. None of the liberation organizations had, at the time, accumulated and sorted their archives. It is not surprising that membership was not recorded, given the broad support for liberation, even if, for many, it was not acted on—and given the danger of flouting laws that made it a crime to belong to or promote the activities of banned organizations. The ANC and the PAC were banned on April 8, 1960, and their military wings in 1963. AZAPO was banned later. In all, ninety-eight organizations were banned, of which 43 percent were youth and student organizations (HRC 1990, 23; see also Coleman 1998, 91).

Prison officials in the Northern and Western Cape responded to my request for figures of the young held in their jails from 1960 to 1994, and I was sent numbers of all prisoners for the years in question. However, the figures were not differentiated in terms of age, nor did they show under what legislation, for what length of time, or how many times each person had been imprisoned. On further enquiry, it was suggested to me that I visit each prison. My attempts were thwarted either by a refusal of access or by the fact that data relating to "periods of unrest" had been shredded or lost.

Government statistics on the detention of children and youth are Monty Pythonesque in their obscurantism. House of Assembly Questions and Answers on Detention show how the actual figures were disguised under a battery of legislation and by varying the boundaries of categories. Frequently, those questioned simply refused to answer.

The estimates made during the years of conflict by independent organizations like the Black Sash, the Detainee's Parents' Support Committee (DPSC), the Human Rights Committee (HRC), and the South African Institute of Race Relations (SAIRR) are invaluable resources. However, their figures often differ. For the year 1986, for example, the number of children under eighteen held in detention without trial ranges, according to three sources, from 2,677 (Thomas 1990, 439; source, Hansard Government Statistics) to four thousand (*ibid.*; source, DPSC) to 8,800 (UNICEF 1989, 87, in Hansard). For the period July 21, 1985, to August 7, 1986, Hansard House of Assembly documents (1960–1994) give detention figures for "ju-

veniles” (people under the age of twenty-one) as 3,681 and for children under sixteen as two thousand: 46 percent and 25 percent of the total number of detainees, 7,996, held during those seven months.

The HRC (Coleman 1998, 43) conservatively estimated that during the apartheid era eighty thousand people were held in detention without trial:

A number of observers and students of repression around the world have commented that the repression in South Africa during the apartheid era pales into insignificance when compared with some Latin American countries if the numbers of political disappearances and assassinations are used as the criteria for making such judgement. For example, disappearances and assassinations in Argentina were said to total around 30,000 while in South Africa the figure was but a few hundred. However, in South Africa this terminal method of eliminating political opponents has never been the main weapon, but rather the weapon of last resort when all other methods have failed. Apartheid’s big gun has been detention without trial and this is where we see the big numbers—conservatively 80,000 people have been subjected to this subtle and sophisticated form of neutralisation. It has the advantages of maintaining the semblance of legality (all detentions are made in terms of legislation); it can be aimed not only at individuals, but at families, groups and organizations and even at whole communities, including women and children; it can be used to extract information to draw others into the net; it can be used to force confessions leading to conviction and permanent incarceration; it can be used to break political activists both physically and psychologically; it can be used to recruit informers and sow suspicion and confusion within communities; it can be followed by a banning order which effectively extends the victim’s detention to within his or her own home; and finally it can, if need be, set the stage for permanent removal from society.

The most frequently quoted figure for the detention without trial of children under eighteen years old between 1960 and 1988 is fifteen thousand: it is an estimate based on numbers published by the HRC in the document “Detention Without Trial,” published in November 1988 and included in Coleman (1998, 43–53). By their own account and with reference to their other data and estimates, the figure slips beyond the conservative into timidity, an understandable timidity given that the document was published during the apartheid era and taking into account the ferocity of government reaction to the slightest inaccuracy they could detect. They take as the base seventy-five thousand detentions, then say, “Official figures released

in an affidavit to court by the South African Police during April 1987 revealed that of a total of 4,224 detainees being held in Emergency detention on 15 April 1987, those aged 18 or less (down to 12) numbered 1,424, or 34 percent of the total. If one accepts the extremely conservative estimate of 20 percent under 18s for all detentions since 1960, then about 15,000 children under 18 experienced detention" (Coleman 1998, 51–52). The same figure is quoted by the HRC publication *Children and Repression in 1987–89* (1990, 4) in which the following figures are also given:

Detention without trial for children under 18 from:

