WITHOUT PREJUDICE

The EAFORD International Review of Racial Discrimination

Vol. 1, No. 1 Fall 1987

$4.95

Without Prejudice

The EAFORD International Review of Racial Discrimination

Without Prejudice and EAFORD are dedicated to promoting the International Convention on the Elimination of All Forms of Racial Discrimination, as well as other international agreements and domestic laws promulgated with the purpose of eliminating racism and racial discrimination. In keeping with its Consultative Status with the United Nations (ECOSOC), EAFORD also accepts as its responsibility to support the United Nations and the international cooperation of its member states, as well as U.N. efforts toward the elimination of racial discrimination. The views expressed in *Without Prejudice* are those of the authors, and do not necessarily represent an official position of the Editors or the International Organization for the Elimination of All Forms of Racial Discrimination (EAFORD).

Without Prejudice (ISSN 0892-9408) is published biannually by the International Organization for the Elimination of All Forms of Racial Discrimination (EAFORD), 2025 Eye Street N.W., Suite 1020, Washington, D.C. 20006. Annual subscription rates are: $10.00 individual; $15.00 institutions; $7.50 students. Additional charges include $2 per year surface delivery and $15 per year air mail outside North America. POSTMASTER: Send all address changes to *Without Prejudice*, 2025 Eye Street N.W., Suite 1020, Washington, D.C. 20006.

Articles and book reviews should be forwarded to *Without Prejudice* at the address above. Uncommissioned written contributions are subject to consideration by the Editors, who assume no responsibility for content or opinions expressed therein.

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All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.
Universal Declaration of Human Rights

Typesetting and Litho: The William Byrd Press, Inc.

Vol. I, No. 1

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Table of Contents

Vol. 1, No. 1 Fall 1987

INTERNATIONAL JOURNAL OF MIDDLE EAST STUDIES

Published for the Middle East Studies Association of North America and the British Society for Middle Eastern Studies

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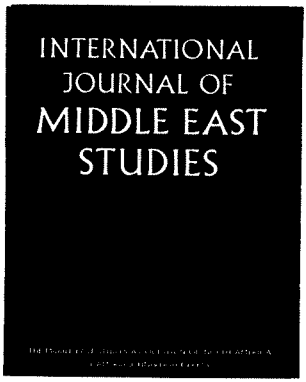

Without Prejudice

This is the first issue of *Without Prejudice*, a journal which, it is hoped, will be a platform for serious and responsible thinking on one of the most important issues of our time: racial discrimination and racial prejudice. In launching this journal, EAFORD is fully aware of the reactions it will arouse in some quarters. Those reactions have not deterred EAFORD in the past and will not deter it now.

The dignity of the human being, which gives purpose and meaning to life, individually and within his community, is so important that no effort should be spared to eliminate all the forms of discrimination and prejudice which prevent full realization and enrichment of the human faculties and enjoyment of equal rights by every individual and group, regardless of race, descent, color, ethnic or national origin. Civilization has never been, and will never be, the monopoly of a single race or exclusive group. All races have made and continue to make their own contribution to the enrichment of the life of all.

Where there is equality in dignity and rights for individuals, groups and peoples, there is harmony in society and peace in the world. However, where ideologies of racial superiority are practiced, where ambitions to subjugate the destinies of others to the racial interests of a dominant group prevail, and where consideration for the rights of others is disregarded, both harmony and peace are shattered and the seeds of conflict and violence are sown. Support for, or even indulgence of, regimes or practices by governments, organizations, or individuals of racial discrimination is support for disharmony and conflict.

It should be axiomatic that ideologies and practices of racial discrimination are harmful to both those who practice them and those who are their intended victims. Both will pay the price, morally, intellectually and in the totality of their

well-being. The dominant society will be deluded by the apparent power to enforce its will. But this is a very dangerous illusion. Power is treacherous and corrupting, and its first and foremost victims are those who wield it. Regimes and societies which have practiced ideologies of racial discrimination have ended up in dictatorships and destruction.

Race, descent, color, ethnic or national origin are matters which are not the creation of one's volition, nor are they one's personal achievement. One is born with them, and they remain with one as an unalterable destiny. Therein should be no cause for pride or disdain. With birth comes the right to self-fulfillment, and this right, which is the right of every individual and group, cannot be fully exercised or enjoyed except in a society and a world which recognize and practice equality in dignity and rights for all.

In order to create and maintain its racial dominance over other groups, the dominant group must use systematic and institutionalized violence, suppression and oppression against the disadvantaged group. There is no escape from this dangerous road, and there is no escape thereafter from the cycle and escalation of reciprocal violence.

The rule of law and basic democratic principles also will be among the first victims. Equality before the law becomes fiction, and basic legal principles are thwarted, disregarded or illegitimately manipulated, and the judicial process for the protection of the rights of the disadvantaged becomes less and less effective. If form is satisfied, substance becomes immaterial. Court judgements, when courts stand by the rights of the disadvantaged, are denied enforcement, and presidential pardon becomes the instrument of blunting the judicial process to prevent investigation of blatant crimes of murder committed by the establishment. The only concern is to *appear* civilized and democratic, whatever the reality. Racist ideologues receive parliamentary and judiciary license to spread their poison.

Under racist ideology, the disadvantaged must be deprived or denied, as the case may be, of any meaningful economic base which may facilitate achievement, independence, security or affirm the people's attachment to the land. Their land must be confiscated for the exclusive use and enjoyment of the dominant society under various legalistic arrangements. Even work on the land, let alone ownership, may be denied to them. For whatever land that may remain in the hands of the disadvantaged, there is no security of title or security of enjoyment. Water resources must be controlled to deny any real development on their land. Export controls are selectively imposed and subsidies are denied. The disadvantaged must remain backward and their role must be to provide the reservoir of manual labor needed by the masters.

Fears of possible indigenous population growth are met by calls or plans for mass deportation, harassment and curtailment of work opportunities to force emigration, particularly of the young; denial of the right to return to one's home and country; denial of, or restrictions on, the right to nationality; involuntary sterilization for presumed health reasons. And there is always the final solution—massacre of the disadvantaged wherever they can be found and wherever their presence or activity may challenge such racist regimes. Emergency regulations are

rigorously enforced to silence any protest or demand for equality and human dignity.

Where the disadvantaged possess a distinct national identity, such identity is suppressed and the culture and heritage of the people are obliterated, or even physically destroyed, so that no trace of their former presence in their country can be seen. Any manifestation of distinct national identity is suppressed, even the use of colors may be, and is, treated as criminal offense if such colors happen to be the national colors of the disadvantaged.

This is a part of the reality of past and present racist regimes, pretense to civilized and democratic behavior notwithstanding.

It is to the credit of the United Nations that it has attempted, within the possibilities of its Charter, to create greater awareness of the problem and to try to meet it. On 20 November 1963, the General Assembly adopted the United Nations Declaration on the Elimination of All Forms of Racial Discrimination, and, on 21 December 1965, it adopted the International Convention on the Elimination of All Forms of Racial Discrimination. On 30 November 1973, it adopted the International Convention on the Suppression and Punishment of the Crime of *Apartheid*. With these international instruments. . . .in force, what is needed is the will of nations and peoples to give them effect.

The first step in that direction is to disseminate the truth and to remove the mask which hides the reality.

And in this lies the importance of journals like *Without Prejudice*. These international instruments are not widely known, and scholars rarely refer to them, although they form a cornerstone in the struggle for human rights and the rule of law in international affairs. It is not commonly realized that "racial discrimination," by virtue of these conventions, is no longer a loose and subjective term which can be interpreted according to one's own subjective motives. It is now a technical term of art with a definition accepted by the international community. Article 1(1) of the International Convention on the Elimination of All Forms of Racial Discrimination, ("the Convention") defines racial discrimination for the purposes of the Convention to mean:

> any distinction, exclusion, restriction or preference based on race, colour, descent or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life.

With this definition now forming a part of conventional international law, one is required to apply, empirically, the criteria enunciated by the definition to a given situation and draw one's conclusions. This is an objective test which can calmly be applied and which does not offer immunity to any people from the charge of racial discrimination or give special privileges to others.

Prejudice, like war, starts in the mind, and to the mind *Without Prejudice* attempts to address itself.

Anis Al-Qasem
Secretary-General

White Racial Nationalism in the United States

*Ronald Walters**

An inescapable feature of the past six years of the "Reagan Revolution" has been the extent to which the conservative ideology that fueled it has congealed into a nationalism in the United States, the breathtaking sweep of which has pervaded many aspects of domestic and foreign policy. Ultimately, it has affected the normative character of the American psyche and, thereby, influenced the quality of life and behavior within institutions and neighborhoods. Yet a search reveals few writers who have characterized this phenomenon in its nationalistic dimensions. Perhaps it is easier to see a domestic brand of nationalism when its proponents wield such slogans as "Black Power," causing a flood of articles about "Black nationalism" to pour out into the landscape as in the 1960s. However, when one is a part of a nationalistic syndrome, it is perhaps more difficult to reveal its manifestations, because people who ostensibly support civil rather than radical processes of social change may be reluctant to admit their support of it. In any case, one cannot understand many aspects of modern American political behavior without taking this resurgent nationalism into serious consideration.

* Ronald Walters, Professor of Political Science at Howard University, Washington, DC, is author of *South Africa and the Bomb: Responsibility and Deterrence* (Lexington, MA: Lexington, 1986), as well as *Black Presidential Politics in America: A Strategic Approach* (New York: SUNY Press, forthcoming in 1987).

The Reagan Administration has attempted to employ the current strain of U.S. nationalism, for example, to contribute to the viability of U.S. corporations in their struggle with foreign competition, and to destroy the restraints on private capital in an effort to make unbridled capitalism the engine of domestic growth. Moreover, the supporters of this nationalism have sounded a number of moral, social themes such as the preservation of the family, respect for law and order, anti-abortion, prayer in the schools, and others as a basis for restoring a pre-1960s social structure as the substance of "Americanness." They have also attempted to repress public attention to and concern for the disadvantaged classes—Blacks, other minorities, women, and others, in order to restore white dominance of the social order through the resurrection of the status of white men.

It is instructive to note that the current wave of American nationalism is chauvinistic not only because it is American, but also because it is white. The domestic indication of this fact is that in attempting to resurrect the primacy of economics and military policy, the Reaganites have led the charge for the destruction of the national social agenda aimed at disadvantaged Blacks and others—including Black immigrants, such as the Haitians and Cubans. By posing the domestic dilemma as a problem of government hegemony which required "getting government off your back, to loose you and let you be independent again," Ronald Reagan has shaped a vision of restructuring society, using the framework of a time which not only elevated the interest of the wealthy over the poor, but which also contained white hegemonic dominance. That is to say, whites were not only dominant in an objective sense, there was an explicit ideology and style of such racial dominance.

It has been unnecessary for those supporting the resurrection of white hegemonic dominance to shout "white power"! This crude manifestation of white nationalism has been left to the Ku Klux Klan, the Aryan Nations and other such groups. Writers such as Murray Edelman and others have identified a far more sophisticated process which occurs in the transmission of social values through public policy, either as a reflection of a pre-existing movement or as the will of an existing regime in power—or both.[1] Yet, the unmistakable symbolism that the arrival of radical white nationalism has pervaded the culture may be found in such patriotic sounding slogans as "America is back" and "born in America again," slogans which have both foreign and domestic implications.

One of the central social issues which has recently arisen is the increase of incidents of racially motivated violence. Sensational stories, prompted by incidents of racial violence in the Howard Beach section of Queens, New York and a threatening KKK gathering in Forsythe County, Georgia, have posed the question of why the "resurgence of racism."[2] This means that there has been, in addition to the usual patterns of racism, an apparent increase of incidents of white *physical aggression* against Blacks as a dynamic, highly-volatile component of racist conduct.

Why, people have asked, did a mob of whites chase and beat three Black men through Howard Beach until one was killed by an oncoming automobile on the night of 20 December 1986? Why has the Ku Klux Klan been emboldened to the point that it would confront a few hundred and then 20 thousand civil rights marchers in Forsythe County, Georgia? The rising tide of these sensational incidents of physical violence against Blacks by whites reminds us of an earlier

historical epoch. Yet, a court case brought by the Southern Poverty Law Center settled a Klan lynching in 1987 in Alabama; mobs of whites in southwest Philadelphia harassed a racially mixed couple who moved in in 1985; an elderly Black woman in Harlem, Mrs. Eleanor Bumpers, was shot to death by police in 1986, and several young Blacks have been killed in recent years by the use of police "choke-holds."

The key to the causes of this social behavior lies deep in the post-World War II environment. White nationalism has festered as a reaction to the social movements and changing economic conditions which have provoked a modest amelioration of the social status of some disadvantaged non-whites and white women, relative to the normative status of white males.

Such conservative and reactionary movements have occurred before and have also carried a strong element of white chauvinism and anti-Black bias in the extreme. White supremacy is an ancient principle whereby those "Americans" who founded this republic—however much they may have differed among themselves on the question of colonialism—agreed as whites when it came to Blacks. One writer has said, "At the heart of Anglo-Saxonism lay the conviction that the Anglo-Saxon (British) race possessed a special capacity for governing itself (and others) through a constitutional system which combined liberty, justice and efficiency. It was a gift that could not be transferred to lesser peoples. . . ."[3]

To illustrate this point, at the turn of the century when the Social Darwinists were busily justifying both the manifest destiny of America and the inferiority of other groups, the book, *Our Country*, by a minister, Josiah Strong, became very influential. This work, as did many others, championed the idea that the Anglo-Saxon was destined to rule the world.[4] If white supremacy is dead, then shouldn't the idea have seriously eroded that America should be ruled by whites, with non-white groups kept in a subordinate position in the social structure? And shouldn't the enlightened view of American pluralism with all groups sharing political, economic and social power equitably have become the new norm of social practice? The history of current events would appear to speak more loudly in answer to this point, since the practice of racial equality has been dangerously derailed by whites who perceive (I would argue inaccurately) the threatened loss of their social status. This is a powerful motivating factor in generating a conservative ideology and social movement.

Therefore, I want to assert in this paper that the current political culture contains a pervasive strain of white nationalism as one of its dynamic features. The origin of this nationalism was the reaction to movements for social change by Blacks, other disadvantaged groups and youthful whites since World War II, which caused feelings of disempowerment by a segment of the white population devoted to the preservation of the *status quo*. White, conservative populists coalesced with other conservative elements into a nationalist movement dedicated to acquiring social and political power as the instruments of returning the United States to the *status quo ante*. At the grassroots level, this conservative movement led to the emergence of an authoritarian populism which facilitated the rise of racially-motivated violence. And at the national level, it provided the impetus for a coalition which elected Ronald Reagan to the presidency. One characterizes this

movement as "white" in the literal sense that there was a marked absence of substantial Black participation in its activities or support for its values. Moreover, Black progress itself has become one of the primary targets of this movement in the attempt by the Reagan Administration to rearticulate the racial problem in society in a way which subordinates Black and minority interests and restores and preserves white supremacy.

I. The Perceived Loss of White Power: The Sources of a Conservative Populist Ideology

To suggest that white power was ever surrendered (and therefore needed resurrecting) may appear confusing to many, especially since it is obvious that whites as a group have never lost status in America, a majority white country. However, there is within any society a "balance of attention" to certain issues in a given historical era which defines social power in a public way that both symbolizes and influences the extant distribution of benefit. This determines the relative material condition of groups, and shapes their psyche as well. Whereas sociologist Pitirim Sorokin suggests that the immediate cause of all extreme movements for social change has always been the sense of repression felt by one group, another sociologist, W. I. Thomas identifies "the wish for public recognition," as one of four specific causes.[5]

Whites, although the dominant socio-cultural group, are hardly homogeneous ideologically. In this context, the outcome of struggles for the distribution of benefit among groups of white Americans defines the national power equation existing within society relative to the dominant political formations of whites *and* the status of others—Blacks among them. To the extent that whites differ among themselves over issues, the political system can appear to alter the balance of power by the significance it gives to status and distributive issues. Black demands, on the other hand, have destabilized the system itself, having been portrayed as unsatiable. For example, the Civil Rights Movement appeared to favor Blacks in that the balance of attention focused on what Blacks considered to be the *marginal* alleviation of their grievances due to past oppression. To whites, however, it appeared to be a *substantial* change and, therefore, threatened a serious alteration in the *status quo*.

Of course, there was no better indication of the nature of the public balance of issues which defined the status of any group than those issues with which the national government was seized, since they became the focus of the public dialogue and concern. It was patently clear to any observer that, within the thirty-two years from 1932 to 1964, Blacks and the white blue-collar working class had begun to benefit from the interventionist policies of Democratic Party presidents, a pattern which could not even be broken by eight consecutive years of Republican administrations.

Isolating the white racial reaction is not difficult, since the 1954 Supreme Court decision in *Brown v. the Board of Education of Topeka, Kansas* touched off a veritable storm which Martin Luther King, Jr. called a return to the "interposition

and nullification" postures of the 19th century states rightists. King's Southern Christian Leadership Conference (SCLC), the Student Non-violent Coordinating Committee and the other mainline civil rights organizations went on to campaign throughout the South, bringing the movement into the very heart of the old confederacy, and in the process threatening the *status quo*, both in that area and with the pressures it generated for the promulgation of national legislation.

Danzig notes, however, that the South's "massive resistance" campaign opposing the forward progress of Black civil rights was solidly in defense of the *status quo*, and that:

> Ideological slogans such as 'states rights' . . . permit the segregationist to fight for his privileged position and, at the same time, to regard himself as a latter-day apostle of individual freedom against the tyranny of the state. In this way, he screens his attachment to a caste system by an image carved from the grain of American resistance to tyranny.[6]

Even among the Northern Republicans, the writer goes on to suggest that such issues as balancing the budget were not so much championed because they made good economic sense, but because they also were consistent with an ethnic/racial Protestant religious code of personal responsibility, a fact which brought welfare policies under condemnation. Thus, the policy issues were interpreted through the nativist tone of moral values, which established an easy connection with fundamentalist religious sentiments. Nevertheless, a prominent Episcopal minister perceived that the church would become split by those who welcomed change from the basis of a "Christian social conscience" and those seeking to maintain privilege. He asserted that the latter group was attempting "to reassert a past dominance which would deny equal status to others."[7]

Thus, it may be that, for neo-conservatists such as writer Clyde Wilson,[8] "well-being" for whites may also have to contain the public assurance that, relative to other groups in society, they are firmly in charge and have not lost—and are not in danger of losing—status due to public policies such as school or neighborhood integration, affirmative action, Black business mobility or political control.