1984–1986: 10,000

1986–1987: 8,500

1987–1988: 1,000

The number from 1984 to 1988 of children under eighteen detained is 19,500, that is, 37.5 percent of the total number of detainees, fifty-two thousand. If 37.5 percent of the seventy-five thousand detainees held from 1960 to 1988 is assumed, then the number of children under eighteen is 28,125. The official government figure released for the period of July 21, 1985, to March 7, 1986, was that 25 percent of the detainees were under sixteen years of age; that is 2,016 out of 7,996 (Coleman 1998, 51). If it is supposed (however unlikely the supposition may be) that 25 percent of the fifty-two thousand detainees held between 1984 and 1988 were children under sixteen, then thirteen thousand children aged thirteen through fifteen were held. Hansard records that twenty-nine children aged thirteen, ninety-one aged fourteen, 2,287 aged fifteen; and 357 aged sixteen—a total of 2,764—were detained (SAIRR 1960–1992). Almost three thousand were considered to have been a direct threat to the state. These sets of figures suggest that the estimated fifteen thousand children detained from 1960 to 1994 is probably conservative. The estimate made by the Black Sash that during that period twenty-four thousand children under eighteen were held in detention under emergency and security laws seems more likely to be closer to the actual number.

It is important to note that officials adopted a number of means to disguise their incarceration of children. The law only obligated the government to release figures of those detained for over thirty days: many thousands were held for fewer days (they were often released just before they had spent thirty days in prison) without being charged or brought to trial (Coleman 1998, 52). Figures were released pertaining only to detentions under State

of Emergency and security legislation, but children were held under many other pieces of legislation, including those having to do with crime and public violence (see appendix 6). Many of the young were detained without trial over and over again. Local police and prison officials were, at various times (to phrase it most conservatively), given loose rein over the treatment of the young. There was no control over management and security of their record keeping. Masses of documents were shredded or lost from police stations and prisons throughout the country. Furthermore, many of the young who were held in cells did not tell their families what had befallen them.

Other figures on what was done to the young suggest the nature of the force that was aimed at them. Eight people aged twenty or younger died in detention between June 1986 and 1989; eighty-four prisoners aged fourteen to eighteen were hospitalized; thirty-nine children under eighteen were placed under restriction orders; and one thousand people aged on average fifteen to eighteen years were on the run, some for five to six years (HRC 1990). Elizabeth Floyd (herself detained) said, “death is clearly behind the detention system” (HRV hearing, May 2, 1996, Johannesburg).

Youth and students were “at the forefront of resistance to apartheid since 1976, and have as a result borne the brunt of repression” (Coleman 1998, 24). They became one of the main target groups of the security police (50). In 1988, 46.5 percent of detainees were students or scholars, and in the first three months of 1989, 75 percent were (HRC, 17).

There are at least five reasons for worrying about how many children were imprisoned: because the numbers involved reflect the part played by children and youth in securing the end of apartheid, because that part is poorly documented (despite the sterling work of organizations like the Black Sash and the HRC), because there is an inadequate accounting of even the most extreme of children’s experiences, because the young called down the wrath of an armed state on their heads, and because impunity and disregard has followed.

### *One to Two*

For almost every adult that was violated, probably two or more children or young people suffered

*Truth and Reconciliation Commission of South Africa Report*

The writing in this chapter comes from my indignation. Scanlon (1998, 271) says that it is the “violation of the requirements of justifiability to others that makes it appropriate for a third party to react with indignation rather than merely dismay or pity for the victim.”

The Human Rights Violation Committee of the Commission received 21,298 statements (1:166—the number is 21,297 on page 168 and 19,524 on page 169; the reason is unclear) about gross human rights violations (GHRV), of which 37,672 allegations were made, including ten thousand killings (1:170–171). The *Report* says that 3.5 million suffered directly, of whom 90 percent were African. And, the *Report* says, a “truth” was arrived at: “the state sanctioned murder.” The Commission’s statistics, based on their own evidence only, are that 9,043 people were killed, 2,900 were tortured (and in the testimonies of those tortured there were 5,002 instances of torture recorded), and 17,150 were severely ill treated. (See the *Report* for a discussion of the definitions, codes, and database used by the Commission.) The *Report* says that half of those tortured were men under twenty-four, and the majority of victims of killings were young men between the ages of thirteen and twenty-four (4:259). The Commission performed no census and made no sample because, the Commissioners said, they lacked the resources and the money.

If we follow the other statistics that are widely accepted and take the number of people who were detained without trial for political reasons during the 1960 to 1994 period (the period covered by the Commission) to be eighty thousand (a figure that leaves out all other forms of gross human rights violations, including acts committed by vigilantes, security forces outside jails, liberation organizations, and members of communities against one another) and place the Commission’s findings beside that figure, we see how few of the records of those harmed are in the TRC archive. The statements from 21,298 people represent 26 percent of the eighty thousand detained without trial. Of these statements, 17,150 were declared to represent severe ill treatment (81 percent) and 2,900 experiences of torture (14 percent). Supposing that these percentages can be taken to be representative of the eighty thousand people detained, of whom twenty-four thousand were under eighteen, then it is possible that 15,552 children aged seventeen or younger were severely ill treated—the Commission agreed that “detention without trial itself constituted severe ill-treatment” (Burton 2000, 81), and 2,688 were tortured. That is to say, a total of 18,240 children endured severe suffering

in detention. The point is simply a reminder that the findings given in the *Report* are no more than a scrap of the whole cloth.

### *The Report on “Children and Youth”*

There are many caveats in the *Report’s* statements about youth and children, and a series of defenses are proffered. Volume 4, chapter 9 is on the Special Hearing Concerning Children and Youth. An early paragraph in the chapter reads as follows:

When considering the experiences of children under apartheid, it is important to remember that the Act provided for victims of defined gross human rights violations to testify and make statements to the Commission. This chapter therefore concerns the statements and testimonies of deponents who were defined as victims in terms of legislation. This focus on victims is not, however, intended to diminish the active role of children and youth. Children were agents of social change and harnessed vast amounts of energy, courage and resilience during the apartheid era. For many young people, active engagement in political activity resulted in the acquisition of skills such as analysis, mobilization and strategizing, as well as the ability to draw strength from friends and comrades in times of hardship. Many of today’s leaders come from a politically active history and have displayed a remarkable capacity for forgiveness and reconciliation.

(4:268–269)

In volume 5, it is said that “the Commission received few statements from ANC leaders, past or present. Almost none of the ANC’s senior leaders in exile came to the Commission to give first-hand details of what had led them into exile or of their experiences at the hands of cross-border intruders. . . . Few *Umkhonto we Sizwe* (MK) cadres or underground activists, aside from those who applied for amnesty, made statements to the Commission” (5:199). The *Report* continues:

Thus, while the Commission tapped a rich seam of experience from rank and file supporters of the ANC, its knowledge of those who led and those who worked in its structures for lengthy periods of time is largely non-existent. This has severely constrained the Commission’s capacity to provide the “full and complete” picture that the act demands. . . . The Commission accepts

that its framework may have been problematic to some. *Many refused to regard themselves as victims*. The consequence is, however, that the historical record of violations in this country and outside it has suffered grievous omissions, particularly in regard to the 1960s and, more broadly, in relation to torture [emphasis added].

They note that few underground activists gave statements, that their knowledge of leaders and workers over time is largely nonexistent, that the lack severely constrained the fulfillment of their brief, and that the record suffers grievous omissions. They observe that “Scarcely any former UDF [United Democratic Front] regional or local leadership figures gave statements to the Commission. In some areas they were openly cynical. The UDF played a central role for a significant part of the 1980s, the period that saw a considerable intensification of conflict and abuses. Thus again, an important and crucial input has been denied to the Commission” (5:200). The PAC is roundly scolded for the “flimsiness and lack of coherence” of its leadership in responding to requests from the Commission: they “repudiated” it, yet members applied for amnesty (5:201). The IFP “made no pretence of co-operating” (5:200). Elsewhere in the *Report*, the chairman, Archbishop Tutu, confesses that it was “a flawed Commission,” though the best possible under the circumstances.

Indeed, the Commission bemoans the lack of cooperation from many sectors. They cite the defensiveness of many who appeared at the special hearings, the refusal of judges to attend the hearings on the legal system, and the low number of magistrates who responded to the invitations. The Commission chose not to subpoena them, although they had the power to do so. They say that given “the difficulties and restraints in accessing information,” they relied, to a large extent, on amnesty applications. Revelations by members of the security forces brought forth applicants from security police members, but the South African Defence Force (SADF) ranks kept silent: some information was gleaned from former members of Military Intelligence (MI) and Special Forces. The National Intelligence Service (NIS) members made no application and denied responsibility for actions that arose from the information they handed to operational units in the South African Police (SAP) and SADF. “The Commission,” the *Report* adds, “rejects this position.” The bulk of ANC, PAC, and APLA applications for amnesty related to the post-1990 period (5:200–203).