There is some evidence for this view in the studies of Black and white attitudes in the late 1960s by Cataldo, Johnson and Kellstedt, who used the "self striving scale" to determine where a group felt it stood on the ladder of life. Strikingly, while whites felt that, in the past, the system met their highest aspirations, more so than Blacks (51% to 4%), Blacks had more confidence than whites that the system was meeting their aspirations in the present (45% to 42%). Future projections for both groups were nearly equally optimistic (59%—whites; 60%—Blacks).[9] Also, data from the University of Michigan's National Election Study confirm this trend as characterized by an increase in political efficacy by Conservatives and a corresponding decrease for Liberals precisely at the time when the white populist movement was maturing.[10]

When one looks at any graph of average family income in the 1960s, it is remarkable how steadily upward the trend lines appear, leading to the conclusion that as long as the personal fortunes of many middle and upper-class whites were

Table 1: Perception of Internal Political Efficacy by Liberals and Conservatives 1964-1976 (percent different index)

	1964	1966	1974	1976
Liberals	−10	+15	+30	−15
Conservatives	0	0	0	+7

Source: Survey Research Center. *National Election Study Data Source Book, 1952-1978* (Ann Arbor: University of Michigan, 1979) p. 277.

secure, they were willing to tolerate funding the human rights program of the Great Society. However, those fortunes began to fall in the early 1970s, as the rate of growth in American productivity sank and the oil shocks of 1973 and 1975 began to foment economic instability through high rates of unemployment in the critical energy sector and rising prices of many related goods. In addition, as George Gilder has observed: "The American upper classes . . . underwent another 'great depression'," as wealth was redistributed by an unbearable rate of inflation.[11]

This "greening" of the white middle and upper classes in the direction of tighter economic, conservative and individualist notions of opportunity and progress drove them in the direction of the philosophical New Right and the anti-government populism. At the very least, it made them ripe for reconsidering the entire panoply of government assistance programs to the disadvantaged, especially where they were funded by traditional Democratic-style strategies of taxation. The result was that some were made skeptical and others hostile to affirmative action programs which appeared to provide a federally sponsored mechanism for enhancing the devolution in their social status in comparison with that of Blacks and others. Senator Paul Laxalt, (R-AZ), a confidant of President Reagan who believes affirmative action to be unconstitutional, compounded this extremity with the suggestion that some members of the Supreme Court who affirmed the principle of affirmative action in the Weber case (1979)[12] did not expect their own children to work at craft jobs in Louisiana oil refineries. He continued:

> But the majority of Americans want and need those jobs, and white collar equivalents. They don't want to see Blacks or anybody else excluded from all the possibility that America has to offer. At the same time, they don't want or deserve to be confined into an ever-narrowing area of opportunity themselves.[13]

Thus, the competition and resulting social conflict over an ever-tightening job market contributed to heightening tensions over the legacy of the Civil Rights Movement policies such as Title VII of the 1964 Act.[14]

The revolt of Southern populist conservatives over civil rights and the economic conservatism of the early-1970s, together with the patriotic counter-reaction to the anti-Vietnam War movement, all made possible what Omi and Winant have called the convergence of the New Right with conservative populism to produce an anti-statist, "authoritarian populism."[15] Since Democrats had been in charge of running the state, the dissatisfaction with the course of the nation came to be lodged at the presidential level of government. Public opinion between

1964 and 1978, for example, exhibited a clear shift in direction toward a negative view of the power of the federal government as the tables below will show. The table below shows historical differences which suggest a government has become too strong and that, while Blacks agree with this somewhat, this concept is more strongly held by whites. One source of this alienation is the issue of busing. In fact, one New Right spokesman says: "nothing has contributed more to white populist disillusionment than the breathtaking hypocrisy and condescending arrogance shown by the establishment over the race issue." Citing the activities of some liberal politicians on the issue of busing as a key to this attitude, he continues: "No wonder vast numbers of white working-class Americans have come to believe that the federal government holds them and their children in something approaching contempt."[16] This attitude is supported by the data which show diminishing support for busing in both communities. These data show a significant drop in popular support for busing and a striking decline in support for government efforts to ensure school integration (from 52% in 1962 to 27% in 1978).[17]

Table 2: Attitudes toward the Power of the Federal Government, 1964-1978

	1964	1978
Too strong	30%	43
Not too powerful	36%	14
Don't know	34%	43
Blacks	52	−7
Whites	0	−32

Source: Survey Research Center. *National Election Study Data Source Book, 1952-1978* (Ann Arbor: University of Michigan, 1979) p. 171. Black/White data are calculated using the percent different index (PDI): "too strong" minus "not too powerful."

Thus, there is some empirical support for the proposition that, in the critical period since the Civil Rights Movement, the white population grew increasingly restive over the various solutions utilized to bring about equality among the races. The goal was to reacquire national political authority in an effort to use government as the instrument for directing basic changes in critical sectors of the society.

II. The White Conservative Populist Political Insurgency

The first substantial white reaction to the attention given by the Democrats to Blacks began in the period 1944-1948, when Blacks became nominal partners in the party coalition. The Supreme Court overturned the White Primary in 1944 and the resulting increase in the voting power of Blacks caused the Democrats, in 1948 at their National Convention, to adopt platform planks favoring civil rights and fair employment practices. At this signal of the changing balance of attention, Senator Strom Thurmond (D-SC) bolted the Democratic Party and ran for president on the Dixiecrat Party ticket.

This largely symbolic protest marked the important defection of a significant portion of the white South from the party, which has since given only Lyndon Johnson the majority of its vote to a Democratic presidential candidate. The

Johnson landslide in 1964 buried Senator Barry Goldwater, whose highly ideological campaign, perhaps, signaled the emergence of the radical right in an attempt to define a conservative reaction to the essential direction of the country. As one writer has noted, however, even polls in 1964 were showing high levels of voter support for such issues as prayer in schools, claims of governmental laxity in national security, trimming the federal government, welfare and relief programs having a demoralizing effect on beneficiaries, and that federal right-to-work laws should be enacted. Also, in the wake of Goldwater's loss, fair housing laws that had recently been passed were repealed in the state of California and in cities such as Akron, Ohio.[18] In part, this was testimony to the growing ideological appeal of Goldwater conservatism, major strains of which were directed against Blacks and other beneficiaries of federal government intervention.

From the description of the Goldwater/Johnson election, it is clear that there was the slow development of a political coalition, both in the North and South, largely among whites with vested interests in at least restoring the *status quo ante* the Civil Rights Movement. Some wanted to eliminate the entire thrust of Democratic Party public policy beginning with the New Deal; however, a much more powerful stimulus would be needed. As is now well known, the first major Black rebellion occurred in Birmingham, Alabama in 1964 as an outgrowth of the non-violent civil rights activity of the Southern Christian Leadership Conference. But this movement which had been taken into the depths of the old Confederacy—provoking Governor George Wallace to stand in the school house door to prevent Autherine Lucy from desegregating the University of Alabama, and to declare "Segregation today, segregation tomorrow and segregation forever . . ."—caused an even greater backlash by whites against the federal government.

The quest for state power by the New Right and conservative populist South was still unable to coalesce by 1968, when George Wallace arrived on the scene to lead the American Independence Party (AIP) in its own strategy of launching a presidential candidacy that would impact upon the Democratic Party and give the election to Richard Nixon. Speaking in the language of southerners and blue-collar northern whites, he propounded the anti-statist and coded-racist doctrine that the source of their problems were northern federal government bureaucrats and "pointy-headed liberals." Although he did surprisingly well in the South, attracting 30% of the vote and 13.5% in all regions, it was a margin which apparently helped to benefit Richard Nixon. Thus, while Nixon won a narrow victory in 1968 (43.4% to 42.7%), by 1972 his landslide signaled the fusion of the cross-over Wallace white constituency, together with a more conservative group of northern white, middle-class, Republican voters. For, whereas in 1968 the Republicans gained 43.4% and the AIP had 13.5%, in 1972 the Republican Party landslide vote was 60.7% of the electorate, or the combined vote of the two parties.

Between 1968 and 1972, the radical faction made overtures to the Republican Party coalition, but was not strong enough to determine its course. In fact, Nixon attempted to appeal to this constituency without yielding to its political influence. Thus, he began dismantling the funding for Johnson's "War on Poverty" (which had only been instituted three years earlier) and other aspects of the Great Society program. At the same time, he instituted a liberal Republican version of Black

economic opportunity in the concept of "set-asides" for minority businesses.[19] It should be noted that in this period a Black legislator, Edward Brooke, was in the U.S. Senate, and a phalanx of moderate Black Republicans who shared most of the mainstream Black agenda had been appointed to key posts in the Nixon Administration. This group exercised a slight moderating influence on the racial policies of the Nixon era.

The radical white element joined the conservative Republican coalition in 1972, but it would not gain ascendency within the Republican party until the Reagan election of 1980. It then achieved state power and the ability to go far beyond the Nixon mandate into a serious struggle to eliminate the legislative basis for the status of newly ascendant groups, such as Blacks, and to restore the values of the social structure which made whites able to exercise hegemonic power. Within this coalition, the southern white element has become important as the swing vote, moderating the presidential electoral fortunes of the Republican and Democratic party candidates. As we have seen, it has been largely responsible for initiating the return to power of the Republican Party, and, provided that Blacks remain in the Democratic column, it could elect a Democrat president as well. This position as a swing vote has set up competition for white southern votes and also influenced public policy in their direction to some extent as well.

III. The Surge of Populist White Nationalism

In the studies of revolutionary social processes by Crane Brinton, he refers to a stage in the process as "reign of terror" by the radicals who carry the torch of their particular conception of change, and who light the fires to consume the existing icons of social convention maintained by their enemies.[20] There was such a reign of terror which has accompanied the "Reagan Revolution," the initial period of which was the late 1970s and early 1980s, a phenomenon which has extended to the present.

Robert Hoy cites a 1975 Gallup Poll showing that, by 1975, the extent of the alienation of the white working class had reached such proportions that "roughly one-third of white Americans feel that violence against the federal government will eventually prove necessary to save 'our true American way of life'," and that "these people, who love America because they are America" feel "betrayed by a system they see as growing more alien."[21] Then in 1976, Professor Donald Warren identified Middle American Radicals (MARs) as constituting 31% of the white American population.[22] In agreement with George Wallace, MARs identified the government, the president, radicals and big business as enemies of the traditional American values. This group exercised some influence on the racial policies of the Nixon era, though not as much as they would under Reagan.

Intellectual justification proceeded to fuel this movement as several other works of consequence emerged in 1975, such as Robert Whitaker's *A Plague on Both Your Houses,* (Robert B. Luce, 1975) and William Rusher's *The Making of the New Majority Party* (Green Hill, 1975). The concepts these authors espoused helped to legitimize the growth of white populist conservatism. For example, the Populist

Forum worked to turn a dispute launched by Concerned Citizens of Kanawha County, West Virginia over textbooks into a march on Washington which drew five thousand people. This group was later augmented by such anti-busing organizations as Boston's Restore Our Alienated Rights (ROAR) and Union Labor Against Busing (ULAB) in Louisville, Kentucky, which organized 15 thousand people into a similar march.[23] The movement began to build at the grassroots, and the mood of alienation which it embodied often stimulated acts of physical violence against Blacks, minorities and religious groups.

The Resurgence of the Klan

In addition to these populist stirrings, the orthodox white nationalist came to life in semi-rehabilitated form, as some officials of the Ku Klux Klan began to shed their white robes for three-piece suits to run for election. An example was Tom Metzger, grand dragon of the California Klan, who won the 1980 Democratic Congressional primary, with 13% of the vote, however, in a heavily Republican district. Also, a self-described Nazi won 43% of the vote in the Republican primary for Lieutenant Governor of North Carolina, having been defeated by Beverly Lake, who later lost to the popular Jim Hunt in a heavily Democratic state. In addition, "neo-Nazi" Gerald Carlson actually won the 15th Congressional District Primary of Michigan, although voters were not completely aware of his affiliation. When Carlson ran again in the 4th District—which differed from the 15th only in that it contained fewer white collar and foreign residents — and declared his Nazi affiliation, he only attracted 2% of the vote.[24] These votes in themselves, including the Lyndon Larouche associates who won elections for state offices in the 1986 Illinois Democratic Party primary, have exposed the vulnerabilities of the electorate to an increasingly impersonal electoral system. They also may be indicative of the conservative ideological sentiment of many voters.

In any case, outbreaks of violence by the old Klan abated somewhat in the early 1970s, then rose again in the mid-to-late 1970s. Official Justice Department figures show, for example, that cases involving the Klan substantially increased in this period, as we shall see below. As is customary of political movements, this period of the late 1970s was marked by the rapid growth and reorganization of highly ideological, leading-edge, orthodox, white, nationalist groups such as the White Patriot Party of North Carolina, the Posse Comitatus, and the Aryan Nations Church, which was started in the late 1970s to "eliminate the members of the Jewish faith and the Black race from society."[25] Linkages were found to exist among the KKK and the various Neo-Nazi groups at the World Aryan Congress in July of 1986 involving such groups as The Order, the National States Rights Party, the White Patriot Party, the Aryan Student Union, etc. This fact suggests their consolidation in an earlier period.[26] This grouping is all the more serious since its tactics apparently involve the use of criminal methods (such as bank robberies, break-ins at U.S. military bases and other weapons storage areas) in order to obtain large amounts of cash and weapons with which to train members for the violent overthrow of the United States and establishment of a white nation.[27]

As one writer said, in 1975 the Klan:

> . . . began popping up like crabgrass: throwing its hood into the vice presidential race; infiltrating the Marine Corps; protesting busing in Boston and Louisville; joining textbook fights in Charleston, West Virginia; creating a scandal in New York state prison system; prompting the Illinois legislature to conduct a major investigation; burning crosses from California to Maryland; going to court to sue and be sued; and appearing on national talk shows.[28]

Nevertheless, these orthodox white nationalists have been under attack by the state, and even though they represent a minor threat to it, they constitute a major problem for minority groups. Thus, individuals such as Tom Metzger have been charged with involvement in cross-burnings in California, others have been indicted or jailed. And in February 1987, a Federal court in Mobile awarded a $7 million judgment against the United Klans of America in a 1981 lynching of Michael Donald, a 19-year-old Black youth.[29]

In addition, just as Klan activity was but the tip of the iceberg which uncovered white nationalist sentiments in Canada, Klan activity in the United States was growing throughout the nation, as witnessed by what was occurring on college campuses. Black students at Harvard in 1980 were subject to the appearance of racist graffiti in a pattern which its Dean of Students Archie C. Epps III condemned as "outrageous" and suggested that it appeared to be part of a national trend. Reports of similar incidents seemed to confirm his view, as cross-burnings occurred at Purdue University and Williams College in 1981, and anonymous threats and racial slurs were aimed at Black students at Wesleyan University, Cornell University and others.[30]

Small wonder that, by 1986, university officials and civil rights leaders would become worried by the wide-spread pattern of incidents, such as fist fights between Black and white students at the University of Massachusetts after a World Series game; threats against Blacks by a group of Aryan collegiates at the University of Texas; crossburnings in front of a Black sorority house at the University of Alabama (Tuscaloosa); harassment of Black women by white men at Mount Holyoke College and the University of Massachusetts; harassment of a Black student at the Citadel military academy in Charleston, South Carolina; and racial tension over South Africa and other issues at Brown University, Dartmouth, the University of Pennsylvania and many others.[31]

Diffusion of Racist Violence

In fact, the Ku Klux Klan has been the most visible manifestation of a trend toward racial harassment and violence which has had wide participation by other whites. For example, statistics from the Montgomery County (Maryland) Human Relations Division show that, whereas there were only thirteen reported incidents of "Hate/Violence Incidents" in the County in 1979 directed against all groups, by 1980 there were twenty-five, a 100% increase. Most striking is the fact that incidents against Jews and Blacks continued to increase markedly over the

following three years. For Jews, violent incidents increased from thirty-eight in 1981, to ninety-five the next year. This leveled off to forty-eight in 1983. Hate/violence directed at Blacks increased from thirty-four incidents in 1981 to fifty-six in 1982, and totalled fifty-three in 1983.[32]

Table 3: Racially motivated Violence in Montgomery County, Maryland (1981–1983)

Racial Group	1981	1982	1983
Jews	38	95	48
Blacks	34	56	53
Total	72	151	101

Source: Montgomery County Human Relations Commission. "Hate/Violence Incidents," Fact Sheet (Montgomery County, MD: Montgomery County Human Relations Commission, 13 January 1987).

The dramatic rise of incidents in Montgomery County from a total of thirteen in 1979 to 185 (for all groups) by 1982—stabilizing after 1983—is not an anomalous figure from a national standpoint, as data in the report referred to above included statistics from the Anti-Defamation League which indicate that anti-Semitic incidents nationwide showed a 200% increase between 1979 and 1980 to 377 incidents. Incidents for Blacks and Jews tend to have a similar pattern of increase, although the rate is higher in affluent Montgomery County for the Jewish population, because it is double that of the Black population. Similiar increases are also occurring in other cities as recent data from New York City's Human Rights Commission show that, in 1984, there were 245 racial assaults; 298 in 1985; and 253 in 1986, 76 of these occurring after the incident at Howard Beach.[33]

There is a similar pattern discovered in data from the state of California, as the Task Force on Racial, Ethnic and Religious Violence, established by Governor Edmund G. Brown, Jr., issued its report in 1982, shortly before he left office. These data show generally an 80% increase in such cases in 1980 over the 1979 level, and a 42% increase in 1981 over 1980 cases, with the distribution of such increases generally reflected in the occurrence of a similar pattern in all five cities cited in the California report. Because of the demography of the state of California, these cases reflect incidents affecting groups such as Hispanics, Blacks, and Asians. And while there is some manifestation of inner-group tension among them, the predominant

Table 4: Racial/Ethnic Confrontation Alerts, 1977-1982

	1977	1978	1979	1980	1981	1981
All cases	953	1,353	1,317	1,404	1,548	1,996
% increase	30%	−2%	7%	10%	29	
Klan cases	NA	NA	44	96	329	(462)
Deadly force	NA	382	108	206	260	289

Source: Community Relations Service. *Annual Report* (Washington: U.S. Department of Justice, 1979, 1980, 1985, 1986). Table demonstrates the steady increase in racial/ethnic confrontations involving all groups.

number of incidents occurs between these groups and whites, with the substantial involvement of police and Klan-type groups.

With respect to national trends in racially motivated violence, Justice Department data show a 450% increase of incidents of racial violence attributed to the Klan between 1978 and 1979, and a 550% increase in the period 1978-1980. Considering the fact that, from all sources, incidents of racially motivated violence increased by 42% between 1985 and 1986 with a smaller percent attributed to Klan-type groups, this is an indication that the phenomenon was diffusing into the general population.[34]

The large increases between 1977 and 1978 conform to the perspective of this paper, that a white nationalist, populist attitude within neighborhoods was responsible for the generation of violence. This point is supported by the Justice Department's 1980 Report:

> A factor for much of the racial and ethnic hostility was the perception by many White Americans that minorities, mainly Blacks and Hispanics, were getting a better deal than anyone else, and that *attention and continued effort to bring them into the mainstream threatened their welfare*. Minorities, on the other hand, perceived a creeping indifference and decreasing emphasis on efforts to improve their plight, and cited as justification an increasing number of reverse discrimination suits and charges, and a marked resurgence in the activities of the Ku Klux Klan. (Emphasis added.)[35]

There is other empirical evidence which supports this point of view in surveys taken in 1978 and 1981. In 1978, two years after major Black revolts abated that had destroyed parts of northern and mid-western cities, a replication of the 1968 Kerner Commission survey in those areas revealed that 10% fewer whites (1968, 39%; 1978, 49%) thought that Blacks were missing out on employment and promotions because of racial discrimination.[36] By 1981, the ABC/*Washington Post* Poll revealed that 65% of whites disagreed with the statement that Blacks were discriminated against in securing managerial jobs, and there was strong disagreement (71%) that Blacks should receive assistance from the government "that white people in similar circumstances don't get" because of past discrimination.[37]

Second, the figures for the increases in Klan activity which began to be recorded in 1979 showed increases by 1983 of 959%. However, as previously suggested, the phenomenon had begun to generalize and was no longer within the specific purview of the Klan and closely associated groups, as such incidents increased 39% over 1982. In any case, the 1983 Report all but suggests that the growth rate was difficult to control when it says: "The second priority, the containment and reduction of racial harassment acknowledges a growing segment of the Community Relations Service (CRS) caseload: the harassment, intimidation, and assault of minorities by the Ku Klux Klan, Nazi Party, and other groups."[38]

Police Use of Deadly Force

Finally, because of the often close relationship between the local police forces and fascist or Klan-type organizations and activities historically, especially in the

South, police officers are often suspected to exercise deadly force against Blacks in a manner which highly suggests racial motivation.[39] Whereas, in the early 1980s, the growth of the General Community Service category constituted the majority of CRS cases, in the late 1970s, Administration of Justice (police-community relations conflict) cases were the greatest part of its workload. For example, the 1978 CRS Report says that complaints of deadly force against Blacks and Hispanics increased by 50% over the 1977 level.[40] The reports are not broken down by race. Nevertheless, figures from the Police Foundation for 1978 indicate that 78% of those killed and 80% of those non-fatally shot by police were minorities (and most of these were Black).[41] By 1979, the law enforcement caseload was 40% of the total, and the growth in the cases of deadly force in particular inspired the statement that policemen had "one trigger finger for minorities and another for whites."[42] Such a sentiment was not without foundation, since the incidents of deadly force grew steadily in the early 1980s with the 1983 figure amounting to 413, or a striking 43% increase over the 1982 figure.[43] Such cases of police shootings further inflamed Blacks because prosecutions were rarely brought against the officers involved.

The only factors which appeared to restrain the growth of such *official*, racially motivated violence was not the criminal justice system itself, but the election of sensitive Black mayors who initiated new policies for the use of deadly force. For example, after the election of both Coleman Young of Detroit, in 1973, and Maynard Jackson in Atlanta, in 1975, there were significant reductions in the cases of police use of deadly force there.[44]

So numerous were the killings of Blacks from all sources in the late 1970s, especially in an atmosphere of a resurgence of Klan violence, that Black leaders contacted the Justice Department to complain of a possible national conspiracy.[45] During 1980, eleven Black children in Atlanta, Georgia were murdered, eight Black men were killed in Buffalo, New York (amid Klan cross burnings), and others were killed by the police, causing Black leaders such as Reverend Herbert Daughtry, head of the National Black United Front, to hold "National Hearings on Racist Violence Against Blacks," in February of 1981.[46] In general, it can be concluded that Blacks were suffering harassment, injury and deaths from a number of sources, both official and non-official, in the period of the late 1970s and early 1980s at an increasing rate. The pattern seems to suggest that this fact was related to the increasingly bellicose arrival of the white populist conservative movement which was spearheaded by Klan-Nazi grouping, legitimized to some extent by neo-conservative and conservative intellectuals and diffused into the general population. The real legitimacy would come when the movement seized state power, as is argued below, through its role in facilitating the election of Ronald Reagan.