On their access to documentation and information held by “primary role-players,” the *Report* says,

It needs to be stated at the outset that the former state deliberately and systematically destroyed state documentation in an attempt to ensure that a new democratic government would be denied access to incriminating evidence. Hundreds of thousands of classified records—literally scores of tons—were destroyed. Much of this documentation related to the inner workings of the security forces and intelligence agencies, covert projects, informer networks, personnel records of security force members, and material confiscated from institutions and individuals. The destruction of the documentation deprived the Commission and the country as a whole of a rich and valuable source of material for its investigation into the conflicts of the past.

(5:203)

The “series of filters and blocks” to the Commission’s free and open access to materials are listed in regard to the South African National Defence Force (SANDF) and the National Intelligence Agency (NIA) under the new government (the SANDF and NIA replaced the SADF and NIS, respectively). The Commission confesses to having “erred in not conducting a search-and-seizure raid in the [military] archives” (5:204). The NIA established a “TRC desk,” but it failed to respond to the Commission’s requests.

### *The Report on What the Apartheid Government Did to the Young*

The Commission reaches a series of conclusions about the direct and vicious attack by the state on the young. The following findings are drawn from volume 4, chapter 9, on the Special Hearing: Children and Youth. It is admitted that few, even at this series of hearings, spoke about the role of young people: the focus was on their suffering. (The statements that follow, up until the next subheading, are direct quotations from chapter nine. They have been run together as continuous text, and page numbers are given in brackets.)

Very early on, the former state became aware of the pivotal role of children and youth, identifying them as a serious threat and treating them accordingly. Dr. Max Coleman spoke of the waging of an undeclared war against children and youth, in which they became the primary targets of detention,

torture, bannings, assassination, and harassment of every description [252]. Children and youth faced the full force of state oppression as they took on their role as the “foot soldiers of the struggle” [253]. The threat, which the youth presented, is evidenced by the backlash from the former state that used its oppressive armoury against the young [253]. Many . . . student and youth organizations emerged, based on differing political ideologies. They too became targets of state repression [253]. The state used various means to suppress dissent. Arrests and detentions removed opponents from the political arena. Courts were used to criminalise political activity. In the 1980s, in particular, students and youth organisations were banned, as were the possession and distribution of their publications. From 1976 to 1990, outdoor political gatherings were outlawed. From 1986, there was a blanket ban on indoor gatherings aimed at promoting work stoppage, stay aways, or educational boycotts.

The security establishment engaged in the informed repression of children by hunting down “troublesome” youth and developing an informer network. This latter had dire consequences for youth organizations [254].

Until 1985, casualties were mainly the result of security force action. From 1987, however, vigilantism began to make an appearance. Dr. Max Coleman, who made a presentation at the hearing in Gauteng, argued that:

The destabilization strategy was cold-blooded, calculated, deliberate . . . it was about a collusion between various elements who had an interest in maintaining the status quo or at least retaining the power which they had from the apartheid system [254–255].

Many vigilante attacks were rooted in intergenerational conflicts. Some men saw the dramatic surge of women and youth to political prominence as a threat to the patriarchal hierarchies of age and gender. Young people were perceived to be undermining the supremacy of traditional leaders who saw it as their duty to restrain them. Vigilantes mobilized around slogans such as, “discipline the children,” and frequently described themselves as “fathers” [255]. Vigilantism coincided with the state strategy of creating “oil spots”—that is, establishing strategic bases in townships as a means of regaining control of the population. A second aspect of the strategy involved the co-option of leaders, the counter-organization of communities and the formation of counter-guerrilla groups. The state supported many vigilante groups by providing funding and training.

Large numbers of youth, whether politically active or not, were affected by the violence, especially those who lived near the hostels [for migrant men] [255].

Many of South Africa's young people grew up in an atmosphere of imminent danger. They lived with the painful reality of losing loved ones and family members and were often conscious of the burden of responsibility they carried for the lives of others. Their lives were characterized by fear and insecurity. Because the state made no distinction between public and private space, their homes did not provide them with a safe haven. Many children were on the run because they feared for their lives and suffered grave disruptions to their education and development [257].

### *On the Role of the Young*

The *Report* says little on the actual part that the young played. The following is culled from the same chapter:

According to testimony at the Athlone hearing, children had to make choices about whether to avoid, participate in, or lead the resistance. Many of South Africa's children did not stand passively by, but actually disputed the legitimacy of the state. In doing so, "they contributed to the dismantling of apartheid" [252]. The role of children and youth was crucial in opposing the apartheid system. However, in the process, they were drawn into an arena that exposed them to three particular kinds of violence: state oppression, counter-violence, and inter- and intra-community violence [252]. The role of youth in resisting apartheid dates back to the formation of the militant African National Congress (ANC) Youth League in 1943. The militancy of the youth provided the impetus for the Defiance Campaign of 1952 and the drafting of the Freedom Charter in 1955. In the 1960s, students were amongst those who rose up in their thousands to protest against the pass laws. The state's response to these peaceful protests was mass repression. Many youth saw no option but to leave the country in order to take up arms and fight for liberation. Umkhonto we Sizwe (MK), formed in 1961, drew many of its recruits from the ranks of the youth [252–253].