IV. Legitimizing White Nationalism

Given the strong support for the thesis that the rise of white nationalist populism occurred in the mid-1970s and grew stronger by the end of the five-year

period, there is also support for the notion that this was a movement which had two important effects. The first effect is that Blacks began to respond to the growing evidence of racism in their daily lives by increasing the volume of official complaints. The second was that Ronald Reagan was elected President.

Black Complaints

What may be said to have produced the first effect was the juxtaposition of two movements within the body politic. The militant Black nationalist phase of the Black liberation movement was just winding down in the mid-1970s, amid the signs that it was to have some salutary effect. For example, a significant Black middle class was being produced through progress in education and employment, and this led in turn to other aspects of social mobility such as suburbanization. At the same time, these gains were under attack by the surging white nationalist movement which had not yet attained state power. The conflict led Blacks to be sensitive to the "stiffening" social environment which began, as we have seen from the polls above, to raise questions about both the sufficiency and method of Black progress.[47]

Within the Title VII category of cases handled by the Equal Employment Opportunity Commission (EEOC), there are such subcategories as race, sex, color, religion, and national origin. Here one observes the categories which heavily involve Blacks charging discrimination based on race and color. The combined data for these two subcategories show that there was a similar increase in such new complaints in the years between 1978 and 1983, with sharp upsurges in the critical 1979-1980 period at the height of the white populist movement and the 1982-83 period of the Reagan recession. The "Total" figures are essentially evidence of the total number of all Title VII complaints, including the annual backlog, while the "New" figures are annual increases. In general, these complaints of employment discrimination have continued to grow as total Title VII charges to EEOC and the State and Localities together were 122 thousand in FY 1986, a 35% increase from the 79,868 the agency received in FY 1980.[48]

Table 5: Total EEOC State and Local Charges of Race and Color Discrimination in Employment

	1977	1978	1979	1980	1981	1982	1983
New	47,587	38,236	39,724	45,759	45,367	42,686	50,102
Total	86,029	54,800	55,518	74,141	78,441	72,358	85,384

Source: Compiled from U.S. Equal Employment Opportunity Commission. *Annual Reports*, (Washington: GPO, 1977-83). "New": new charges by state geographical location; "Total": national total actionable charges.

Added evidence that the neighborhoods in America are becoming a racial battleground is the fact that whites are increasing their resistance to Black movement into certain metropolitan area neighborhoods. It is well known that attendant to nationalist sentiments is a certain feature of "territoriality" wherein the group which believes that it "owns" or desires a piece of land will attempt to defend it from "outsiders," and in some cases attempt to expand their territorial

base. Of course, the question of land ownership within a highly urbanized country such as the United States often bears an ambiguous relationship to ethnic or racial residential boundaries, since the economics of urban land distributes ownership to many outside of the neighborhood. Still, neighborhood turf is a "real" nationalist resource to those who live in certain areas, especially where there is an established ethnic or racial residential base involved over a long period of time which may be perceived to be threatened by "outsiders" moving in, and especially if the "outsider" is of a different race.

The 1980 census figures revealed the beginnings of a significant pattern of Black suburbanization, especially in such major metropolitan areas as Washington, Philadelphia, Boston, Chicago, New York, and Cleveland. Although the Black suburban population only constitutes 6% of the entire Black metropolitan residence nationally, this population grew by 43% between 1970 and 1980.[49]

Perhaps, then, the small size of this population suggests why it is less well known that Blacks are increasingly facing violence in attempting to move into such neighborhoods. A study by the Southern Poverty Law Center indicates, for example, that between 1985 and 1986, at least forty-five such incidents of violence against Blacks were related to "move-in" situations. Some of the more publicized incidents included one in southwest Philadelphia in November of 1985, when a Black couple and an interracial couple simultaneously moved into the Elmwood neighborhood. A hostile mob of four hundred whites demonstrated in front of their homes, throwing bricks and bottles and shouting racial slurs in a scene which was repeated in March of 1986, in front of the home of an Asian family.[50] In addition, data from the Civil Rights Division of the U.S. Housing and Urban Affairs Department indicate that general complaints of housing discrimination have continued to rise in the period of the Reagan Administration. Again, this may help to account for the diffusion factor, as the general atmosphere continued to change in a direction which provided greater tendency for such incidents to occur.

Taking Power

The second factor in response to the white nationalist movement was that it provided a solidity to the political coalition inside the Republican Party that made it possible for Ronald Reagan to seize control of its conservative wing and win the party presidential nomination. It should be recalled that, when Reagan first ran for President in 1976, he lost the Republican nomination to Gerald Ford, a sign that the movement had not yet achieved dominance within the Party. By 1980, however, Reagan had so successfully played upon the theme of Democratic Party "appeasement" in "losing the Panama Canal" to "a tinhorn dictator," that Jimmy Carter's Iran hostage crisis played right into his hands. This theme, together with the rising crescendo of attacks by the neo-conservative side of the coalition on civil rights-coded issues such as affirmative action and busing, and the "vulnerability" of the U.S. to Soviet military blackmail due to the erosion in defensive capability, all made him electable.[51]

Thus, it is a fact that the white nationalist movement was cresting in the late 1970s and that Reagan was able to find the right symbols to unlock its electoral power which accounted for his election, not—as commonly suggested—that the charisma of Reagan alone was responsible. This powerful white nationalist movement did what other successful movements have done, according to Professors Omi and Winant:

> Racial movements, built on the terrain of civil society, necessarily confront the state as they begin to upset the unstable equilibrium of the racial order. Once an oppositional racial ideology has been articulated, it becomes possible to demand reform of state racial policies and institutions.[52]

They go on to suggest that "the far right attempts to develop a new white identity, to reassert the very meaning of whiteness, challenges of the 1960s."[53] Thus, in posing the question of what were the residual rights of white people in reaction to the demands for Black rights, the ideology of "white rights" developed. The strategy of achieving full fruition of white rights, however, required the advancement of racial politics which would overturn not just the "gains" of the 1960s for Blacks, but the racial frame of reference as well. Hence, it was to rearticulate the very notion of racial inequality in a way which did not continue to threaten white interests.

Inasmuch as the white populist movement did not have the proper voice for this task of rearticulating race, it was left to the conservative and neo-conservative intellectuals. And without a full discussion of them here, from Kevin Phillip's *The Emerging Republic Majority* to George Gilder's *Wealth and Poverty*, there emerged an economic policy with a socio-political rationale which made possible an attack on "Big Government" as the catch-all synonym for their perceived racial problems, the moral decay of society and the needs of the defense establishment. In short, a new ideology of "Americanism" developed which made whiteness and its political interests the core definition, such that the patriotic symbols which suggested that "America is back" has a loaded meaning that relates to both foreign and domestic objectives of the new white political culture.

Between 1979 and 1982, a series of works were published proposing "limits" on the ability of government to participate broadly in the development of public goods for the amelioration of social conditions, which anticipated the coming of the Reagan reign. One such work was *Doing Good: The Limits of Benevolence*, by Willard Gaylin, Ira Glasser, Steven Marcus and David Rothman, wherein the authors leveled a withering attack on the liberal society. They suggest that it had become a *parent* in its paternalistic approach to government's attempt to provide social services for the disadvantaged; and they further argue that such social engineering ignored the often negative consequences of government intervention.[54] Tellingly, Rothman viewed the service-providing liberals as contributing to government's "power to expand itself and establish *dominion* over people's lives." (Emphasis added.)[55]

The defection of former liberals such as Irving Kristol, Seymour Martin Lipset, Norman Podhoretz, Carl Gershman, Midge Decter, Sidney Hook and others to the

role of neo-conservative apologists for the new white political culture lent a certain intellectual respectability to the movement. Indeed, while rejecting the notion that neo-conservatism was either a movement or that it was racist in character, Kristol acknowledged that the sources which shaped it were: "the campus revolts of the 1960s, the rise of the counterculture, the Great Society programs which many of us felt were misconceived, the reform of the Democratic Party and the takeover by the McGovernite wing, [and] the immense growth of Government regulation."[56] Is it purely accidental that Kristol objects to these enumerated political, economic and social forces and that they were also instrumental in helping to provide a platform for Black advancement? Such an accident is doubtful, since many of these individuals are also leading Jewish intellectuals and, in 1981, the American Jewish Congress appeared to have joined the conservative movement by calling upon president-elect Ronald Reagan to abolish " 'abuses' in 'race-conscious' federal affirmative action programs."[57] In effect, did Kristol, like others perhaps, perceive a "zero-sum" situation to exist with respect to the distribution of attention between Jewish groups and Blacks? In any case, the emerging coherence and impact of this intellectual force in the mid-1970s helps to explain why public policy under Jimmy Carter did not "feel" like the traditional policies of a Democratic president to Blacks.

In fact, Blacks were acutely aware that the first significant cuts in the social side of the national budget were made in the last years of the Carter Administration. Indeed, so many other manifestations confirmed the conservative nature of Carter's administration that one local leader, interviewed in a special feature of *The New York Times* on the Black mood, summed it up by observing what others had been saying:

> Today the coalitions that were so successful in the 1960s are falling apart, partly because civil rights has moved off the national agenda. Vernon Jordan correctly described the new negativism: Because of the illusion of black progress, white people no longer feel that programs should be directly targeted toward black people."[58]

Nevertheless, in the transition from Carter to Reagan social policies would experience an even more abrupt and radical downward slide in profile and substance as the conservative movement assumed power.

The victory of the radical Republicans in 1980 meant that they could implement a broad agenda of concerns in line with their ideology, if one takes seriously the formulation of mandates issued forth from the Heritage Foundation and other far right think tanks. Among the subjects for urgent attention was a broad-scale attack upon the political and economic foundations of the civil rights revolution of the 1960s. Why? There were many reasons given which ranged from the philosophical concern with the reconstruction of individual rights over corporate—or group—rights, and analyses which purported to show that the social programs which supposedly assisted the disadvantaged in a wide range of areas were dysfunctional. As suggested, none of these rationales were a persuasive pretext for whites to restore what they consider to be the balance of hegemony in the national interests, both domestic and foreign. After the long travail of the white nationalist movement from its populist beginnings to Ronald Reagan's election in 1980, it had

arrived at a place where it could utilize the instruments of state power for its interests.

In order to accomplish this, they had to undermine important elements of what they perceived to be the policy foundation of the ascendent minorities and elevate the interests of the conservation movement. This would become the hidden pretext for the influential Heritage Foundation Report, "Agenda for Progress," issued at the beginning of Reagan's first term, which argued:

> The federal budget, the keystone of national economic policy, is a bastion of immutability in a time of flux and inquiry. No longer a reflection of national goals, the inexorable forces of federal spending have become an obstacle to necessary and desired policy changes. The size and ambition of the federal establishment have become, in many ways, an impediment to the successful fulfillment of the basic obligation of a national government.[59]

The Report went on to recommend in the areas of employment, for example, that: temporary public jobs should be eliminated in lieu of a tax cut; comprehensive employment and training programs (CETA) should be "scaled down" and targeted; the minimum wage for youth should be eliminated; that federal provision of training and work experience to the unemployed should be "scaled down"; and the employment and training aspects of the Work Incentive Program should be eliminated.[60]

In general, the philosophy of social service involvement by the federal government which was projected in the Report harkened back at least to the early 1960s, when the states and private philanthropy provided as much as 60% of the funding for social welfare programs. No credence appeared to be given to the point of view that one reason for the "explosion" in federal funding after the 1967 Aid to Families with Dependent Children (AFDC) amendments was that the states and private philanthropy were not, could not, and would not meet the degree of need for such services, a fact clearly communicated by the exploding cities at the hands of Black protesters.

The Reagan Administration proceeded to follow the advice of the emergent conservative policy establishment in a number of the areas suggested above. Reagan, therefore, rightly felt that he had a mandate from whites to pursue a policy of rearticulating race through the coded strategy of the budget, the Justice Department and other civil rights agencies, and by the attempted isolation of Black leadership. By such actions, Reagan went a long way toward legitimizing what Omi and Winant have considered to be the ultimate objective of authoritarian populism.

Measures under Reagan to roll back legislated checks on white hegemony have prejudiced some of the most fundamental civil rights initiatives. These include the reinstatement of tax exemptions to segregated educational institutions, as in the case of the Bob Jones Academy in 1981-82. The promotion of a strategy known as "New Federalism" seeks to remove from national responsibility some forty-five social programs to the jurisdiction of states. This is in light of the demonstrable fact that, when the balance of power between the states and the federal government has shifted in favor of the former, Blacks have historically suffered.[61] In addition, Reagan's procrastinating on the renewal of the Voting Rights Act also sought to

absolve certain southern states of special compliance with the Act, an area of the country noted as a traditional stronghold of conservative, white hegemony. Other noteworthy efforts include the debilitation of the U.S. Civil Rights Commission, contributing to the restoration in the Justice Department of a pro-white, male agenda with attempts, by 1985, to reverse some fifty affirmative action decisions taken by lower courts.[61] Indeed the Administration's affirmative action programs were so flawed that Reagan's chief implementor of this strategy, Assistant Secretary for Civil Rights Bradford Reynolds, was rejected for promotion by the Senate in 1985.

The much discussed question of whether or not, in this modern era and considering the past upheavals attendant to the issue of racism and racial equality, there could arrive in the White House a president who is racist, is historically curious and painful. The question of the President's personal racism is straightforward, if one views the conservative political movement as a manifestation of Reagan's *personal* leadership. However, it is a more difficult question—but I would argue far more important—that the Reagan phemonenon should be more correctly understood as a direct by-product of the conservative movement of white populist nationalism. In this sense, it matters less that the President is personally racist than that he conceives of his political mandate as having racial implications and proceeds to carry them into his policy program through institutions which affect the quality of life for millions of Americans. It may be possible to change the course of policy if the problem is merely personal, but it is extremely difficult to do so where there is a movement which undergirds a political consensus binding individuals of various racial, religious and political persuasions to a common point of view in a given historical moment.

Conclusion

It is, of course, no secret that older nationalist movements have undergone transformations whereby nationalism turns into fascism in the desperate pursuit of rearticulating those aspects of society perceived to stand in the way of the reassumption of power by one disparate group or another. There should be little illusion that, within the current white nationalist movement, there are, indeed, possibilities for the achievement of what Bertram Gross has called "Friendly Fascism"—a nameless, faceless brand of racial (and class) subjugation that would be administered through the major institutions of society.[63] Once the framework has been set, as it appears to be, the 1984 elections having reflected the existence of a racially polarized, political consensus as expressed in one of the largest electoral landslides in history, all that is left is for the natural consequence of institutional racism to work its will in the many fields of society.

This is indeed a formidable problem. Even in the 1960s when there was the greatest admission that America was a racist society, there was an equal optimism that racism could be eliminated through a process that the nation was willing to undergo. This version of institutional racism might be regarded as a benign form, where (it was possible to make the case) racism is insinuated into institutional processes. Then there is the genuine search to root it out which takes into

consideration the reprocessing of individual and group behavior and, thus, institutional structures and functions. However, now there is at least the pretense of unconsciousness about racism's presence and effects.

The Kerner Commission Report of 1968, which was written in the throes of a Black violent revolt, set out a vision of American society which could be achieved through the amelioration of the social ills of Blacks. By overturning this vision—and the possibilities of its achievement—what vision of the social order is being put in its place, and (more importantly) if it is not viewed by a major segment of the population as just, how will social harmony be maintained? The answers to these questions and others should take us considerably beyond the racial competition of the moment to consider where the current course is heading. This is a task which not only raises the question of responsibility, but calls for leadership of the first order to head off another clear and present danger of social conflict.

The stakes for the elimination of white racism are as urgent as they have ever been, yet society appears to be going in the other direction. When Knowles and Pruitt wrote about "Institutional Racism," they were writing at the time when "there is much less articulation of a diehard defense of racism as a system by business and political leadership . . ."[64] In the late 1960s they were able to observe that:

> the mechanisms for subjugating black people have become interlaced with the complex of mechanisms by which power is exercised over both white and black. A root and branch abolition of racism, therefore, threatens the power order as we now know it. This is the fundamental political dynamic behind the institutional maintenance of racism.[65]

However, what is there to be said for an era when institutions are busily implementing racist policies knowingly and with rationalizations? What is to be done when students at one of the finest universities throw watermelon at the walls of Black dormitory rooms; when young whites burn pictures of Martin Luther King, Jr. the night before his national holiday celebration, presumably following the example set by the Governor of Arizona who rescinded the holiday altogether; when white teachers from Queens "bristle" at an ameliorative strategy, such as a required course in racism? What is being destroyed now is not only the lives of some Blacks, but the hope that progressive change in the society is possible. It has formerly been this hope which has prevented the descent into an unavoidable spiral of despair which leads in the direction of chaos rather than community.

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1. Murray Edelmann. *Politics as Symbolic Action* (Chicago: Markham, 1971).
2. "Racism on the Rise." *Time* Vol. 129, No. 5 (2 February 1982) p. 18-21. A *Time* Poll indicates, in the critical areas of housing, education and employment, the only area in which whites do not feel overwhelmingly that Blacks have the same opportunity in housing, and here the respondents are about equally divided. These differences may constitute the structural factors in the attitudes which help to maintain white nationalist ideology.
3. Robert Huttenback. *Racism and Empire* (Ithaca, NY: Cornell University Press, 1976) p. 15.
4. Josiah Strong. *Our Country: Its Possible Future and Its Present Crisis* (New York, 1985); cited in Dorothea R. Muller. "Josiah Strong and American Nationalism: A Re-evaluation." *The Journal of American History* Vol. 53, No. 3 (December 1966) p. 487.
5. Cited in Mark Hagopian. *The Phenomenon of Revolution* (New York: Dodd, Mead & Co., 1974) p. 169.
6. David Danzig. "Conservatism after Goldwater." *Commen-*

tary, Commentary Report (March 1965) p. 6.

7. Ibid., p. 8.
8. Clyde Wilson. "Citizens or Subjects," in Robert Whitaker, ed. *The New Right Papers*. (New York: St. Martins, 1982).
9. Everett Cataldo, Richard Johnson and Lyman Kellstadt. "Political Attitudes of Urban Blacks and Whites: Some Implications for Policy-Makers," in Jack Van Der Silk, ed. *Black Conflict with White America* (Columbus, OH: Charles Merrill & Co., 1970) pp. 49-50.
10. Survey Research Center, Institute for Social Research, University of Michigan. *National Election Study Data Sourcebook, 1952-1978* [hereafter referred to as *National Election Study*] (Ann Arbor: University of Michigan, 1978).
11. George Gilder. *Wealth and Poverty* (New York: Basic Books, 1981) p. 19.
12. Steel Workers v. Weber (Craft Training Program; 443 U.S. 193 [1981]).
13. Paul Laxalt. "Foreign Policy: Facing Reality in the 80s," in Paul Laxalt and William Richardson, eds. *A Changing America: Conservatives View the 80s from the U.S. Senate* (Southbend, IN: Regnery/Gateway, 1980) p. 63.
14. Until the passage of Title VII of the 1964 Civil Rights Act, blacks had no effective legal mechanism for confronting discrimination practiced in employment, since most disputes were handled either by labor unions or federal agencies whose only power was to mediate disputes. Article VII established the Equal Employment Opportunity Commission (EEOC), an executive agency with the authority to receive, file and investigate complaints of employment discrimination. Title VII barred discrimination by private employers or unions with more than twenty-five workers or members if the employers or unions "fail or refuse to hire or to discharge any individual, or otherwise to discriminate against any individual with respect to his compensation, terms, conditions, or privileges of employment, because of such individual's race, color, religion, sex or national origin." (P.L. 88-352, 88th Congress, H.R. 7152 (2 July 1964); U.S. Senate at Large, 241.
15. Michael Omi and Howard Winant. *Racial Formation in the United States* (New York: Routledge and Kegan Paul, 1986) p. 120.
16. Robert Hoy. "Lid on a Boiling Pot," in Whitaker. op. cit., p. 99.
17. Survey Research Center. *National Election Study*, op. cit. pp. 181, 277.
18. David Danzig. op. cit.
19. Ronald Walters. "Black Survival and Nixon's Second Term," in Charles Hamilton, ed. *The Black Experience in American Politics* (New York: G.P. Putnam/Capricorn Books, 1973) pp. 342-343.
20. Crane Brinton. *Anatomy of Revolution* (Englewood Cliffs, NJ: Prentice Hall, 1952) pp. 135-170.
21. Robert Hoy. op. cit., p. 91.
22. Donald Warren. *The Radical Center* (Notre Dame, IN: Notre Dame University Press, 1976).
23. Robert Hoy. op.cit., p. 91.
24. Michael Barone and Grant Ijifusa. *The Almanac of American Politics 1982* (Washington: Barone & Co., 1981).
25. *The Washington Post*, 18 December 1984, p. A3.
26. *The Monitor* (Center for Democratic Renewal, Atlanta, GA) No. 5 (December 1986).
27. *The New York Times*, 9 January 1987, p. D16.
28. Patsy Sims. *The Washington Post Magazine* (22 January 1978) p. 1. Sims goes on to say that what put the Klan on the front pages of national newspapers and on prime-time television was its sponsorship of a rash of cross-burnings in the Maryland suburbs of Washington, DC. Apparently some of these incidents were connected to the activities of William Mark Aitcheson, a student at the University of Maryland who preached that the only way the country would revive its laws and the laws of God was through armed violence.
29. *The New York Times*, 13 February 1987, p. D19.
30. John Ross. "Rise of Racism on College Campuses." *The Challenger* (4 February 1981) p. 2.
31. Lena Williams. "Officials Voice Growing Concern over Racial Incidents on U.S. Campuses." *The New York Times* (15 December 1986) p. A18.
32. Montgomery County Human Relations Commission. "Hate/Violence Incidents," Fact Sheet (Montgomery County, MD: Montgomery County Human Relations Commission, 13 January 1987).
33. Raoul Dennis. "Racism on the Rise." *Black Enterprise* Vol. 17, No. 9 (April 1987) p. 17.
34. Community Relations Service. *Annual Report* (Washington: U.S. Department of Justice, 1979, 1980, 1985, 1986). It should be noted that this summary data represents all types of racial conflict involving several different varieties and groups. However, within three broad categories into which the data is divided, most of the cases are usually concerned with "General Community Relations" problems, followed by "Administration of Justice" and "Education" (desegregation) cases. The racial distribution is also relatively consistent through these years, which shows that, in all areas, Blacks were involved in 50.6 percent of the cases; Hispanics, 32.5 percent; Native Americans, 7.4 percent; and Asians, 2.7 percent. (*Annual Report* 1980) pp. 3-4.
35. Community Relations Service. *Annual Report* (1980) op. cit., p. 3.
36. Survey Research Center. *National Election Study*, op. cit.; CBS/*New York Times* Poll, *The New York Times* (26 February 1978) p. A2.
37. *The Washington Post*, 25 March 1981, p. A2.
38. Community Relations Service. *Annual Report* (1983), op. cit., p. 6.
39. Sociologist Alphonso Pinkney says: "Police are often members of the John Birch Society, the Ku Klux Klan, The Minutemen, and other Right-wing groups." *The American Way of Violence* (New York: Random House, 1972) p. 152. See also a special issue on "Police Violence." *The Black Scholar* Vol. 12, No. 1 (January/February 1981); especially an excellent article by Damu Smith, "The Upsurge of Police Repression: An Analysis," pp. 35-57.
40. Community Relations Service. *Annual Report* (1978), op. cit., p. 1.
41. Thomas Johnson. "U.S. Agency Moves to Head Off Racial Conflict over Allegations of Police Misuse of Force." *The New York Times*, 11 August 1979, p. 1.
42. Community Relations Service. *Annual Report* (1979), op. cit., p. 4.
43. Community Relations Service. *Annual Report* (1983), op. cit., p. 7.
44. "To Shoot Or Not to Shoot." *Time* (18 August 1980) p. 44.
45. Nathaniel Sheppard, Jr. "Perception Growing Among Blacks That Violent Incidents Are Linked." *The New York Times*, 30 November 1980, p. 1.
46. *The Challenger* (28 January 1981) p. 1.

47. Some evidence of this is found in the data of complaints gathered by the EEOC on "race and color" discrimination in the period from 1976 to 1982. See table 5.
48. "EEOC Achieves Record Enforcement Activity in Fiscal Year 1986." *EEOC News* (9 February 1987).
49. Bureau of the Census. *We, the Black Americans.* (Washington: U.S. Department of Commerce, March 1986) p. 6.
50. Southern Poverty Law Center. *Move-Violence: White Resistance to Neighborhood Integration in the 1980's.* Special Report of the Klanwatch Project, Montgomery, AL. (5 February 1987) p. 8.
51. Gary Wills. *Reagan's America: Innocents at Home.* (New York: Doubleday, 1987) pp. 334-337.
52. Michael Omi and Howard Winant, op. cit., p. 86.
53. Ibid., pp. 116-117.
54. Willard Gaylin, Ira Glasser, Steven Marcus and David Rothman. *Doing Good: The Limits of Benevolence* (New York: Pantheon, 1978) p. 107.
55. Ibid.
56. Bernard Weinraub. "Neo-conservatives Today, They Explain All Their Yesterdays." *The New York Times,* 28 December 1980, p. E5.
57. "Affirmative Action 'Abuses' Cited." *The Washington Post,* 15 January 1981, p. A8.
58. Robert Williams, Executive Director, Fort Wayne Indiana Urban League. *The New York Times,* 6 July 1980, p. E5.
59. *Agenda for Progress* (Washington: The Heritage Foundation, 1981) p. vii.
60. Ibid.
61. Ronald Walters. "Federalism, 'Civil Rights' and Black Progress." *Black Law Journal* Vol. 8, No. 2 (Fall 1983) pp. 220-234.
62. *The Monitor* (December 1986) op. cit.
63. Bertram Gross. *Friendly Fascism: The New Face of Power in America* (New York: M. Evans & Co., 1980).
64. Louis Knowles and Kenneth Prewitt, eds. *Institutional Racism in America* (Englewood Cliffs, NJ: Prentice-Hall, 1969) p. 170.
65. Ibid., 171.

Righteous Ambiguity: International Law and the Indigenous Peoples

*Charles Roach**

Indigenous people the world over—in the Americas, the Pacific, and in circumpolar regions—are in urgent need of the establishment of internationally recognized legal machinery for the recognition of their right to self-determination, and the exercise of that right. Already, many have joined a coordinated, global drive for a United Nations convention on discrimination against indigenous populations.

In the summer of 1983, among those attending the United Nations Second World Conference to Combat Racism and Racial Discrimination at Geneva was William Means of the American Indian Movement (AIM). In addressing the Conference, Means eloquently pointed out that the delegates representing the various nations at the U.N. comprised all colors of humankind: white, black, brown—all except red. His point that the United Nations had representatives reflecting the entire family of man, except native peoples, was not heard for the first time at that 1983 conference. Several years before, a group of native peoples in Canada expressed this in the *Declaration of the Dene Nation* of July 1975, which said:

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* Charles Roach, native of Trinidad, is an attorney engaged in the defense of human rights, both internationally and within the Canadian national scene. Mr. Roach has practiced law for twenty-five years, and is a senior partner in the firm Roach-Smith, in Toronto, Ontario.

Joseph Schechla also contributed research toward this article.

> . . . Even in countries in South America where the Native peoples are the vast majority of the population there is not one country which has an Amerindian government for the Amerindian peoples. Nowhere in the New World have the Native peoples won the right to self-determination and the right to recognition by the world as a distinct people and as Nations.[1]

The term "indigenous people" is here used in the sense provided in the only existing international legal instrument dedicated to this issue. Thus, we refer to:

> [M]embers of tribal or semi-tribal populations in independent countries [who have descended] from the populations which inhabited the country, or a geographical region to which the country belongs, at the time of conquest or colonisation and which, irrespective of their legal status, live more in conformity with the social, economic and cultural institutions of that time than with the institutions of the nation [state] to which they belong" (ILO Convention No. 107).[2]

There are some 70 million indigenous people in the Americas, Pacific, Scandinavia and other regions,[3] who have been able to maintain their deep ancestral roots. This is, in the case of the Americas, in spite of five centuries of land expropriation, poverty, hunger, epidemic disease and systematic death resulting from the colonization of their native territory, primarily by European settlers. With a view to this significant population of indigenous people, it is indeed surprising that the United Nations Organization has not yet adequately dealt with the legal problem of their right to self-determination. This right is both implied and explicit in numerous instruments of international law. In defiance of the municipal legal situation which did not recognize their right to self-determination, in recent years there have developed few instances of sustained armed resistance by native people against the states which have imposed on them governments not of their own choosing. Perhaps the greater hope for justice and the protection of indigenous rights lies in the further development of law through the relevant international bodies. Hope is turning, as it has to turn, in the direction of the United Nations environment, including the non-governmental human rights organizations which are increasingly espousing the subject.

Within the United Nations system, there has been substantial Secretariat and technical input from the United Nations' agencies, such as the Economic and Social Council (ECOSOC), whose Commission on Human Rights in this decade completed an enormous study of the problem of discrimination against indigenous populations. This study, known as the *Martinez-Cobo Report*, produced under the direction of the Commission's Special Rapporteur, José R. Martinez-Cobo, documents the conditions of indigenous people and the international efforts to institute measures of protection of their rights. Among the lessons of the report is that derived from recent demographic research, showing the population of indigenous peoples in many countries as increasing in absolute numbers.[4] In two of the thirty-seven countries surveyed in the report (New Zealand and Guatemala), the indigenous populations are increasing in both absolute terms as well as in proportion to the general population.[5] However significant their numbers may be today, many observers would argue that domestic and international laws designed

to protect citizens from the potential abuse of their rights by their state are, in most cases, inadequate in addressing the rights due indigenous people—as individuals, and especially as regards their rights as groups or nations.

The *Martinez-Cobo* Report indeed represents a commendable U.N. initiative. However, on the decision-making levels of the U.N. system we find that indigenous peoples' issues continue to be dismissed. For example, in the First Decade for Action to Combat Racism and Racial Discrimination, ending August 1983, as well as in the Second Decade commencing in 1983, the special rights of indigenous peoples have been virtually ignored.

International Human Rights Law Today

Today, international consensus recognizes equal basic rights for all individuals and all peoples without discrimination on the basis of color, sex, creed, ethnic or national origin. Such rights, popularly known as human rights, have received heightened attention since the creation of the United Nations and represent a positive development in international law and politics. Whereas the human rights conditions within a given state were formerly considered to be the exclusive domain of domestic law and internal politics, the violation of basic human rights today is considered the proper concern of the international community, and owing largely to legal and political developments following the tragedies of World War II, national governments cannot claim today that investigation into abuses of the human rights of their citizens constitutes improper interference in national or domestic affairs. A turning point in the development of international human rights law in the U.N. system was brought about with the first claim by India in 1946 against South Africa's policy of discrimination against South Africans of Indian origin. By the seventh session of the General Assembly in 1952, the broader subject of apartheid and racism had become part of the international agenda.

The kind and the degree to which human rights are guaranteed under international law remains a subject of debate within the community of nations, as well as among non-governmental organizations and individual legal specialists. Some maintain that human rights include only those most serious: such as the right not to be subjected to torture, slavery, genocide and imprisonment without charge or trial. More liberal consideration of legal protection includes a broad range of civil, political, economic, social and educational rights. At the present stage, firm definitions supported by broad international consensus are still wanting with regard to the parameters of international human rights law acceptable to all states.

More vulnerable groups and individuals as well as those who seek to defend the relatively powerless—such as women and children—advocate broad interpretations of human rights law, particularly those rights which are supported by international agreement through resolutions and covenants concluded by the United Nations or other international organizations. Existing guarantees include:

- The right to life and to personal integrity free from physical or psychological abuse;

- The right to nationality;
- The rights to freedom from torture, genocide and slavery;
- The right to take asylum in other countries from persecution;
- The right to freedom from arbitrary arrest and imprisonment;
- The right to a fair trial in civil and criminal matters;
- The right to freedom of movement, including the right to leave and reenter one's own country;
- The right to privacy;
- The right to own property;
- The right to adequate food, shelter, health care and education;
- The right to freedom of speech, religion and assembly;
- The right to preserve culture, religion and language; and
- The right of peoples to self-determination.

Although there are varying degrees of agreement as to the protection of some of these rights in international law, even rights which enjoy the firmest endorsement of states still suffer in the absence of sufficient means of implementation and enforcement. And consequently, the present level of development in international human rights law has not yet been able to prevent national governments from violating even the most widely-supported human rights of individuals or groups.

Individual Rights v. "Group Rights"

The majority of international law experts today recognize that human rights law intends primarily to protect the rights of the individual, not groups. In large part, this consensus is due to the dominant influence of European, or western, tradition and, hence, legal concepts which favor protection of the individual over the group. This is understood in a cursory reading of many national constitutions and international human rights agreements. In few legal instruments is this premise more clearly stated than in the *American* [States'] *Declaration of the Rights and Duties of Man*. This resolution of the Ninth International Conference of the American States, held in Bogotá, 1948, reiterates that:

> The American States have on repeated occasions recognized that the essential rights of man are not derived from the fact that he is a national of a certain state, but are based upon attributes of his human personality.[6]

A number of other legal instruments, including the United Nations Bill of Rights, as well as the United States Constitution, guarantee the rights of individuals to protection against the exactions of states; however, many indigenous peoples would see these instruments as inadequate in addressing their historical and continuing experience. It remains unresolved as to which extent the native peoples of the Americas, for example, will find protection of what are called "group rights."

Native peoples also suffer abuses and human rights violations not only as individuals, but as tribes, communities (and communal landowners), and as nations. In view of their particular experience, native peoples consider their group rights to be the most crucial and most endangered of all indigenous rights. These rights include, among other requisites for their cultural and physical survival, the right to self-government, maintenance of their indigenous institutions and the right to maintain communal custody of their land and its bounty.

There are solid legal arguments that groups rights are at least implied in much of existing international law. These rights, granted in principle, are already addressed in the laws and covenants which call for the protection of the rights of individuals to maintain their own language, religion and culture. Likewise, these individual rights also apply to groups of individuals in guarding their language, religion and culture. Laws and covenants on the crime of genocide extend protection to the group, as well as the individual victim. Among the basic, internationally-recognized human rights, that of property ownership, should in principle apply to group ownership as well. Meanwhile, a right basic to the existence of states and the continuing process of de-colonization is the long-established and widely-accepted right of peoples to self-determination. But these principles have not been convincingly recognized with regard to indigenous people, and as constituents of the internal colonialism in the "New World."

American Indian and other native groups have not yet achieved the requisite international recognition of their group rights as has the individual. International law has so far fallen short of that need. However, efforts to arrive at international definitions and consensus on native rights are now being taken up by international organizations and human rights groups, in many cases for the first time. The continuing studies of the rights and conditions of indigenous people, within a context of new attention created by national and international complaint procedures, are bound to contribute to the development and recognition of indigenous rights under international law.

The United Nations Bill of Rights

United Nations Charter:

Among the most important and most basic instruments of international law is the United Nations Charter. This document lays out the minimum international standard of behavior of states with regard to each other and their own citizens and subjects. The U.N. Charter calls upon each and every state member of the United Nations to abide by its terms and requires each state to take action to promote and encourage "respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language or religion." These words are the obligation as stipulated in Article 1, and reiterated in Article 13 of the Charter under the heading "Purposes and Principles." The section of the Charter addressing "International Economic and Social Cooperation" similarly calls for non-discrimination in Articles 55-56. Of particular relevance to the non-self-governing peoples of the

world is the claim of the Charter to be based on a "faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small" (Preamble). This principle is applied in specific with the Charter's recognition of the right of "self-determination of peoples."

The right of self-determination, guaranteed for "all peoples," as affirmed in the Charter would seem to apply to indigenous peoples as well. In spite of this, however, the right of self-determination is not yet definitely recognized for Indian indigenous peoples. Traditionally, the international community has gradually, but progressively, upheld the right of self-determination for peoples in overseas European colonies. In this tradition, some countries have openly taken the position that self-determination is a right only for peoples in overseas colonies. They oppose self-determination for peoples in contiguous areas considered within the territory of the country. This is explained by a concern for the state's "territorial integrity." Because of the strong political opposition by affected states to measures that suggest the reformation or division of their territory, the legal issues of self-determination for indigenous peoples remain difficult and complex.

Some believe that an obstacle to self-determination for indigenous people is ambiguity as to what self-determination means in practical terms. They question whether separation from political states could result in sub-bodies for native people as in South Africa, where a grotesque definition of self-determination results in a Bantustan policy in which indigenous people do not truly have control over the political and economic development of their lives.

Universal Declaration of Human Rights:

As a complement to the Charter, the Declaration of Human Rights sets out the specific rights which are to be considered standard in all states. The Declaration was approved in 1948 by the then fifty-six voting states members of the U.N.; forty-eight voting affirmatively, eight abstaining and none voting against. Meeting in Paris in that year, the General Assembly proclaimed the Universal Declaration of Human Rights as:

> . . . a common standard of achievement for all peoples and all nations, to the end that every individual and every organ of society, keeping this Declaration constantly in mind, shall strive by teaching and education to promote respect for these rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance, both among the peoples of Member States themselves and among the peoples of territories under their jurisdiction.[7]

The Universal Declaration of Human Rights consists of a preamble and thirty articles setting forth basic human rights and fundamental freedoms to which all men and women everywhere in the world are entitled, without prejudice or discrimination. The articles deal with civil and political rights (Articles 3 to 21), as well as economic, social and cultural rights (Articles 22 to 27). Article 1

provides the philosophical postulates which form the base of the Declaration, and it reads:

> All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.[8]

International Convention on the Elimination of All Forms of Racial Discrimination:

An important development in the international efforts to ensure respect for the rights spelled out in the Charter is the Declaration on the Elimination of All Forms of Racial Discrimination, which has particular significance in the defense of indigenous peoples' rights. This special significance can be seen insofar as this international legal instrument comes closer than its predecessors to recognizing the rights of groups. In proclaiming this Declaration on 20 December 1963, the United Nations General Assembly solemnly affirmed "the necessity of speedily eliminating racial discrimination throughout the world, in all its forms and manifestations, and of securing understanding of and respect for the dignity of the human person."[10] Discrimination, according to this Declaration, is an offense to this human dignity and a violation of the human rights and fundamental freedoms affirmed in the Charter and the Universal Declaration of Human Rights.

Two years later, the General Assembly adopted the International Convention on the Elimination of All Forms of Racial Discrimination on 21 December 1965, so as to give more precise legal form and authority to the concepts set out in the Declaration. The Convention, which entered into force in 1969, seeks to prevent and combat both racist doctrines and practices. Ratifying states parties undertook to pursue policies of non-discrimination within their own territories, and to promote understanding among races in general. With 124 states having ratified this legal instrument, the International Convention on the Elimination of All Forms of Racial Discrimination enjoys the widest endorsement of any international convention to date.

The Convention, along with the Declaration, has come to constitute a world-wide agreement upon terms and definitions regarding racism and racial discrimination. In defining "racial discrimination" the Convention states this to mean:

> any distinction, exclusion, restriction or preference based on race, colour, descent, or national origin which has the purpose of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life (Article 1).[9]

The Convention proceeds to stipulate in Article 5 specific rights which states parties have undertaken to eliminate discrimination in respect thereof. These include, civil, political, economic, social and cultural rights, such as the right to inherit, to access to any public place or service, to form and join trade unions and the right to nationality.

One feature of the Convention, innovative for its time, was the establishment of machinery designed for its implementation. The Convention created the Committee on the Elimination of Racial Discrimination, consisting of eighteen independent experts. This Committee meets regularly to review annual reports submitted by the states parties on the measures taken to eliminate racial discrimination. The Committee suggests to states parties appropriate measures to be taken toward this end, and makes its findings available to the United Nations General Assembly. The Committee is also authorized to assist in settling disputes among states parties on matters regarding the application of the Convention.

Under Article 14, the Committee is empowered to receive and consider communications from individuals or groups of individuals claiming to be victims of a violation by a certain state party, if that state has made a formal declaration under this Article recognizing the competence of the Committee to do so. The Committee is considered competent to discharge this function only after ten states have made such a declaration. In 1982, the tenth member state recognized the Committee under Article 14. These ratifying states are: Costa Rica, Ecuador, France, Iceland, Italy, the Netherlands, Norway, Peru, Senegal, Sweden and Uruguay. Six of these ten states include significant indigenous populations under their jurisdiction. Countries with significant colonial histories of conflict with indigenous populations, such as South Africa, the United States, Honduras and Paraguay, are conspicuously absent from the list of states parties to the International Convention on the Elimination of All Forms of Racial Discrimination, while other states with indigenous populations not party to this Convention include Burma, Malaysia, Indonesia and Japan.

International Covenants on Human Rights:

Two United Nations covenants which serve as an important source of international law and specifically define human rights are the Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights. These instruments, which were adopted by the U.N. General Assembly in 1966, pick up where the Charter and Universal Declaration leave off, as it were. Here, the rights more generally referred to in the International Organization's founding documents are detailed. Together with the U.N. Charter and the Universal Declaration of Human Rights, these Covenants combine to form what is known as the United Nations Bill of Rights.