In June 1976, the student revolt that began in Soweto transformed the political climate. One hundred and four children under the age of sixteen were killed in the uprising and resistance spread to other parts of the country. Dissent by the children and youth of South Africa cast children in the role of agents for social change, as well as making them targets of the regime. Classrooms became meeting grounds for organisations such as the Congress of South African Students (COSAS), which was formed in 1979 and ulti-

mately boasted a membership of over a million students. The security police clampdown on COSAS resulted in the arrest of over 500 of its members by the time of the declaration of the state of emergency in July 1985 [253]. In many cases [of state sponsored vigilante action in townships], the responsibility for protecting their homes and streets fell on children. Some young people turned their attention to the defence of their communities, redirecting their energies into the formation of self-defence units that were, in their view, justified by vigilante attacks [255].

Children were agents of social change and harnessed vast amounts of energy, courage, and resilience during the apartheid era [268–269].

### *The Commission's Evidence of What Was Done to the Young*

In volume 4, chapter 9 (to which the page numbers refer unless otherwise stated), in a section entitled “Evidence and Emerging Themes,” the *Report* gives the findings related to the harm done to the young (258). The *Report* cautions against taking them as reflecting “a universal experience of violations”: they should be read within the framework of the Commission’s experience (259). The *Report* presents the evidence in four figures (reproduced in appendix 5):

Figure 1. Number of killings, by age and sex of victims. [It is noted at the bottom of the figure that the “age and/or sex of the victim [is] missing in 61 percent of the violations.” The figure does not reveal where that 61 percent lies, as there is no category for people of neither age nor sex.]

Figure 2. Number of acts of torture, by age and sex of victim. [Only 14 percent of the violations are not identified as having been committed on bodies of specified age and/or sex.]

Figure 3. Number of abductions, by age and sex of victim. [Fifty-seven percent of victims are unidentified according to age and/or sex.]

Figure 4. Number of acts of severe ill treatment by age and sex of victim. [The age and/or sex of the victim is missing in 22 percent of the violations.]

There are a number of serious problems in the documentation and presentation of findings on violations experienced by the young. Did statement takers fail to note the age and/or sex of as many as 61 percent of those killed and 57 percent of those abducted? Further, the fact that 22 percent of acts

of severe ill treatment and 14 percent of acts of torture could have been identified without notice of sex or age of the person suggests inadequacy in data collection. In volume 5 of the *Report*, the paragraph that prefaces the findings on children and youth states:

The Commission endorses the international position that children and youth under the age of eighteen are entitled to special protection from government and society. As the Commission's statistics have shown, the greatest proportion of victims of gross violations of human rights was youth, many of them under eighteen.

(5:254)

Despite that endorsement, the Commission chose to conflate statistics of children between the ages of thirteen and eighteen with those of youth between nineteen and twenty-four. In volume 4, chapter 9, the following rationale is given:

By far the largest category of victims to report to the Commission fell into the twenty-four age bracket (see figures 1-4). *For this reason*, some adaptations to the accepted definition of children and youth were made for the purposes of this report. Children between the ages of thirteen and eighteen experienced violations *equivalent* to their nineteen to twenty-four year old counterparts, and it was considered that a *more appropriate* unit of analysis could be achieved by combining these age categories to include young people between thirteen and twenty-four years of age. This reflects, first, the fact that this age group was a clear target for gross human rights violations in South Africa and, second, the fact that those who were more likely to be victims of random violence were those who found themselves in exposed situations. Younger children were victims of random violence but were less likely to attend marches or demonstrations, which is where the largest number of random violations occurred.

(258-259, *emphasis added*)

In effect, the Commission undermined the possibility of recording accurate data for the archive and of contributing to the international position with regard to the protection of children. The question of "equivalence" of violations experienced by young people under or over the age of eighteen years begs for analysis. One may ask how "random violence" can be firmly identified: the intimacy of knowledge by security force members of the

identity of local youth leaders could have led to carefully targeted violence. The question of age is a complex one in relation to statistics. The Convention of Rights of the Child refers to children under the age of eighteen, the Commission's statistics refer to children from zero to twelve and to children and youth from thirteen to twenty-four, and the ANC defines the category of youth as anyone under thirty-five. The *Report* gives a disingenuous reason for the small number of violations documented as having been committed to children under the age of twelve: "It is unlikely that this was a result of under-reporting, as violations perpetrated against the very young have tended to invoke the strongest condemnation" (258). Who, we might wonder, was listening to and acting in accord with such condemnation?

The figures in the *Report* are poorly drawn, too small, and give no totals, so that the only recourse is to measure with a ruler against the baseline to find totals for particular age categories. (Commission data on the total numbers of those killed, tortured, and severely ill treated have been quoted above.) It is hard to countenance the absurdity of devising figures that place men and boys on the plus side of a divide and women and girls on the minus side: that is, female victims are represented as being from minus 1 to minus 500 on the figures. Estimates based on the use of a ruler on figure 1 suggest that 45 percent of the total number killed were people under twenty-four years old. Figure 3 shows that 42 percent of abductions were of people in this age category. Figures 2 and 4 show that 53 percent of all acts of torture and 30 percent of all acts of severe ill treatment were committed on the bodies of people younger than twenty-four years.

The chapter ends with a section on the consequences for the young of apartheid and gross human rights violations. Here, the *Report* acknowledges that the focus on the young as victims is not "intended to diminish the active role of children and youth" (268–269). The "largely positive role" they played is recognized, yet the Commission's evidence reveals "the generally negative consequences of repression in the period under review" (269). Appendix 6 gives the Commission's findings on children and youth (5:254–256). Curiously, the five "recommendations" (5:321; see appendix 7) made in relation to children and youth begin thus: "CHILD LABOUR IN ALL FORMS BE ELIMINATED THROUGH APPROPRIATE LEGISLATION" (the *Report* uses small capitals in bold for Recommendations). Curious, because children's work is neither the focus of any of the Commission's

proceedings, nor are there any findings related to work—unless fighting the apartheid state is considered to have been labor.

### *Misreading the Nature of the Conflict*

There is a continuing problem: how to arrive at an adequate description of the nature or the kind of conflict from which South Africa has just emerged. It was, surely, a different kind of war. The *Report* (2:26) uses the following definition of guerrilla warfare as the government understood it:

The government understood the onslaught [the concerted effort to overthrow the government of South Africa] as being in the tradition of guerrilla warfare. This type of warfare is characterised by the relative unimportance of military operations in the sense of combat operations carried out against opposing armed forces. Rather, the aim of the revolutionary forces is to gain control of government by gaining the support of the people through a combination of intimidation, persuasion, and propaganda.

It is a definition that leans on the negative, that supposes two forces in opposition to each other, and that places “the people” in a passive state as receivers of intimidation, persuasion, and propaganda. The people with whom I worked would reject that characterization.

The positing of a revolutionary force leads the authors of the *Report* into particular definitions of membership, command, and accountability. Thabo Mbeki, then vice president of the newly elected government, in giving evidence during the first ANC submission to the Commission, defined the ANC as having a specifiable force. “The political and operational leadership of the movement is ready to accept collective responsibility for all operations of its properly constituted offensive structures, including operations . . . that might have been outside the established norms” (5:240). The *Report* notes that the ANC, with hindsight, claimed credit for the development of the strategy of the people’s war and for “rendering the country ungovernable.” The authors of the *Report* query the claim and suggest that “the ANC was responding to violence that had already erupted and was spreading largely spontaneously around the country. The pamphlet released on 25 April 1985, calling on people to ‘Make apartheid unworkable! Make the

country ungovernable!'<sup>7</sup> was an attempt to keep up with the rising militancy in the townships" (2:34–35). The *Report* observes that by the second half of 1985, unrest had spread throughout South Africa and that in the post-1985 period it became more sustained, surprising not only the government but also the ANC (2:34). In the same volume, the relationship between the ANC and the internal mass organizations that became central to the resistance movements in the late 1970s and 1980s is described as having been complex:

They were tenuous in that the internal underground structures of the exiled ANC, for most of the period, were weak. This meant that lines of communication and decision-making between those "inside" and those "outside" were often ineffective. The relationship was strong in that there was an extremely dedicated core of activists inside the mass movements who owed loyalty to the ANC. Even where they were not formally linked into decision-making structures via underground cells, they communicated with the ANC in exile and on Robben Island through an ingenious variety of methods. Through this complicated and uneven process, activists inside South Africa interpreted what they understood to be "the line" of "the Movement." There were, however, many occasions where activists themselves were, in practice, determining "the line" and where the ANC in exile was bound to accept their interpretation of events "on the ground."