These covenants reaffirm the obligations of states as cited in the Charter and the Universal Declaration and support their principles. These covenants go farther in their language insofar as both the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights specify in Article 1 that the right to self-determination is a *universal* right. These introductory Articles call upon states to undertake two obligations: (1) to promote the realization of self-determination in all their territories, and (2) to respect the maintenance of that same right in other states. Both Covenants affirm that "all peoples have the right to self-determination" and that "by virtue of that right they freely determine their political status and freely pursue their economic, social and

cultural development." These rights are called upon to be exercised in the Covenants within a context free from fear, while substantive provisions of the Covenant on Civil and Political Rights prohibit torture, slavery and arbitrary arrest. Article 20 of that Covenant calls also for the prohibition by law of any propaganda for war and of any advocacy of national, racial or religious hatred that constitutes an incitement to discrimination, hostility or violence.

Of special importance to indigenous peoples is Article 27 of the International Covenant on Civil and Political Rights which specifically dealt with the rights of "minorities." Although it does not mention self-determination, the Article states that:

> In those states in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community or with other members of their group, to enjoy their own culture, to profess and practise their own religion, or to use their own language.[10]

As treaties, the Covenants are agreements between states and are legally binding on those which ratify them. They were adopted in December of 1966, and entered into force in 1976 upon the submission of the thirty-fifth state ratification to the United Nations Secretary-General. At the present time, nearly seventy countries have ratified these Covenants.[11] An Optional Protocol to the International Covenant on Civil and Political Rights recognizes the competence of a Human Rights Committee to receive and consider communications from individuals claiming to be victims of violations of any of the rights set forth in the Covenants. Recourse to such complaint procedures becomes available only when domestic channels for redress have been exhausted. Having received the minimum ten required ratifications or accessions, the Optional Protocol to the International Covenant on Civil and Political Rights entered into force simultaneously with the Covenant. Currently, thirty-three states members have acceded to the Optional Protocol, with the addition of five more since 1983.

International Covenant on the Prevention and Punishment of the Crime of Genocide:

The issue of genocide is a constant theme in the consideration of violations of human rights of the native peoples of the Americas. Unquestionably, native peoples in the American continent have suffered a genocide that ranks with the most notorious cases in history. Other cases, too, have not been adequately recorded, such as that suffered by west Africans during the centuries of the slave trade. In the current era, victimization of the native American has not yet ceased, and like the African victims of genocide, their millions have still not accurately been told.[12]

Owing to the emotive quality of the term "genocide," and due, in part, to attempts by some survivors of European cases of mass annihilation to monopolize the concept in service to their own political enterprises, many authors and discussants are reluctant to use the word. There does exist, however, an interna-

tional consensus on the meaning of the term. The definition of genocide in international human rights law is contained in the Convention on the Prevention and Punishment of the Crime of Genocide. This Convention, entered into force in 1951, joins the conventions mentioned above as among the most widely ratified of all human rights instruments.

In the present Convention, the definition of genocide includes acts committed with intent to destroy, in whole or in part, a national, ethnic, racial or religious group, such as:

> (a) Killing members of the group;
> (b) Causing serious bodily or mental harm to members of the group;
> (c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;
> (d) Imposing measures intended to prevent births within the group;
> (e) Forcibly transferring children of the group to another group (Article II).

Whether constitutionally responsible heads of state, public officials or private individuals, punishment shall be inflicted upon those guilty of "(a) Genocide; (b)Conspiracy to commit genocide; (c) Direct and public incitement to commit genocide; (d) Attempt to commit genocide; and (e) Complicity in genocide" (Article III).

More recently, the term "ethnocide" has entered into use to describe cases wherein members of an Indian or indigenous group are not being killed outright, but wherein the group is otherwise undergoing destruction *as a people*, as defined in their culture. Ethnocide has been used to describe policies imposed by national governments, such as the consequences of forced removal from native lands and forced assimilation. The objective in employing this term is to dramatize the severity of conditions created by states which threaten the survival of peoples. The term ethnocide describes practices that are outright harmful to the indigenous person or group, but technically may not come within the conventional definition. However descriptive, the term's utility in an international law context is limited, since it has not yet been integrated as a precise legal term in any major human rights instrument.

ILO Convention 107 Concerning the Protection and Integration of Indigenous and Other Tribal and Semi-tribal Populations in Independent Countries:

Sensitivities to the practice of assimilation as being tantamount to ethnocide are at the base of much criticism of the rare international instruments specifically addressing indigenous peoples. The first (and only) United Nations Resolution directly referring to indigenous people was Convention 107 of the International Labour Organization of June 1957, which recognized the need for the adoption of general international standards to govern the relations between indigenous peoples and the states. However, ILO Convention 107 emphasized the integration of

indigenous people into the larger society as the main approach to indigenous problems.

It is important for indigenous people to know this Convention, as some countries refer to this instrument as constituting the definitive statement on their obligations to indigenous peoples. The Convention does affirm some basic principles found in other legal instruments. For instance, it makes it incumbent upon countries to protect the indigenous peoples in national laws and prohibit discrimination in health care, education and employment. However, the ILO Convention is today thought to be unsatisfactory in addressing indigenous rights, and many even consider it to be detrimental.

Some aspects of existing domestic and international law do not meet the needs of the non-assimilated indigenous communities. As observed by the Second Conference of Indian Nations and Organizations of South America, with regard to employment rights, for example, existing labor unions are oriented toward salaried workers with regular and fixed employment. In most cases there are no unions for Indians who work the land or are independent migrant workers. Under some governments, the rights to work, organize and to strike are severely resricted. In cases where labor unions do not or cannot discharge their role in protecting the workers' rights, the indigenous laborer often suffers disproportionately.[13]

Some may observe that the ILO Convention itself is an instrument of discrimination, at least insofar as it promotes certain biases in favor of the European society and demeans the indigenous society. With its central emphasis on "integration" or assimilation of the Indian peoples, the Convention refers to those "indigenous and other tribal and semi-tribal populations which are not yet integrated into the national community."[14] Here the premise is perceived such that the objective foreseen by the conveners and drafters of this Convention is one of eventual elimination of much of the indigenous culture, the European culture being attributed the greater virtue. For instance, Article 23 calls for "Provision [to] be made for a progressive transition from the mother tongue or the vernacular language to the national language or to one of the official languages of the country" (para. 2). However, the following paragraph provides requisite compliance with other human rights conventions by stating that "[a]ppropriate measures shall, as far as possible, be taken to preserve the mother tongue or the vernacular language."

The Convention intends then to facilitate the "progressive integration" of the indigenous people into their "respective national communities." The text of that Convention refers to its subject as those "members of tribal or semi-tribal populations in independent countries whose social and economic conditions are at a less advanced stage than the stage reached by the other sections of the national community. . . ."[15] Within this value-laden treatment of the indigenous rights issue, the Convention does specially safeguard against the practice of "preventive detention" (Article 10), and prohibits forced removal (Article 12), or the "[r]ecourse to force or coercion as a means of promoting the integration of these populations. . ." (Article 2).

In recent years, American Indian spokespersons have consistently rejected assimilation as a solution to their problems. Their proposed solutions continue to

be that of self-determination and the upholding of their land rights. The ILO Convention 107 is especially important as the only existing international statute specifically addressing indigenous rights and as it remains the focus of review by a number of human rights organizations. Many assert that the ILO Convention 107 needs to be rewritten in such a way as to accommodate and uphold the evolving standards for protection of the indigenous person and group.

For twenty years following ILO Convention 107 member states of the United Nations virtually ignored the problems of indigenous people. While there are numerous United Nations resolutions and decisions relevant to the struggle against racism and racial discrimination, it must be noted that the practices of "colonial" and belligerent occupying powers in such General Assembly resolutions focus on violations in southern Africa and Palestine/Israel.

It is true that legal instruments such as the United Nations Charter, the Universal Declaration of Human Rights, the International Covenants on Civil and Political and on Economic Social and Cultural Rights, the European Convention on Human Rights, and other declarations of the General Assembly with respect to independence of colonial countries and peoples, all deal with the inherent dignity and the equal and inalienable rights of individuals and of peoples. These declarations stress the importance of the universal realization of the rights of peoples to self-determination, national sovereignty, territorial integrity, and of the speedy granting of independence to colonial countries and peoples for the effective guarantee and observance of human rights. But none of these resolutions satisfactorily addresses the specific problems of indigenous peoples.

There is a tendency on the part of member states of the United Nations to treat indigenous peoples' rights in the same manner as the treatment of racial minorities in an integrated national setting. This is unsatisfactory to many indigenous peoples who see themselves as distinct, separate nations and, in some cases, prefer to be recognized as sovereign states. This preference is derived from the rights to nationality and self-determination as determined in international agreements to which many states accede. Integration has, of course, never been an approach suggested in any of the United Nations resolutions on decolonization. Yet, indigenous peoples are no less victims of racial discrimination, genocide and ethnocide than people living in non-contiguous colonies offshore. Further, they comprise a majority of the population in a number of the cases to which this discussion applies.

International law does not yet guarantee self-determination for Indians and other indigenous groups, because the international community has not yet decided whether Indian groups, tribes and communities are "peoples" and "nations," or merely members of minority groups. In the case of *Cherokee Nation v. Georgia* (1831), the United States Supreme Court determined Indian nations to be "domestic dependent nations," rather than "foreign" nations.[16] Under international law, "minorities" are groups with distinct cultures, languages or religions who are legally and politically integrated into larger nations. Minorities have the right to protection against discrimination by the majority of their fellow citizens of different cultures, languages and religions. However, under law minorities do not possess the right to govern their own affairs or to decide autonomously what shall be their legal and political relationships with other peoples, nations, etc.

"Peoples" have often enjoyed independence, self-government and constituted nation states; nevertheless, this is not an axiomatic condition. A people's claim to self-determination is grounded in its separate historical, political and legal existence. Although the definition of a "people" or "nation" is not yet concluded in international law, there has been some progress in that direction. In its advisory opinion the International Court of Justice rendered the following opinion as to the definition of a people:

> A group of persons living in a given country or locality having a race, religion, language and tradition of their own and united by the identity of race, religion, language and tradition in a sentiment of solidarity, with a view to preserving traditions, maintaining their form of worship, insuring the instruction and upbringing of their children in accordance with the spirit and traditions of their race and rendering mutual assistance to each other.[17]

One definition proposed by a prominent non-governmental organization, the International Commission of Jurists, considers a people as any group having: (1) a common history; (2) racial or ethnic ties; (3) cultural or linguistic ties; (4) religious or ideological ties; (5) a common territory or geographical location; (6) a common economic base; and (7) a sufficient number of people.[18]

It would appear clear that many Indian and other indigenous groups comply with these definitions of peoples; however, there exists no formal legal instrument linking them with such a definition. American Indian peoples, for instance, have consistently called for their recognition as peoples and nations. Some governmental and non-governmental organizations are now beginning to give attention to these yet-unresolved issues. Though preempting the establishment of the legal terminology, some writers have come to characterize the process driven by post-colonial nationalism in the Americas as the period of state-building and nation-destroying, rather than the period of "nation-building" as it is more often called.[19]

In the process of decolonization, the United Nations has defined a number of groups as "peoples" and "nations." The General Assembly has performed the task of interpreting and developing the principle of self-determination, particularly in Resolution 1514 (XV) of 14 December 1960, entitled the "Declaration on the Granting of Independence to Colonial Countries and Territories." The self-determination principle has subsequently been applied in the decolonization of Angola, Algeria and Zimbabwe (Rhodesia), and though it also applies to Palestine and Namibia, it has not yet been implemented there.[20]

The ultimate resolution of the question in international law of whether indigenous peoples are to be considered as simply minorities or as peoples and nations will constitute a necessary step toward determining their eligibility for the right to self-determination.

There is much yet to be done in arriving at such a level of agreement. The Organization of American States Inter-American Commission on Human Rights issued a report as recently as 1984 in which it concluded that the current status of international law does not provide for the right of self-determination for the indigenous people of Nicaragua. The OAS Commission determined the Miskito people of Nicaragua to be a Nicaraguan "ethnic group."[21]

Since that decision, however, the current government of Nicaragua has gone beyond the determination of the Organization of American States in response to indigenous and international pressures on the Sandinistas. This year, in the interest of national unity, the Nicaraguan state's Autonomy Commission produced an autonomy plan for the establishment of two autonomous regions which comprise the Zelaya Department on the Atlantic Coast. Within these territories, communal property rights would be legally recognized, and the languages indigenous to these areas are to be the vernacular for educational and municipal purposes upon adoption of the plan. However, the autonomy plan refers to the indigenous citizens as Indian "communities," and not as nations.[22] Some indigenous organizations remain skeptical of the autonomy plan authored by the Nicaraguan government, and in some circles it is referred to as the "auto no mia." In response to the government plan, the MISURASATA Organization has advanced an alternative proposal for consideration by the Sandinista government.*

Non-governmental Efforts

Commencing in the 1960s, Indian people throughout South America, and in the Americas in general, began to organize. Whereas within each native community daily activities and spiritual ceremonies were traditionally led by spiritual leaders, a new type of organization was generated by this leadership and the popular needs of the native people. These new organizations began to take on political form and character which sought to reach out from the community level to the centers of national power and beyond. The objectives of these new efforts included education of the wider society on the subject of current issues and the spiritual and cultural character of the indigenous peoples themselves. In addition, these indigenous organizations served to inform about the existing rights of the native person and nations and to form a network of indigenous communities throughout the continent based on mutual interest and a shared historical experience under centuries of European colonialism.

At first, there were a number of local and regional conferences, which were soon followed by international conferences that spawned new international organizations, such as the World Council of Indigenous People, in Ottowa, and the Consejo Indio de Sud América (CISA), with offices in Lima.

It was only in 1977 that the first international gatherings of indigenous people began to occur. That year was most significant with conferences in Alaska, Barbados, Sweden and at Geneva. The second assembly of the World Council of Indigenous People was held in that year at Kiruna, Sweden, the homeland of the Samis. The Geneva conference of the same year, entitled, "The International NGO Conference on Discrimination Against Indigenous Populations, The Americas," marked the first time that native Americans from so many different countries had the opportunity to meet and plan together under the auspices of the United Nations.

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* See Documentation section, this issue—*Ed.*

At the 1977 Conference, there was a realization of sentiments of solidarity among indigenous peoples from various countries based on their recognition that they were waging similar struggles in slightly different ways. There was an identification of a problem arising from the difficulty of solving problems which involve dissimilar codes of law.

In the sentiment of this newly-forged solidarity, the final Declaration of that 1977 NGO conference states, in part:

> . . . while the situation may vary from country to country, the roots [of indigenous peoples' problems] are common to all; they include the brutal colonization to open the way for the plunder of their land and resources by commercial interests seeking maximum profits; the massacres of millions of native people for centuries and the continuous robbing of their land which deprives them of the possibility of developing their own resources and means of livelihood; the denial of self-determination of indigenous nations and peoples, destroying their traditional value system and their social and cultural fabric.[23]

Crucial questions of self-determination, territorial sovereignty and states rights convinced the Conference of the need for an international forum to which indigenous peoples could appeal so that their demands be impartially adjudicated and their rights enforced.

This conference can be identified as the starting point of an international thrust on the part of indigenous people to secure their rights under international law. Resulting from this conference, native people the world over were imbued with a new faith in the possibility that the United Nations can serve as that needed forum for their grievances to be addressed. By 1980, the fourth [Bertrand] Russell Tribunal was held in Rotterdam, the Netherlands, in the hope of ameliorating international opinion and awareness about some of the historical and continuing violations committed against indigenous people. And by March 1980, the First Conference of Indian Nations and Organizations of South America was held in Cuzco, Peru. There, the CISA was founded with headquarters in Bolivia; however, the military coup three months later forced the Consejo to relocate to its current offices at Lima.

Such conferences and organizations have been instrumental in the efforts to organize indigenous peoples and to convey the message of their experience and their need for justice. During the Second Conference of Indian Nations and Organizations at Tiwanaku, Bolivia (March 1983), representatives of Indian organizations from most South American states and representatives from Central America, the United States and Canada were on hand, as well as a delegation from the circumpolar regions in Scandinavia. With this gathering of some two hundred delegates and approximately two thousand additional attendees, new agreements were struck and new channels of information were initiated. One result of that meeting of indigenous peoples was the appointment of one of the CISA founders to launch a branch information and publication program in the United States. This operation is currently working out of Berkeley, California, and stands as testimony to the practical measures now being taken by native peoples to claim their rights.

In May 1981, the World Council of Indigenous Peoples (Ottowa), a non-governmental organization, adopted a proposal for an International Covenant

on the Rights of Indigenous Peoples. The proposal was drafted in the style and manner of a United Nations resolution or convention. It held that indigenous people may freely determine their political status and freely pursue their economic, social and cultural development. It states that one manner in which the right to self-determination can be realized is by the free determination of an indigenous people to associate their territory and institutions with one or more states in a manner involving free association, regional autonomy, home rule or associate statehood of self-governing units. The draft covenant goes on to point out that each state within which an indigenous people lives shall recognize the population, territory and institutions of the indigenous peoples. Any disputes over the recognition of the population, territory and institutions of an indigenous people shall initially be negotiated by the state and the indigenous people, and failing agreement, by a Commission of Indigenous Rights and a Tribunal of Indigenous Rights. With respect to economic rights, the draft covenant proposed that indigenous people be entitled to lands they use and to the protection of the extent of use in areas where the use of lands is shared in a compatible manner with others, and that they are also entitled to those parts of their traditional lands which have never been transferred out of their control by a process involving free consent.[24]

To ensure the fulfillment of the provisions of the Covenant, the draft proposed that a Commission of Indigenous Rights and a Tribunal of Indigenous Rights be established and provided details as to membership in such bodies and the powers of the respective bodies. This Covenant still remains only a draft proposal to this day.

The question now is how can such a draft convention or covenant be brought to the General Assembly of the United Nations for consideration. This is a puzzling question as long as—for reasons of perceived self-interest on the part of national elites—none of the member states of the United Nations sees reversing this form of colonization as a pressing priority.

Confronting this dismissive attitude on the part of states toward native peoples exposes questions as to why the international community through the United Nations has made a distinction between colonized people in offshore lands as opposed to colonized peoples (indigenous peoples) in contiguous lands. The Dene Nation of Canada is one case in which the indigenous people comprise the majority of the population of the Northwest Territories, yet as contained in the July 1975 Dene Declaration:

> The Dene find themselves as part of a country. That country is Canada. But the Government of Canada is not the government of the Dene. These governments were not the choice of the Dene, they were imposed upon the Dene. . . .What we seek then is the independence and self-determination within the country of Canada. This is what we mean when we call for a just land settlement for the Dene nation.[25]

What seem to be the common demands of indigenous people are:

(1) To be recognized by nations and states of the world as separate, independent nations and peoples with full rights and responsiblilities of other nations, including conformity with international human rights law; (2) to freely determine their own

affairs—their political programs, economics and cultural expression; (3) that their peoples, lands and institutions remain in their control, separate from and outside of the control of the new state extending jurisdiction over their territory; (4)compensation for exterminations, robberies, and slave trading practiced over a five-hundred year period; (5) an equitable resolution of disputes arising from exploitation and seizure of their lands and resources; and (6) an international institution to oversee negotiations between their representatives and representatives of the state which now extends jurisdiction over them.[26]

As already mentioned, the imperfect ILO Resolution 107 in 1957 was the last successful effort of the United Nations to come to an international agreement concerning indigenous peoples. But not only that, it is also the furthest and highest the subject of indigenous people ever reached under the auspices of states members of the United Nations system.

The thorny problem of arriving at internationally-agreed-upon definitions of legal status for indigenous people leaves much work yet to be done. This agreement remains a prerequisite to any measures toward a just future of self-determination for indigenous people. It is demonstrably clear at this point that states have not seen fit to take the lead in addressing this unresolved area of human-state relations. Non-governmental organizations are only presently beginning to acknowledge this gap in international law provisions.

For those individuals and NGOs concerned with human rights, one positive influence toward the development of law would be to raise indigenous peoples' issues into their regular field of vision, rather than to take a cue from the behavior of states by dismissing native issues, or by treating them as merely an addendum to routine statements of policy. While colonization, minority rule and *apartheid*, denial of basic rights and "Palestinianization" of peoples continue, it must be remembered that a historical precursor to today's predatory policies is seen in the experience of the quintessential victims of expediency—the indigenous Americans. A greater consciousness of their history and continuum should begin to shed much needed light where international human rights law remains ambiguous.