(2:339–340)

The description constitutes a subtle account of interrelationships between the exiles and internal activists, one that reflects interdependence and cyclical influences that shaped policy and strategy. It is, however, a general description and seems not to have been drawn from detailed testimonies of individuals or organizations.

In the *Report*, it is said that the Commission "has always been violation driven" (5:211). This drive and the task it assigned itself of establishing accountability called for tracing lines of command, so that a party or organization could be held morally responsible for violations committed by its members. To be awarded amnesty, an applicant must establish that the abuse perpetrated was done in pursuit of the aims of a recognized political organization. Those who had been violated and made statements to the Commission were not asked on the form to which political organization they had belonged at the time. Membership or affiliation matters. However, lines of

command and membership among those who fought within the country are difficult to establish. The conflict was long, and the liberation organizations were banned for many years, so that their activities were dangerous, clandestine, largely unfunded, and carried out against the force of a sophisticated and fully armed state. It is possible to trace the patterns of lines in command and to establish membership of liberation movements by careful recording and analysis at community levels, but no attempt has been made to do that on a national scale by the government, the Commission, or liberation organizations. In consequence, many people, including the young, who fought over years and years and who suffered strings of violations and great losses in many aspects of their lives remain unacknowledged and have received no compensation. The ANC had initially excluded most young activists from their demobilization and pension schemes.

In deciding what manner of conflict the country had been through, the Commissioners decided to follow the guidelines provided by the norms and rules contained in international humanitarian law, particularly as laid out in the four Geneva Conventions of 1949 and the two Additional Protocols of 1977. They adopted the two essential concepts of “combatant” and “protected person.”

Article 43 (paragraphs 1 and 2) of Additional Protocol 1 of 1977 defines combatant as follows:

The armed forces of a Party to the conflict consist of all organised armed forces, groups, and units that are under a command responsible to that Party for the conduct of its subordinates. . . .

Members of the armed forces of a Party to the conflict are combatants; that is to say, they have the right to participate directly in hostilities.

Protected persons include the following categories of persons:

wounded; sick and shipwrecked members of the armed forces and civilians; prisoners of war; civilians, including those interned and those on the territory of the enemy or in occupied territories (1:73–74). [References in the above text are made to the Geneva Conventions and Protocol 1.]

As a result, the Commissioners excluded soldiers or members acting as soldiers from the SADF, the SAP, Umkhonto we Sizwe, and the Azanian Peoples Liberation Army from consideration as “victims.” In determin-

ing whether a person was a member of an “organized force . . . under a command responsible to [a] Party to the conflict” (Additional Protocol 1, Article 43, paragraph 1), the Commission was faced with the problem of how to categorize “members of a variety of more or less organised armed groupings,” including those who were “little more than bands of politically motivated youth, acting on example and exhortation” (1:77). The *Report* has this confession:

In the end, given the lack of information on the degree of control and the nature of the combat situation, it [the Commission] decided to employ the narrow definition of combatants. This meant that, in general, cases involving members of the above organizations were treated in the same way as non-combatants.

(1:77)

A decision was made that has had far-reaching and devastating effects on young people who fought against the state, effects that ricochet through society now. *In effect, thousands and thousands of fighters within South Africa were treated as civilians.* One might have supposed that “the lack of information” identified by the Commissioners might have led them to fill in the gaps, not step over them. Old definitions condemn modern participants in the interests of clarity. The Commissioners’ admission in their *Report* that “Many refused to regard themselves as victims” is a very serious admission with regard to their failure to document the role of the young (5:199). Many of the testimonies about children and youth were made on their behalves, usually by kin, most often by mothers, and relatively few of them were about the young who had committed their lives to the struggle. Many testifiers who told of gross abuses committed against their kin did not know whether they had been politically active within a liberation organization partly because they were shielded by the young from full knowledge of what they had endured. Soon after the hearings had begun, I (and no doubt others) pointed out to the Commissioners that those who had fought against the apartheid regime inside the country were refusing to apply for reparations or to tell their histories to the Commission because they rejected the label “victim.” The Commissioners made no change in their rhetoric or the design of their hearings to address this objection. They could have. Perhaps the idea that the liberation forces in the conflict in South Africa had command structures that actually directed

fighters' actions and to which fighters were accountable for their every action reflects notions of war that now apply to only a specific kind of fight.