Editor's note: Efforts by EAFORD to advance the issue of indigenous rights have included the publication of a number of EAFORD Papers (see List of EAFORD Publications, this issue), sponsoring a series of public events and participation in international human rights conferences. In 1981, EAFORD co-sponsored two symposiums: with the Universidade de Brasilia in Brazil on "Ethnic Groups and Racism," and with the Mouvement Québecois pour combattre le racisme, in Montréal, focusing on the rights of the indigenous peoples of the Americas. Also in 1981, EAFORD facilitated the participation of Chief Hilary Frederick of the Caribs in the international NGO Conference on "The Rights of Indigenous People and the Land," Geneva. Further, EAFORD has granted its International Award for the Promotion of Human Understanding to the authors of two works on the rights and conditions of indigenous people: Professor Roberto Cardoso de Oliviera (Universidade de Brasilia), and researchers Sylvie Vincent and Bernard Arcand (Laval University) for their book, *L'Image de l'Amerindian dans les Manuels Scolaires de Québec*.

1. "The Dene Declaration," in *The Dene: Land and Unity for the Native People of the McKenzie Valley*. (Brampton, Ont.: Dene of the N[orth]. W[est]. T[erritories]., no date) back cover.
2. "Convention (No. 107) Concerning the Protection and Integration of Indigenous and Other Tribal and Semi-tribal Populations in Independent Countries." Adopted by the General Conference of the International Labour Organisation at its Fortieth Session, Geneva, 26 June 1957 (Part I. General Policy, Article 1). *United Nations Treaty Series* Vol. 328 (1959) p. 250.
3. Based on population figures in José R. Martinez-Cobo. *Study of the Problem of Discrimination against Indigenous Populations* Volume II. United Nations (ECOSOC) Document E/CN.4/Sub.2/1986/76/Add. 1, p. 74.
4. Ibid., pp. 71-87.
5. Ibid., p. 77. Martinez-Cobo elaborates: "According to reliable unofficial estimates, Guatemala's indigenous populations reached in 1978 59.70 per cent of the total population of the country in a consistent upward trend and is now the highest in the world. . . The Maoris in New Zealand have increased from 4.7 per cent of the population in 1926 to 8.8 per cent in 1972. . . " See also Enrique Mayer and Elio Masferrer. "La Población indigena de América en 1978," *América Indigena*, a publication of the *Instituto Indigenista Interamericano*, Vol. XXXIX, No. 2 (April-June 1979) pp. 217- 337.
6. Section XXX of Final Act of the Ninth Conference of American States (Bogotá, 30 March - 2 May 1948), in *International Conferences of the American States*, Second Supplement 1942-1954 (Washington: Pan American Union, 1958) p. 263.
7. *Universal Declaration of Human Rights* (Paris: United Nations, 1948) Preamble.
8. Ibid., Article I.
9. Department of Public Information. *Combatting Racial Discrimination: United Nations Declaration on the Elimination of All Forms of Racial Discrimination and the International Convention on the Elimination of All Forms of Racial Discrimination* (New York: United Nations, July 1985) Document No. DPI 858-21131, p. 4.
10. *International Covenant on Civil and Political Rights*. General Assembly Document 2200 A (XXII), 16 December 1966, Part III, Article 27.
11. Of the thirty-seven countries with indigenous populations as so defined by the U.N. (other than Israel, South Africa and Namibia), twenty-four are ratifying parties to the International Covenants. These include: Argentina, Australia, Bolivia, Chile, Colombia, Costa Rica, Denmark (incl. Greenland), Ecuador, El Salvador, Finland, France (incl. Fr. Guyana), India, Japan, Mexico, New Zealand, Nicaragua, Norway, Panama, Peru, Philippines, Sri Lanka, Suriname, Sweden and Venezuela.
12. See J.E. Inikori. "The Origin of the Diaspora: The Slave Trade from Africa," *Tarikh* Vol. 5, No. 4 (1978) pp. 1-40; and Adu Boahen. "The Effects of the Atlantic Slave Trade on West Africa: A Rejoinder," *Ufahamu* Vol. VII, No. 2 (1977). See also Eric Eustace Williams. *From Columbus to Castro: The History of the Caribbean*. (New York: Harper and Row, 1971).
13. South American Indian Information Center. *Working Commission Reports: Second Conference of Indian Nations and Organizations of South America*. (Berkeley: South American Indian Information Center, 1984) pp. 30-31.
14. International Labour Organisation. "Convention No. 107." *Ibid.*, p. 248.
15. Ibid., Article I:1,a, p. 250.
16. 30 U.S. (5 Pet.) 1 (1831).
17. As quoted in Indian Law Resource Center, *Indian Rights-Human Rights: Handbook for Indians on International Human Rights Complaint Procedures*. (Washington: Indian Law Resource Center, 1984) p. 14.
18. Ibid.
19. See Walter Connor. "Nation-building or Nation-destroying?" *World Politics* Vol 24, No. 3 (1972) pp. 319-355.
20. G.A. Resolution 1573(XV) re Algeria; G.A. Resolution 1603(XV) re Angola; G.A. Resolution 1747(XVI) re Zimbabwe (Rhodesia). For a full discussion and analysis of the right of self-determination as applied to Palestine see W. Thomas Mallison and Sally V. Mallison. *The Palestine Problem in International Law and World Order* (London: Longman, 1986) Chapter 4, pp. 174-206.
21. Inter-American Commission on Human Rights. *Report on the Situation of Human Rights of a Segment of the Nicaraguan Population of Miskito Origin and Resolution on the Friendly Settlement Procedure Regarding the Human Rights Situation of the Nicaraguan Population of Miskito Origin* (Washington: Organization of American States, 1984), OEA/SER.L/V/II.62, doc. 10, rev. 3; and OEA/Ser. L/V/II.62, doc. 26.
22. "Preliminary Draft of the Law on the Autonomous Regions of the Atlantic Coast," Title I, Fundamental Principles, in Autonomy Commission. *Autonomy: recovering National Unity* (Managua: Autonomy Commission, April 1987) pp. 10-15.
23. Draft Declaration, International NGO Conference on Discrimination Against Indigenous Populations - 1977 - in the Americas. E/CN.4/Sub. 2/476/Add. 5, Annex IV, p. 1.
24. World Council of Indigenous People. *(Draft) International Covenant on the Rights of Indigenous Peoples* (Ottowa: World Council of Indigenous People, 28 April 1981).
25. "The Dene Declaration," *op. cit.*.
26. Adapted from "World Council of Indigenous Peoples Declaration of Principles," as ratified by the IV General Assembly of the World Council of Indigenous Peoples, Panamá, 23- 30 September 1984.

On the Inequality of Israeli Citizens

*Roselle Tekiner**

Israel's Declaration of Establishment provides a plausible response to charges of discrimination against Arab citizens. It promises complete equality of social and political rights to all inhabitants of Israel irrespective of religion, race or sex. Critics who rely on this official commitment to the principle of human rights look beyond Israel's legal system for an explanation of the existing inequities between Arabs and Jews in housing, work opportunities, voting privileges and access to social services. Examining the social, political and economic factors usually responsible for inter-ethnic prejudices in democratic societies, they blame the existing situation on Israel's need for security—or tensions between the religious and secular factions in government—or educational differences between Jews and Arabs—or Meir Kahane's radical views—or xenophobia. Commentators often refer to Israel's growing pains that are certain to disappear as the nation matures and is less threatened by her Arab neighbors.

Projects are underway in Israel to demonstrate to Arab and Jewish citizens that the intolerance they demonstrate in everyday life is contrary to the democratic values of their country.[1] When the public finally absorbs lessons of human equality, educators expect an enlightened electorate to bring into power a government that

* Roselle Tekiner has a Ph.D. in anthropology from City University of New York. She has taught at Hunter College, Fairleigh Dickinson and the University of South Florida, and is currently adjunct professor at Eckerd College, St. Petersburg, Florida.

will carry out policies to eliminate inequities out of place in a true democracy. The situation in Israel appears analogous to that in the United States, where discrimination against blacks was rarely protested and a civil rights movement had to erupt before the public recognized the illegality of the injustices and the need for enforcement of laws guaranteeing equal rights. But the difference between discrimination in the United States and in Israel is that equality is guaranteed by the U.S. Constitution, but Israel has no constitution and no bill of rights. The Declaration of Establishment proclaims equal rights, but the document has no legal force and is contradicted by "fundamental" laws that substitute for a constitution. These laws not only fail to guarantee equality, they mandate preferential treatment for Jews.

Israeli "fundamental" law makes Arabs second class citizens, and there can be no change as long as the philosophy of Zionism provides the foundation of the legal system. There is no significant agitation for change. Proponents of educational projects to teach tolerance seem unaware that the roots of prejudice are firmly fixed in law. Zionism is surrounded by an aura of sanctity, and cries of self-righteous indignation come from Israel's supporters whenever Zionism is blamed for the discrimination. It is simply taken for granted that Israel is what Zionist spokespersons say it is—a democratic, humanitarian, peace-loving nation whose problems are caused by hostile neighbors. Lest observers be swayed by mounting evidence in news reports to the contrary, praises of Israel are constantly extolled in speeches, articles and paid advertisements. *The New York Times* of Sunday, 14 December 1986, ran an ad of the World Zionist Federation reminding "one million Americans who have joined the Zionist movement"—and those invited to follow suit—that Zionism strengthens a *democratic* Israel; that Israel cares about the protection of *all* minority rights everywhere; that Zionist aspirations for freedom are similar to those that gave birth to America. But discrimination against Arabs in Israel is as firmly fixed in law as discrimination against blacks in South Africa and constant rhetorical affirmations of the virtues of Israeli society do not change the facts. There is one important difference. South Africa has a number of laws that formalize institutions of separate development, some of which expressly specify discrimination against blacks.[2] But Israel's anti-Arabism is legislated with obfuscating language in a single "fundamental" law, the World Zionist Organization/Jewish Agency (Status) Law. This law creates a partnership between the Israeli government and the World Zionist Organization to develop the state for "the Jewish people."[3]

The Semantics of Zionism

To understand how legal discrimination in Israel escapes the attention of most human rights advocates, it is necessary to understand how certain words and phrases in the Zionist lexicon deviate from conventional usage. "Nationality," "citizenship," "the Jewish people," "return," "ingathering of exiles," "national institutions," "government institutions," "redeeming the land," all have special Zionist meanings which usually do not correspond to conventional definitions and, therefore, do not mean what they seem to mean. Some translations from Hebrew

to English assume interchangeability of terms that are not correctly interchangeable. Euphemisms often substitute for legal terms; divine sanction is implied by expressions that refer to actions contrary to democratic principles. Zionist semantic manipulations, together with cultivation of the idea that Zionism and Judaism are equivalent, help to obscure the legislated inequality of citizens of Israel.

The language of three "fundamental" laws is critically relevant for understanding the systematized discrimination against Arabs: the Law of Return, the Law of Citizenship and the World Zionist Organization/Jewish Agency (Status) Law. "Fundamental" is the term given to laws that were enacted to substitute for a constitution. Without a constitutional bill of rights, the rights of some citizens and the non-rights of others must be painstakingly deduced from the ambiguous language in which the laws were written. According to Thomas Friedman, a *New York Times* correspondent who reports from Israel, "[without] a constitution, ministers have a great deal of discretion in interpreting laws according to their own political interests, and there is also a tendency to change the law when it gets in the way."[4] The research of this article supports Friedman's observation that the lack of a constitutional bill of rights allows for more than one interpretation of Israeli laws.

Nationality in Israel Is Not Israeli Nationality

"Nationality" generally has two meanings in the popular understanding. As a legal status, it is equivalent to "citizenship," which is acquired by birth or by naturalization. It is also used in a popular sense to refer to an ethnic tradition. This second meaning is closer to that of many Middle Eastern and eastern European countries where "nationality" is more a socio-cultural identification with varying political ramifications than it is a legal status. The Hebrew word for nationality is *le'um*, and, as a legal status in Israel, *le'um* applies only to *Jewish* nationality. Before the state of Israel was founded, "*Jewish* nationality" *(le'um)* was a designation of religious affiliation and/or ethnicity, not a legal status. But with the enactment of Israel's first law, the Law of Return, which grants all Jews the right to immigrate to Israel and receive citizenship on request, "Jewish nationality" became a legal extra-territorial supra-citizenship status, unique in the entire world. The result is that nationality *(le'um)* is now *both* a religious/ethnic designation and a legal status applying to all Jews, whatever their domicile country or conventionally recognized nationality/citizenship. Zionist rhetoric takes full advantage of the double meaning. Ambiguity is cultivated by consistently using the religious/ethnic term "the Jewish people," as a substitute for "Jewish nationality." The substitution neutralizes what has always been a controversial, bothersome term in the Zionist movement and obscures the transformation of "Jewish nationality" *(le'um)* into a legal status in Israel.

Theodor Herzl, the founder of political Zionism, used the term "the Jewish people" to refer to the nation for which he sought international recognition. The term is vague enough to imply an ethnic/religious identification rather than a political/legal one and succeeded in mollifying the many Jews who were concerned

that a Jewish state might jeopardize their single nationality status in their domicile countries. Opposition of many Jews throughout the world to a second nationality in a Jewish state, in addition to nationality held in the domicile country, threatened efforts of early Zionist leaders to convince the Western powers that a Jewish nation lived in exile and needed territory to exercise rights of self-determination.[5]

Chaim Weizmann, who became president of Israel, exploited the emotional potential of the term, "the Jewish people," as a euphemism for "nationality." He wrote in his autobiography:

> those wealthy Jews who could not wholly divorce themselves from a feeling of responsibility towards their people, but at the same time could not identify themselves with the hopes of the masses, were prepared to dispense a sort of left-handed generosity, on condition that their right hand did not know what their left hand was doing. To them . . . it was philanthropy, which did not compromise them; to us it was nationalist renaissance.[6]

Weizmann also coined the term, "non-Zionism," to satisfy Jews who were unwilling to accept the political implications of Zionism's "Jewish state," but desired to contribute to the welfare of homeless and persecuted Jews without fostering a theocratic nation. Herzl's successors continue the Zionist tradition of manipulating words to distract attention from the legal basis for discrimination against Palestinians.

The Right of Return *Is a Nationality Right*

The Law of Return, the first law enacted by the Israeli parliament, gives all Jews in the world the right to enter Israeli Palestine and obtain citizenship upon request. The Law of Return is not an immigration law but a nationality law, for Jews are not *immigrating* in the conventional sense of the term, but *returning*. The right to *return* to one's country without legal formalities is a nationality right. Although the Hebrew word for nationality *(le'um)* is missing from the title, the Law of Return is nonetheless an effective nationality law, because generally the right to enter without legal formalities is an exclusive right of a country's citizens. Aliens who wish to enter must meet the requirements set forth in immigration laws. Although Jews who *return* are not technically citizens when they embark on the journey to make Israel their home, they effectively become citizens on arrival. They remain citizens unless they renounce Israeli citizenship within a specified period of time. The citizenship status conferred on Jews who heed the Zionist call to *return* is a special one, distinguished with the expression, "by *return*," from the citizenship of non-Jews. The special privileges of citizens "by return" compared with other citizens, is set forth, also with ambiguous language, in the World Zionist/Jewish Agency (Status Law). Designating nationality by the euphemism, "return," obscures the true legal meaning of return as a nationality right in Israeli law.

An extra-territorial nation with a claimed constituency scattered throughout the world and sharing legal rights and obligations exists nowhere but in Israel. A nation not confined to geographical boundaries of a particular state is so extraor-

dinary, it is generally assumed that "Jewish people nationality" is a kind of humanitarian generalization affirming Israel's commitment to rescuing homeless, persecuted Jews. This perception is fostered in books and articles written in English, or translated into English, dealing with the question of Israeli citizenship. The principal mechanism for conveying the impression that "Jewish people nationality" is a religious/ethnic status, instead of the legal one it actually is, is to translate the Hebrew word, *ezrahut,* which means citizenship, as nationality. Citizenship *(ezrahut)* thereby seems to convey nationality rights and obligations in the state of Israel when, in reality, nationality *(le'um)* is the only status that conveys, in law, the rights and obligations that are comparable to citizenship/nationality rights in other countries.

Israeli Citizenship Is Not Israeli Nationality

Israeli citizenship is not restricted to Jews, but there is a special citizenship status that differentiates Jewish citizenship from non-Jewish citizenship. Jews who exercise the right given them in the Law of Return to immigrate to Israel are also given "citizenship by return," by provisions of the Law of Citizenship *(ezrahut).* "Return" in Israeli law always refers to Jews, the term implying that Jews are in exile until they *return* to Israel. It is not to be taken in its literal sense, for most Jews are going there for the first time, not *returning.* A citizenship (not by return) is also granted to Arabs by the Law of Citizenship. No distinction is made in this law between rights of "citizens by return" and other citizens. If one fails to look further, at other laws and their administration and to Supreme Court decisions, it appears that "by return," like *le'um,* is without legal significance. Translation of Law of Citizenship as "Law of Nationality" makes it appear that all citizens are equal in Israel. A careful reading of subsequently enacted laws, and Supreme Court judgments with awareness that "Jewish people" and "exiles" are Zionist synonyms for nationals of Israel, makes it clear that Jewish nationality *(le'um)* is required for citizenship in Israel with full and complete rights and obligations.

The common practice of translating *ezrahut* into English as nationality is apparently inspired by the fact that citizenship and nationality are interchangeable terms in the United States and other Western countries. But *ezrahut* and *le'um* are not interchangeable in Hebrew when referring to a legal status in Israel. They are two separate, distinct statuses in Israel, conveying different rights and obligations. In the United States, nationality applies only to those who meet the requirements for United States citizenship. In Israel, nationality applies only to "the Jewish people," whether or not they are citizens of Israel. In the United States, all citizens are nationals and all nationals are citizens. In Israel, this is not the case. Arab citizens are not nationals and Jews who are citizens of other countries do not hold citizenship in Israel unless they request it.

Authoritative books written by reputable scholars consistently translate Israel's Law of *Citizenship* as Law of *Nationality.*[7] There is no reason for *ezrahut* to be translated as anything but citizenship, except to draw attention away from the fact that nationality and citizenship are not equivalent in Israel as they are in the

United States and other Western countries. The impression conveyed is thus that *le'um* has no legal significance and supports the deception that all citizens are equal in Israel. However, the Hebrew word *le'um* is the only expression of nationality in Israel.

Israeli Nationality Is Jewish Nationality

The Population Registry exists in order to register residents of Israel and issue identity cards. There is an entry for "nationality" *(le'um)*—but "Israeli" is not an acceptable response. The "nationality" of Jews is always indicated as "Jew," even if they register as having no religion. M. D. Gouldman, in his 148-page analysis of Israeli citizenship, entitled, *Israel Nationality Law*, states that the Population Registry Law was enacted to collect statistical information.[8] But the intensity of the controversies resulting from challenges to respondents' claims of Jewishness, indicates that a great deal more is at stake than accuracy of statistical data. The well publicized "Who is a Jew?" debates emanate primarily from questions concerning the Population Registry Law and have at times become so explosive as to threaten to topple governments.[9] To say that the government wants to know about citizens' nationality only for statistical purposes is as deceptive as the erroneous translation of citizenship as nationality.

John Dugard describes South Africa's Population Registry Law as "the cornerstone of the whole system of apartheid," saying, "it provides for the compilation by the Secretary of the Interior of a register of the entire South African population, which is to reflect the classification of each individual . . ."[10] In South Africa the classification is racial; in Israel, it is a "nationality" classification. But the registries of the two countries serve a similar purpose—to provide a foundation for discrimination against particular segments of the population. The South African legislature has had considerable difficulty in finding a definition of race that will defy all attempts to cross the color line.[11] Israel's similar great difficulty in finding a definition of a Jew is reflected in the turbulent "Who is a Jew?" controversies.[12] In South Africa, the test of descent is added to a test of appearance and social acceptance.[13] In Israel also, the test of descent is applied to nationality *(le'um)*. To be born of a Jewish mother is the primary criterion of registration as a Jew under "nationality." One may also be registered as a Jew if converted to Judaism, but adherence to Judaism is required only of those who do not have Jewish mothers. Just as the purpose of South Africa's Population Registration Act is "to place each individual in a particular racial group in order to determine his social, economic, and political status,"[14] the purpose of Israel's Population Registration Act is to place each individual in a particular ethnic/religious/racial group, which determines his social, economic and political status.

The case of *George Tamarin v. the State of Israel* leaves no doubt that the word "nationality" does not belong in the title of the Law of Citizenship. This case makes it clear that nationality is differentiated from citizenship in Israel and that the term "Israeli nationality" can only mean "Jewish nationality." In 1970, George Tamarin, a Jewish human rights advocate who was registered as a Jew by

nationality, petitioned the Interior Ministry to change his nationality registration to "Israeli" from "Jew." His request was refused and he carried his petition to the Supreme Court. In denying his request, the Court stated that "there is no Israeli nation separate from the Jewish People. The Jewish people is composed not only of those residing in Israel but also of Diaspora Jewry."[15] Therefore, according to Israel's highest court, Israel is the nation of "the Jewish people," not the nation of all its citizens. One need look no further than the judgment of this case to realize that a nationality defined by a geographic territory, as "nationality" usually is defined, does not exist in Israel. Full rights in the state of Israel belong to those who hold Jewish nationality *and* Israeli citizenship or "citizenship by return." These two statuses together constitute the equivalent of "citizenship," as the status is recognized in the United States. Those who hold "Jewish nationality" alone can, at any time they wish, obtain the first class rights of citizenship by *returning*. Those who do not hold Jewish nationality can never be first class citizens of Israel, even if born there. The existence of an extra-territorial Jewish nationality and the non-existence of an Israeli nationality, except for Jews, provide the mechanisms for Israel to exclude citizens *not* "by return" from nationality rights. Israel is the only nation in the world to grant privileges to some foreigners that are denied to some native born citizens.

Interpreting the Language of the Status Law

The World Zionist Organization/Jewish Agency (Status) Law creates a partnership between the state of Israel and the World Zionist Organization to develop the state for "the Jewish people."[16] The discriminatory nature of a law that singles out a particular group for preferential treatment, is obscured by euphemistic language. The law states that the "mission of gathering in the exiles" is the "central task of the State of Israel and the Zionist Movement." The word, "exiles," conveys the impression that the persons referred to are banished from the societies in which they live. "Gathering in" suggests that Israel's central task is to provide a sanctuary for refugees. "Mission" seems to refer to a humanitarian effort to rescue persecuted homeless Jews.

The central task of a democracy should be to serve all its citizens, but it becomes evident when legal meanings are extracted from the euphemisms, that Israel's highest priority (mission) is the importation of a select group of foreigners. "Exiles" means all Jews not living in Israel and "gathering in" means conferring Israeli citizenship on foreign Jews. The small number of Jews who have "returned" indicates that most "exiles" targeted for "ingathering" are satisfied with their present citizenship and have no intention of being "ingathered" by the state of Israel. But Jews who uncritically accept that the law only means what it seems to mean, contribute huge sums of money to benefit the "exiles," not realizing they themselves are the exiles the state is committed to "ingathering." Fortunately for those who do not wish to be ingathered, other nations do not acknowledge Israel's legal claims on Jewish citizens of countries other than Israel. In 1964, in a letter to Elmer Berger, Executive Vice President of the American Council for Judaism, the

United States Assistant Secretary of State wrote, "the Department of State does not regard the "Jewish people" concept as a concept of international law."[17] But very little is done in the United States to discourage the Zionist machinery from demonstrating an alleged representation of Jews who are not citizens of Israel.[18]

Concentration on ingathering "exiles" instead of devoting the machinery of government to caring for the needs of all citizens is hardly consistent with a Declaration of Establishment that proclaims equal rights of citizens regardless of religion or race. But the flowery language of the Status Law obscures its function to make the state of Israel and the World Zionist Organization/Jewish Agency partners in settling the state with Jews and developing the state for Jews. The obfuscation of the true function of the law allows full credit to be given to "philanthropic" agencies for the obvious inequities existing between Jewish and non-Jewish citizens of Israel, despite the fact that the government is full partner in implementing economic and development projects which directly benefit only the country's Jewish citizens. When the United States accords the World Zionist Organization and the Jewish Agency tax deductible status, as if they truly are independent agencies, Zionist claims are reinforced that private philanthropic activities cause Jewish citizens to be better off in Israel than Arab citizens, and that the *democratic* Israel government has nothing to do with it. But the Status Law has made these agencies an integral part of the government.

National Institutions Are Not Government Institutions

In the United States, national institutions are government institutions, but this is not the case in Israel. Just as nationals and citizens are differentiated in Israeli law, there is a significant difference between *national* institutions and *government* institutions. National institutions serve only nationals, or people of the Jewish nation, while government institutions serve citizens of Israel (Jews and Arabs). National institutions own 92 percent of the land of Israel. The process of securing the land and transferring it to the Jewish Agency is called "redeeming the land." Non-Jewish Israeli citizens are deprived of the use of this "national" land by provisions of the Jewish National Fund charter which grants the "redeemed" land to "the Jewish people" in perpetuity. Non-Jews can neither own the land nor lease it nor work upon it. It belongs to "the Jewish people," most of whom are citizens of other countries. The "national" institutions develop the lands for agriculture, industry, social services, housing, settlements, etc., with benefits accruing only to citizens "by return." The budget of the Jewish Agency is almost as large, and in some years has been larger, than the development budget of the government. When the Jewish Agency's operating funds have been low, the Israeli government has made up the deficit with funds collected through general taxation of *all* citizens.[19]

These manipulations are made possible by provisions of the Status Law. By legitimating an arrangement between the government and the World Zionist Organization/Jewish Agency to develop the state for Jews, the non-Jewish sector of Israeli citizenry is permanently disadvantaged. The Status Law makes the govern-

ment a full and equal partner in activities that provide advantages to "citizens by return" that are denied other citizens.

Jews Are Also Victimized by Discriminatory Laws

The effects of Israel's discriminatory laws reach beyond injustices to Arabs and into the Jewish sector of society. The categorization of Israeli citizenry into separate segments for the delivery of preferential treatment to one segment makes it crucially important for an immigrant to be registered in the privileged category. The controversy can become very intense when the Population Registry questions whether a registrant really is a Jew, as claimed.[20] The disputes are primarily between the religious and secular segments of Jewish Israeli society. The religionists say that a Jew must be defined, according to religious law, as a person born of a Jewish mother or converted to Judaism. The secularists are unable to counter with their own definition. To them, being a Jew does not mean following Judaism, for most do not. But they are unable to specify what it means, for Jews are not bonded by a common race, ethnicity or language, the elements that are the usual basis for nationality aspirations. Secular Zionists cannot keep the state Jewish if they cannot measure the Jewishness of immigrants except by religion, and so they go along with the religious definition. Some immigrants who, in any other society, are regarded as Jews, must hypocritically undergo a religious conversion to qualify for Jewish nationality. Secularists resent their domination by the religious minority and the resentment is increasingly manifested by physical violence. Orthodox Jews throw stones at cars travelling on the Sabbath and burn bus stops displaying pictures of semi-clothed women. Secularists counter by defacing synagogues. Religionists are determined to make Israel truly the biblical land of Zion that secularists pretend it to be. Secularists are equally determined to continue political Zionism's successful exploitation of the symbolism of Judaism without imposing religious law on the secular majority.

Conclusions

The inequality of Israeli citizens is not a phenomenon that will pass with improved vision of the Israeli electorate or enlightened policies of a new government. Whatever the social or political climate, continued preferential treatment for Jews is guaranteed by the state's *fundamental* laws. The first law passed by the Israeli Knesset, the Law of Return, established—and still maintains—exclusive nationality rights for Jews in Israel that are permanently denied all Arabs, whether they were living in Palestine when the state was established or were later born there. Non-Jews do not have a legal nationality status in Israel. Israel's second law, the Law of Citizenship, establishes a class of citizenship for Arabs that leaves them permanently disadvantaged compared with Jews, whose citizenship is "by return." The third fundamental law, the World Zionist Organization/Jewish Agency Status Law, facilitates legal, economic, political and social discrimination against Arabs by delegating a wide range of government-supported services to Zionist institutions serving only Jews.

Erroneous translations of the title of the Law of *Citizenship* as the Law of *Nationality*, together with euphemistic language of the Status Law, mask the distinction in Israeli law between citizenship and nationality. This distinction is the primary mechanism for legal discrimination against Arabs and other non-Jewish Israeli citizens.

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1. Danny Rubinstein. "The Irony of Israel's Democracy Project." *The New York Times*, 16 July 1986.
2. John Dugard. *Human Rights and the South African Legal Order* (Princeton, NJ: Princeton University Press, 1978), Chapter Four.
3. W. Thomas Mallison and Sally Mallison. *The Palestine Problem in International Law and World Order* (Essex: Longman, 1986), Chapter Two.
4. Thomas Friedman. "Weight of Politics, Politics Bends the Law in Israel." *The New York Times*, 21 December 1986.
5. Continuing Jewish opposition led to the insertion of the second safeguard clause in the Balfour Declaration of 1917, stating, "it being clearly understood that nothing shall be done which may prejudice the civil and religious rights of existing non-Jewish communities in Palestine, or the rights and political status enjoyed by Jews in any other country."
6. Chaim Weizmann. *Trial and Error*. (New York: Harper & Row, 1979), p. 9.
7. See Joseph Badi. *Fundamental Laws of the State of Israel*, with Foreword by Leo Kohn, Political Advisor, Israeli Ministry of Foreign Affairs and author of the draft constitution of the State of Israel (New York: Twayne Publishers, 1961); M. D. Gouldman. *Israel Nationality Law* (Jerusalem: The Hebrew University, Institute for Legislative Research and Comparative Law, 1970); Oscar Kraines. *The Impossible Dilemma: Who is a Jew in the State of Israel* (New York: Bloch Publishing Co., 1976).
8. Gouldman. *Israel Nationality Law*, p. 29.
9. Roselle Tekiner. "Jewish Nationality Status as the Basis for Institutionalized Racial Discrimination in Israel." *American-Arab Affairs* No. 17 (Summer 1976), pp. 79–98.
10. Dugard. *Human Rights*, p. 60.
11. Ibid., p. 61.
12. Tekiner. *Jewish Nationality Status*, pp. 90–97.
13. Dugard. *Human Rights*, p. 61.
14. Ibid., p. 62.
15. This decision was rendered by Justice Shimon Agranat, then President of the [Israeli] Supreme Court. Justice Agranat held that Tamarin's proposal, if realized, "would negate the very foundation upon which the State of Israel was formed." *The New York Times*, 21 January 1972, p. 14, as cited in Kraines.
16. Mallison and Mallison. *Palestine Problem*, Chapter 2.
17. Ibid., p. 84.
18. This is in apparent contrast to Turkey, which indicated by barring an official Israeli delegation from the funeral of Jews killed in a synagogue massacre in September 1986, that Turkey, not Israel, represents Turkish Jews.
19. Ian Lustick. *Arabs in the Jewish State*. (Austin and London: University of Texas Press, 1980), Chapter Four.
20. Tekiner. "Jewish Nationality Status," *op cit.*

South Africa under Siege: The Ever-deepening Crisis of *Apartheid*

*Alfred T. Moleah**

South Africa's political crisis is deepening by the day, while the popular resistance to *apartheid* is steadily growing and intensifying. The recent tragic events are but one manifestation to this ever-increasing dilemma which has assumed a force and momentum of its own. This is essentially history, or more properly, historical forces, charting their own inevitable path. Evident motivation of these forces includes faith in the possibility to right wrong and assert right over might.

The *apartheid* white minority regime in South Africa is caught on the horns of an acute dilemma: it can neither advance nor retreat without serious, unknown consequences. Ideologically indefensible, *apartheid* offers no alternatives for the future; its patent failures allow no retreat into the past. Like all failed and obsolete social orders, it lives for the day, surviving tenuously as it goes. Its only succor is brute force. For, in the face of the majority contesting its premise of white supremacy, military action and state violence remain the field in which *apartheid*

* Alfred T. Moleah, a South African scholar living in exile, has for years been active in the struggle against *apartheid* and racism. He is author of *Namibia: The Struggle for Liberation* (Wilmington, DE: Disa Press, 1983), as well as numerous articles on southern African politics. Dr. Moleah is presently Associate Professor at Temple University, Philadelphia, Pennsylvania, where he teaches in the department of African-American Studies.

remains so far unchallenged. By definition, this tenuous existence cannot be long lasting. The days of the *apartheid* state are indeed numbered.

Under the scrutiny of world opinion, all the contradictions inherent in the *apartheid* scheme are coming into full view. Propelled by historic forces in the region and the world, these contradictions have asserted their own urgency, and without reconciliation have become an abiding problem and threat to *apartheid*'s continuance. Central to this dilemma is the elemental issue of justice.

Apartheid as a predatory system is irreconcilable with any notion of justice. *Apartheid* as a system and social order postulates the inferiority of Africans as Africans *vis-à-vis* whites. Racism is its core premise, from which radiate all institutional structures which constitute the *apartheid* system. The system, in fact and in law, negates the very humanity of Africans and denies their most basic right as a people, the right to nationality and self-determination. This presents a fundamental contradiction, as Africans constitute an overwhelming majority of the population in South Africa. Africans by their historical and numerical dominance are the pivot of South Africa's well-being and future—they are South Africa—and any scheme that ignores this basic demographic fact is doomed to failure.

Apartheid

The emergent South African state, the Union of South Africa, was a union of whites (Afrikaners who are 60 percent of the white population and the English-speaking who comprise the remaining 40 percent), who together constitute less than 17 percent of the total population. This is compared against blacks (including so-called Coloreds and Indians) who are 83 percent, and Africans in particular who are over 73 percent of the total population and are the historical custodians and owners of the land. The state's initial, crude rationale was biblically or religiously based, arguing that Africans—and blacks in general—were descendants of Ham, cursed to be "hewers of wood and drawers of water" in perpetuity. The argument asserted that whites were ordained by God to be masters and rulers over blacks.

In the South African context, a racist ideology was imperative in order to justify the wholesale dispossession of native peoples and expropriation of their land. According to this colonial-settler ideology, whites were deemed superior by virtue of their Christianity and Western (European) culture. Since others could also acquire Christianity and Western culture, these were consequently declared coterminous with a white skin. The equation of white skin with Christian/Western (European) civilization was made possible, in fact made inevitable, by Calvinism, to which the white settlers adhered.

The tenets of the orthodox Calvinism of the settlers were in the main "a belief in the sovereign God, sole Creator and Ruler through his Providence of the universe; the inborn sinfulness of both man and the world as a result of the Fall; the election by predestination of the few through grace to glorify God in building his kingdom on earth; and the damnation of the rest of mankind, also to the glory of God."[1] Calvinism attributes central authority to the Bible. This induces "a

thoroughgoing fundamentalism, a literal interpretation of the Bible, not only as the revealed Word, but also as the final source of all knowledge."[2] These tenets have social implications that inexorably led to *apartheid* in the South African context.

First, the Manichaean distinction between the elect and the damned entitled the elect to a special responsibility to implement the will of God in the world, and as such, affirms their will as licensed by the Divine.[3] Secondly, when confronted by a large population with different cultural and physical attributes, Calvinists tended to classify them as the less-civilized non-elect.[4] The biblical distinction originally referred to individuals, but in the South African context it was transmuted into strict racial discrimination. Thirdly, a fundamentalist and literal acceptance of the Bible resulted in the Afrikaners' definition of their universe—their perception of themselves and their relations to others—as derived from the symbolism and mythology of the Bible, especially the Old Testament:

> The meaning of their being in the new land found expression in the symbols of the Chosen People, the Promised Land, the Children of Ham and the Philistines. They were called and led by Jehovah, their King, Ruler, and Judge, to glorify him by establishing his kingdom on the dark continent among the heathen. The Calvinists' doctrines of predestination and election provided justification of their position as defined by these constitutive symbols.[5]

Fourthly, the Afrikaner/Calvinists' conception of God as sovereign and intensely active, intervening at every turn in the affairs of men and nations, allows them selectively to abdicate responsibility for their acts. All is pre-ordained, and they are mere agents of a Divine will. This has pernicious political and social possibilities.

Afrikaners see themselves as true to their faith in promulgating and perpetuating *apartheid*. The Bible's authority is constantly invoked to authorize land expropriation and white social and economic ascendence. One useful passage, Psalm 105, instructs: " . . . He brought forth his people with joy, *and* His chosen with gladness: [a]nd gave them the lands of the heathen; and they inherited the labor of the people." Segregation and discrimination find their justification in the advice given to the Corinthians which reads: "Be ye not unequally yoked together with the unbelievers: for what fellowship hath righteousness with unrighteousness? Wherefore come out from among them and be ye separate, saith the Lord, and touch not the unclean thing and I will receive you."[6]

Within the realities of South Africa, skin color increasingly became the index, and with time, the only index. D. F. Malan, the principal helmsman of *apartheid* who became Prime Minister when the Afrikaner National Party came to power in 1948, brought out the meaning and significance of color, thusly:

> Difference in color indicates a simply but highly significant fact, i.e. that Whites and Non-whites are not of the same kind. They are different . . . The difference in color is merely the physical manifestation of the contrast between two irreconcilable ways of life, between barbarism and civilization, between heathenism and Christianity, and finally between overwhelming numerical odds on the one hand and insignificant numbers on the other.[7]

Malan, also a minister of the Dutch Reformed Church which is the spiritual guide of Afrikanerdom, was in full accord with the teachings of the Afrikaner Church on this score. Similar views are expressed in a report, *Human Relations in South Africa*, adopted by the General Synod of the Dutch Reformed Church (1966). The report stated, among others, that:

> God created everything including the different races, peoples and nations on the earth. Had he wished to create all men the same, He would have done so. . . . God mercifully decreed that man should have many languages and that he should be diversified and spread to all parts of the earth. This resulted in the formation of many different races, peoples, languages and nations. This can be seen from his anger at the sinful attempt at unity, manifest in the attempted construction of the Tower of Babel.[8]

Afrikaners see themselves, *apartheid*, their state, as well as all their acts as part of the fulfillment of a divine scheme. To them, God is the architect of all history and imbues it with ultimate meaning. The Afrikaners' settlement in South Africa was divinely ordained and their history of survival and triumph a miracle. Malan spoke for Afrikanerdom when he observed:

> Our history is the greatest masterpiece of the centuries. We hold this nationhood as our due for it was given us by the Architect of the Universe. His aim was the formation of a new nation among the nations of the world . . . . The last hundred years have witnessed a miracle behind which must lie a divine plan. Indeed, the history of the Afrikaner reveals a will and a determination which makes one feel that Afrikanerdom is not the work of men but the creation of God.[9]

And he further elaborated on this theme:

> It is through the will of God that the Afrikaner People exists at all. In His wisdom He determined that on the southern point of Africa, the dark continent, a People should be born who would be the bearer of Christian culture and civilization. In His wisdom He surrounded this People by great dangers. He sent the People down upon unfruitful soil so that they had to toil and sweat to exist upon the soil. From time to time He visited them with droughts and other plagues.
>
> But this was only one of the problems. God also willed that the Afrikaans People should be continually threatened by other Peoples. There was the ferocious barbarian who resisted the intruding Christian civilization and caused the Afrikaner's blood to flow in streams. There were times when as a result of this the Afrikaner was deeply despairing, but God at the same time prevented the swamping of the young Afrikaner People in the sea of barbarianism.[10]

The basic assumption here is that whites possess a certain congenital entitlement to a priority of rights over the black majority. It is within this context that South Africa's so-called reforms and changes have to be judged and evaluated.

When the present National Party government came into power in 1948, it fashioned what was then a motley of pre-existing discriminatory laws and practices into a rigid system of white supremacy known as *apartheid*. Basic to this legal edifice are laws that constitute the foundation of *apartheid*, a strict institutional separate-

ness of the races. Such a law is the Population Registration Act of 1950. By this law South Africa, with absurd meticulosity, classifies each person into the pigeon-hole of white, colored, Asian/Indian and Black/African. Undaunted by the failure of geneticists and anthropologists to compile a complete and perfect distinction of people along racial lines, this Act has devised a classification scheme based on the criteria of appearance and general acceptance as belonging to a racial group. This Act remains the cornerstone of the *apartheid* system.

Another cardinal law of *apartheid* is the Group Areas Act of 1950 as consolidated in 1957, and again in 1966. This Act provides for the creation of separate group areas in towns and cities to ensure residential racial segregation. Where an admixture had already taken place the area was proclaimed for one racial group (invariably white) and those not belonging to the proclaimed group were removed.

Many other laws were passed to legislate the system of *apartheid*, but the Population Registration Act and the Group Areas Act remain the two central pillars of *apartheid*. They combine to nullify and render ineffective—and, therefore, meaningless—many of the recent so-called changes and reforms. They also enable the regime to get away with its spurious distinction between "grand *apartheid*" (the basic laws that systematize *apartheid*) and "petty *apartheid*" (such discriminatory practices as maintaining separate entrances, park benches, etc. for different races).

Apartheid by its racist predicates denies the humanity of blacks; that is, Indians, so-called Coloreds and Africans. It is the most egregious and total violation of human rights. The most fundamental of all human rights is the right to self-determination—the right of peoplehood. It is the right of a group of people bearing the same historical traits commonly associated with nationality to be masters of their destiny in the land of their ancestors, bequeathed to them as their heritage and legacy. *Apartheid* is a negation of all these.