### *Affiliation and Accountability*

The authors of the *Report* admit that they had “difficulty in attributing precise responsibility for human rights violations” (2:4). It is interesting to see how the Commissioners' findings determine responsibility, despite their stated difficulty in identifying affiliation. In trying to assign responsibility, the writers of the *Report* have trouble in referring to members of liberation organizations within the country: they refer to “*civilians who saw themselves as ANC supporters and acted in line with what they perceived to be ANC's strategic direction*” (2:9), gross human rights violations that were perpetrated not by direct members of the ANC but by “*civilians who saw themselves as ANC supporters*” (2:241), gross violations that were carried out by “*members of South African society acting in what they considered to be the pursuit of a political aim*” (2:4), and the “*blurring of boundaries of these allegiances*” (2:340; emphasis added throughout).

Despite the Commission's difficulty in assigning “precise responsibility,” a high moral stance was taken in holding the parties to the conflict accountable: “the Commission is of the view that gross violations of human rights were perpetrated or facilitated by all the major role-players in the conflicts of the mandate era. These include . . . Liberation movements and organisations” (5:209). In evaluating the role played by those who were involved in the conflicts of the past, the Commission was guided by its endorsing act. In the light of this and of the evidence received, the Commissioners conclude that “gross violations of human rights were perpetuated or facilitated by all the major role players in the conflicts of the mandate era” (5:209). All the parties they list are not “held to be equally culpable. . . . The preponderance of responsibility rests with the state and its allies” (5:210). They identify sectors declared to be guilty of “acts of omission,” whether out of fear or because they were the beneficiaries of the state system and contributed to a “culture of impunity” (5:209–212). We have yet to see whether the Commission's contribution undermined that culture of impunity.

The Commissioners add that not all the parties “can be held to be equally culpable”; indeed, they say, “this was not the case. The preponderance of

responsibility rests with the state and its allies” (5:210). It grants that the liberation movements pursued a “just war,” but it draws a distinction between a “just war” and “just means” and holds them “morally and politically accountable” for gross violations of human rights (5:239). The Commission observes that “No major role-player emerges unscathed” (5:257).

I referred above to the finding that the ANC was morally and politically accountable for creating a climate in which supporters who were not directly under ANC command committed violations. The UDF is similarly held accountable for creating a climate in which violent actions “were considered legitimate” for creating a climate in which members of affiliated organizations “believed they were morally justified in taking unlawful action” (2:246). Both quotes are emphasized in bold and are capitalized in the *Report*. The UDF and its leadership are accountable for having “failed to exert the political and moral authority available to it to stop” violent practices, especially “necklacing” (5:247).

Clearly, the best tactic in terms of avoiding being held accountable and having the details laid out was to have said little and to have proffered few documents. The Commission notes that it has made a more detailed finding and comments more extensively on the ANC than on the PAC, but it also says that does not mean that the former was responsible for more violations. Rather, it reflects the ANC’s openness in contrast with the PAC, which offered very little by way of information on any of its activities, including exile abuses, and supplied no documentation. The Azanian National Liberation Army’s activities, in the section on “The Liberation Movements from 1960 to 1990,” are described in under one page (2:377). They are held accountable for having committed gross human rights violations. The former SADF and the NIS are castigated for lack of cooperation. The Commission’s evidence on the deliberate and systematic destruction of state documentation is an important contribution to the archive.

In assigning accountability, the Commissioners acted in accord with their brief in the Act as they interpreted it: “The primary task of the Commission was to address the moral, political, and legal consequences of the apartheid years. The socio-economic implications are left to other structures” (5:258). I do not understand how that division can have been made within the brief of the Commission.

*Precaution of the Subject*

Walter Benjamin believed in the necessary “precaution of the subject” (1979, 305), which is entitled not to be sold cheaply. The Commission took seriously the precaution of the subject in listening to people’s accounts of their experiences in the past. The drafters of the endorsing Act of the Commission could, I believe, have taken other precautions to ensure that the design included the possibility of documenting the political action of children and youth more directly and more accurately and to ensure that resources were secured for reparations before the Commission began to operate.

The chapter calls for careful efforts to be made to ensure that the role of the young is placed accurately on record. Fuller documentation of the nature of the participation by the young in the fight for democracy may have contributed more to the Truth and Reconciliation Commission’s ambition to move toward the promise of a just society.

A more careful analysis of the role of the young in conflicts could contribute to a more accurate description of the nature of war and of the international rules that are established to contain it and to respond to its aftermath.