Apartheid is not so much the case of a violation of commonly recognized human rights of the blacks, but it is more properly a case of their total denial. South Africa denies the African majority any political role. Even the very limited and self-serving franchise rights allowed a select group of Africans under the British were deemed too threatening and violative by the Afrikaners. Those white South Africans had insisted on total African political denial when the Union of South Africa was formed in 1910. The first Union Constitution restricted the franchise to British citizens of European descent. So Africans were excluded from any representation in decisions affecting their lives.

This exclusion denies Africans even the right to protest their treatment as helots in the land of their ancestors, the peaceful nature of their protest notwithstanding. This denial has entailed the banning of political organizations, notably the April 1960 banning of the African National Congress (ANC) and the Pan-Africanist Congress (PAC). New African political organizations have been similarly banned at the white minority regime's pleasure. Leaders of the African people systematically have been deposed, banned, banished, imprisoned and murdered.

Africans continue to rebound hydra-like against this political repression by creating new political organizations and producing new leaders. The African people

of South Africa are a resilient people who have been struggling against settler-colonialism for over three hundred years. They have been conquered, but have never conceded defeat. In the face of ever-mounting repression, their resistance remains steadfast and uncompromising; and their resolve has been steeled.

The Apartheid *Dilemma*

South Africa found itself exposed with the Portuguese *coup d'etat* of 25 April 1974. This event marked the triumph of revolutionary forces of Guinea-Bissau, Angola and Mozambique. What the minority racist regime had relied upon as a *cordon sanitaire* of supportive European colonial regimes disappeared overnight. South African whites now had to grapple with new realities. For the African majority, revolutionary triumph over Portuguese colonialism was a source of great inspiration and encouragement; it affirmed their confidence in the future. The student uprisings that began in Soweto, 16 June 1976, were outpourings of this renewed mood of resistance. The victory of revolutionary forces in Zimbabwe, in 1980, gave further impetus to African resistance in South Africa; it further confirmed that history was on their side in their struggle against *apartheid.*

The minority, racist regime of South Africa had no answer to this historic turn of events except the ill-fated strategem of "total strategy," which aimed at preserving white domination by rationalizing and tuning *apartheid* into a smooth-running machine of white domination. This entailed a new emphasis on public relations—domestic and international—by refining the language and rhetoric of *apartheid.* The coarse language of the past was abandoned, and the bluntness of Hendrik F. Verwoerd, the architect of "grand *apartheid*" was now eschewed; a new double-speak became the style.

The South African government perceived the surrounding, newly-independent African states as threatening to *apartheid.* "Total strategy" intended to bring them, too, into submission by a combination of random attacks and destabilization. This was the thinking behind the strikes against Mozambique, Angola and Lesotho, and the promotion of, and support for, dissident groups in the neighboring independent African states.

Internally, "total strategy" entailed the expansion of the demographic base of white domination by the dual strategem of incorporation and excision. For incorporation, a so-called new constitutional dispensation was devised to make the so-called Coloreds and Indians partners in *apartheid.*

The African majority of 23-25 million was to be rendered manageable by excision through the scheme of homelands or Bantustans to which they would be largely relegated. According to the "Surplus People Project Report: Forced Removals in South Africa," issued in 1983, 3.5 million Africans have already been removed to Bantustans since then; two to three million more face the same fate. Coupled with forced removals of Africans has been the creation of Bantustans as "independent" entities to which a substantial portion of the African majority will be consigned. Already, four Bantustans have been declared independent, thus avoiding any claim of South African nationality to their African citizens.

In keeping with "total strategy," the so-called African national states (Bantustans) are to be carved out of 13 percent of South Africa for 73 percent of the population. However, in the new parlance or double-speak, this is presented to the world as reform, since it modifies the Verwoerdian dream of not having a single African as a South African citizen. Instead, the permanent presence of some Africans in the urban areas is now officially acknowledged for whom a yet-unarticulated special dispensation is to be worked out. They, too, in the illusury world of "total strategy," are somehow to be co-opted into the *apartheid* scheme by attaining "privileges" denied their fellow-Africans in the so-called homelands. All this is mere tampering with *apartheid*. Since the Transkei was declared independent in 1976, Bophuthatswana (1974), Venda (1979) and Ciskei (1981) have followed on this perilous path of false independence. The latter two were declared "independent" after P. W. Botha took office as Prime Minister, fully attesting to the hollowness of his so-called reforms.

The central and critical issue of African rights and their proper role as the overwhelming majority in the land of their ancestors is forever avoided. The South African majority in South Africa is unavoidable, however, and their very existence is the crux of the *apartheid* dilemma.

The Latest Apartheid *Maneuvers*

On 2 November 1983, the white minority regime in South Africa launched what it styled as the new constitutional dispensation by holding a "whites-only" referendum on the proposed constitution. It scored a resounding victory when 65.95 percent of the white electorate voted affirmatively for the new constitution.

This maneuver aimed at two things. It was to weaken the sense of unity and shared destiny fostered by the Black-Consciousness Movement, which called for the consolidated unity of all non-whites as blacks to confront their common enemy— *apartheid*. This call for unity had succeeded mightily as so-called Coloreds and Indians made common cause with Africans in confronting *apartheid*. This unity of non-whites as blacks was a rude shock to *apartheid* forces who then decided on a counter strategem of divide and rule.

The so-called new dispensation also aimed at incorporating so-called Coloreds and Indians into the *apartheid* camp, albeit as junior partners. This would, among others, expand the demographic base of *apartheid*. Essentially the new constitution intends to incorporate the 2.7 million so-called Coloreds and the 850 thousand Indians in a new three-chamber parliamentary system. Whites will have a 160-member House of Assembly; so-called Coloreds an 80-member House of Representatives; Indians a 40-member House of Delegates. The three chambers will be racially distinct and physically separate. The number of members in each chamber is determined by a 4:2:1 formula which is constitutionally entrenched and, therefore, cannot be changed or affected by a shift in population ratios. As a further safeguard, the constitutional provisions cannot be amended except with the agreement of a majority of the membership of each of the three chambers.[11]

To combat what it perceives as the external threat, the white minority regime recently has moved from attacks and destabilization of its neighbors to imposition of non-aggression treaties. Such a treaty was imposed on Mozambique, 16 March 1984, with the signing of the Nkomati Accord. By this Accord, South Africa undertook not to destabilize Mozambique through its promotion and support of the Mozambique National Resistance (MNR) Movement in exchange for Mozambique prohibiting the African National Congress (ANC) to operate against South Africa from Mozambique's national territory. (A similar accord had already been concluded with Swaziland two years earlier.) Now, South Africa is putting extreme pressure on Lesotho and Botswana to sign similar accords. By this strategem South Africa aims to establish hegemony throughout the region and thereby safeguard *apartheid.*

Such accords clearly aim at South African dominance and control of the entire southern African region, and imposition of the South African vision of a Constellation of States dependent upon, and dominated by South Africa. If successful, this would foil the initiatives of the Southern African Development Coordinating Conference (SADCC), which sought to shift the region's dependence on South Africa. The political aim of such accords is to isolate the South African liberation movements, particularly the ANC, by creating interests in the neighboring countries which would render them supportive of the *apartheid* regime and, therefore, hostile to its enemies.

South Africa pursues this improbable scenario as the overall panacea to its political problems. Internally, the *apartheid* strategists see bribery of so-called Coloreds and Indians, even urban Africans, as a viable means of safeguarding *apartheid.* Externally, state terrorism and economic blackmail are applied to subdue the surrounding states and bring them into a commonality of interests with the *apartheid* regime.

Apartheid *Gone Mad*

The South African *apartheid* regime is a classic case of grand-scale cognitive dissonance—it perceives the world, life and reality only with its uniquely jaundiced eye because it has come to believe its own mythologies. This disposition is brought out in the futile, naive and often irrational attempts and efforts to salvage *apartheid.* This pathetic process is known as "reform."

The so-called new constitutional dispensation of 1983 which created the tri-cameral parliament exemplifies this. This scheme was massively rejected by both so-called Colored and Indian communities, and that rejection remains unchanged. Subsequent events have given the lie to the collaborators' assertion that they would carry on the fight from inside the system. Most telling in this regard was the public humiliation of Allan Hendrickse by P. W. Botha.

At the 21st Annual Congress of his Labor Party in Port Elizabeth in early January 1987, Hendrickse issued his party's demands, foremost among which was that the Group Areas Act, the Population Registration Act and the Separate Amenities Acts be immediately repealed. This he followed with a threat that, if this were not done, his party would review its participation in the present

dispensation with a view to pulling out.[12] He then capped this defiant stand and new-found militancy by leading his supporters on to a whites-only beach for a protest swim.

Botha responded to this recalcitrancy on the part of one of his minions by publicly reaffirming his commitment to retention of the Group Areas Act and others. He then demanded Hendrickse's apology, or failing which, his resignation from the cabinet. Otherwise, Botha would dissolve parliament and call for new elections. His bluff called, Hendrikse capitulated without dignity or honor. He sent Botha a groveling apology, stating among other things that the swim was not an act of civil disobedience and that he and his colleagues did not intend an affront or to offend Botha "in your personal capacity as state president, nor did we intend to challenge your authority." Botha made the letter public and with this Hendrickse's standing reached rock bottom.[13]

Things have not been much better in the Indian House of Delegates. Their opportunism and venality has been most crass. And they have engaged in the practice of "grasshopping"; that is, changing positions in accordance with perceived advantage. The splits have been endless and the "debates" gutter-level, prompting one newspaper column to remark that "recent events in the [Indian] House of Delegates have been a veritable "*tour de farce.*"[14]

Without a mandate from their respective communities, the non-white members of the tri-cameral parliament are in it for the money. They are well-paid with all kinds of additional perks. For example, the thirteen new ministerial representatives will get a cash package of R70 thousand, which is made up of R37,522 salary, R14,599 allowance and R18 thousand housing allowance.[15]

Even more seriously, the so-called *apartheid* reforms are a product of ideological bankruptcy. The government is tinkering with *apartheid*, while proclaiming its death and trying to perpetuate it, but in a different guise. It is all chimerical and testimony to the Afrikaners' total inability to come to terms with present reality. They have lost the confidence, however misguided it was, of Verwoerd's vision of *apartheid* as the final solution to white South Africa's woes.

The *apartheid* dilemma was brought out in P. W. Botha's much-heralded "Rubicon Speech" of 15 August 1985, which was billed as a comprehensive plan to move away from *apartheid* and offer true reforms. Instead, Botha made a defiant restatement of existing neo-*apartheid* policy. Botha opened by rejecting "one man, one vote in a unitary system," contending that it would lead to domination of one race over another and, through that, to chaos. He also reaffirmed his government's commitment to the homelands policy. As if to bear even more testimony to his disjointed grasp of the realities facing him and the country, Botha ended by describing his speech as a manifesto and the principles contained in it as a watershed: "I believe that we are today crossing the Rubicon. We now have a manifesto for the future of our country and we must embark on a program of positive action."[16]

The "Rubicon Speech" represents the white minority regime's perception of change. At best it is a change in form while leaving the substance of *apartheid* intact. Botha and his government have not significantly deviated from this stance since.

In addressing the National Party federal congress, August 1986, President P. W. Botha spelled out his "reform" program in the most contradictory terms, while appearing strangely oblivious to his own contradictions. He declared that South Africa had "outgrown the outdated concept of *apartheid*," and in the same breath went on to defend the tribally-based homelands policy of Verwoerd's "grand *apartheid*." He even refurbished the idea of forging city states out of the black township ghettoes. He rhetorically asked: "If a state such as Luxembourg can be independent, why can black urban communities close to our metropolitan areas not receive full autonomy as city states?" (Botha had obviously never been to Luxembourg—this writer has—to even remotely compare it to Soweto). He disingenuously argued further that he was not advocating "grand *apartheid*," but "peaceful co-existence of a diversity of cultures" and an "extension of democracy." He closed with an impassioned defense of compulsory residential and educational racial segregation.[17]

Lest this be mistaken as Botha's particular aberration, the three men most likely to succeed him as leader and president adhere to the same notion of change and reform. Chris Heunis, Minister of Constitutional Development and Planning, is the man in charge of South Africa's constitutional future, including the envisaged role for Africans. Up to now, he seems no different from Botha with his penchant for new structures instead of changes in substance. He equally adheres to the confederal scheme offering that blacks outside the "homelands" will be given an "ethno-geographic confederation," the units of which will be based on race rather than geography.[18]

F. W. de Klerk, Minister of Home Affairs and leader of the powerful National Party in the Transvaal, is another likely successor. He equally adheres to the notion that "group rights and groups are essential for peaceful co-existence," and is a staunch defender of racial categorization of people by law as imperative to proper order. So, also, is Gerrit Viljoen, Minister of Education and Development Aid and former chairman of the secret Afrikaner powerhouse Broederbond organization. Not only does he support maintenance of racial groups as a basis of any political arrangement, he maintains that blacks must recognize the reality of white power and temper their demands accordingly. He contends further that the National Party had made enough concessions for the immediate future and now was the time to hold the line until blacks realized that they, too, would have to compromise.[19] He firmly believes that any change must not be allowed to compromise white security (i.e., dominance) and must allow their separate identity through segregated living and social institutions and amenities.[20]

So a changing of the helm would not bring about a change in policy. But all this is really beside the point. *Apartheid* cannot be reformed—it must be dismantled and destroyed. It is a system so unjust and evil to its very core that it is totally irreconcilable with elementary justice or human decency. The National Party, and the Afrikaner for that matter, cannot be the midwife of any real change. The Afrikaner has fallen victim to his own propaganda and is a paranoid who has come to identify survival with dominance. Of late, there have been rearrangements in South Africa which, especially in the Western media, have been hailed as change. Prominent among such rearrangements was the repeal of the Immorality and

Prohibition of Mixed Marriages Acts on 19 June 1985. As far as the African majority was concerned, this was a totally irrelevant issue. Sexual liaisons across the color line have never been an African concern. In fact, as the history of South Africa so amply attests, this has been a white—and, particularly, white male—concern. The aim of anti-miscegenation laws was to reinforce racism by promoting the purity of the white race. Further, they promote an ever-abiding myth that the ultimate wish and desire of every African man was to "bed" a white woman.

Another rearrangement hailed as a significant reform of *apartheid* was the repeal of Pass Laws. On the surface this does look like a sea-change, given the centrality of influx control and Pass Laws to the system of African control and oppression. Was this a real change or merely a bureaucratic sleight of hand for which South Africa is notorious?

A White Paper on urbanization was published 23 April 1986, which proclaimed the South African Government's commitment to scuttle influx control and embrace a policy of "orderly urbanization." This required the repeal of thirty-four laws and proclamations which hitherto had restricted the right of Africans to live and work in "white" South Africa. It also provided for the replacement of passbooks by a uniform identity document for all population groups. The new policy was to come into force 1 July 1986.[21] President Botha took out newspaper advertisements announcing the aboliton of influx control with the statement: "Influx control has been abolished. The pass laws have gone. The prisons are emptied of the victims of this unhappy system. No South African will ever suffer the indignity of arrest for a pass offense again. A new era of freedom has begun."[22]

A counterpoint to these good tidings was that, at almost the same time as the issuing of the White Paper, a bill was introduced in parliament giving sweeping emergency powers to the Minister of Law and Order. It empowered the Minister "to declare any area an unrest area—if of the opinion that public disturbance, riot or public violence is occurring or threatening and that measures additional to the ordinary law of the land are necessary." It also had a section (5-B) which stated: "No court shall be competent to inquire into or give judgment on the validity of any such proclamation, notice or regulation." In contradictory South African fashion, this bill essentially re-imposed the lifted State of Emergency.

Apartheid is a comprehensive system and not just a collection of disparate laws. And as a system, there is an interdependency of parts. So-called reforms in South Africa do not and will not threaten the *apartheid* system and its objective of white privilege through domination. This is the yardstick by which change has to be measured and assessed. Even without Pass Laws the government still retained a whole panoply of laws and by-laws to restrict and control African presence in "white South Africa," such as vagrancy laws, trespass and aliens legislation, by which Africans can be subjected to wholesale detention arrest and expulsion. Even more paradoxically, the repeal of the Pass Laws still leaves intact the fundamental legal bases of *apartheid*, which reside in the Population Registration Act, the Group Areas and Separate Amenities Acts, the 1913 Land Act and the Bantustan system.[23]

The April 1983 White Paper also contained a good number of caveats which, in effect, nullified what it promised. Abolition of influx control did not apply to

citizens of the Transkei, Bophuthatswana, Venda and Ciskei (called the TBVC countries), thereby excluding nine million Africans, with an additional 300 thousand when KwaNdebele is eventually given independence. Those "independent" South Africans can move around freely, subject to possession or occupation of an approved house or site. The housing shortage for Africans is monumental, affecting thousands of families with backlogs of over twenty years. This would not be alleviated by moving into vacancies that exist because the Group Areas Act is still in force. Squatting would also not be an option, because of the anti-squatting law which defines squatting broadly to include occupation by one race of accommodation in an area set aside for another. The Prevention of Illegal Squatting Act permits summary and forceful removal to ensure standards of hygiene and to prevent slums.[24]

The hated pass raids are not yet ended, since the Identification Act which replaced passes with a uniform identity card allows an authorized officer at any time to require any person reasonably presumed to be at least sixteen years of age to prove his identity without delay. Neither is the identity card race free; the numbers are race coded.[25] On a much more sinister plane, this so-called reform drives an even deeper wedge between the inside-South-Africa Africans and TBVC Homelands Africans. This inside/outside dichotomy has turned deadly as we presently see.

Black Reaction and Resistance

The victory of revolutionary forces in Guinea-Bissau, Mozambique and Angola greatly inspired the black masses of South Africa, especially the youth, and steeled their resolve and determination to oppose and reject *apartheid*. This militant mood resulted in the Soweto uprisings of 16 June 1976, which quickly spread to engulf the whole country. Though they were ruthlessly suppressed, these uprisings firmly put the youth in the vanguard of the struggle, armed with an uncompromising resolve not to have an *apartheid* future.

The forces of resistance needed time to assess and regroup and thereby prepare for a greater challenge to *apartheid*. The triumph and independence of Zimbabwe in 1980 inspired and affirmed for the struggling masses a faith in the future. The so-called constitutional dispensation, along with the galling arrogance with which it was imposed, became catalysts that would galvanize resistance to *apartheid* and bring South Africa to its present crisis.

The white minority regime decided to treat with two thoroughly discredited political entities and personalities: the so-called Colored Labor Party and its leader, Allan Hendrickse, and the Indian National People's Party and its leader, Amichand Rajbansi. Whereas whites passed judgment on the new constitution in a referendum, the promised referenda among so-called Coloreds and Indians were never held because of the certainty of massive and decisive rejection. This fear on the part of the authorities was borne out when elections took place and only less than 18 percent turned out to vote in both communities.

The farcical nature of this so-called new dispensation was especially demonstrated by the results of the Indian elections. Amichand Rajbansi, so-called leader,

was elected with a 7 percent mandate of his constituents.[26] In the Durban Bay constituency, A. H. Seedat became the first candidate in the elections to score only one vote. Two others, A. G. Ebrahim and I. Mohamed each got two votes.[27] Also elected was a convicted murderer, Narantuka Jumuna who, under the name of Shan Mohangi, was convicted for the killing of a girl while a medical student in Ireland.[28] In spite of this massive rejection, the new constitution was implemented and the new parliament met on 3 September 1984. Hendrickse and Rajbansi were rewarded for their treachery by being appointed to the cabinet of twenty ministers, but as ministers without portfolios. Botha explained this mockery with the racist condescension: "We are starting a new dispensation and I am going to act responsibly. If I find a Colored or Indian member capable of handling a portfolio, I will not hestitate to appoint him."[29] The black communities' opposition to this so-called new constitutional dispensation gave birth to and consolidated the United Democratic Front (UDF).* This was the outcome of a January 1983 steering committee which established the UDF in response to a call by President of the World Alliance of Reformed Churches Dr. Allan Boesak for progressive forces to unite in resistance to the government's constitutional plans. Between May and July 1983, general councils of the UDF were established in Natal, the Transvaal and the Cape. The UDF was launched on 20 August 1983 as a national organization when one thousand delegates, representing some 575 organizations, met at Mitchels Plain, near Cape Town. The delegates came from community/civic bodies, trade unions, sporting bodies, women's and youth organizations. The UDF now boasts seven hundred affiliates with a membership of over two million and is the principal anti-*apartheid* movement in the country. It is a broad front that encompasses all races and classes.[30]

Earlier, 11-12 June 1983, eight hundred blacks representing about one hundred organizations had met at Hammanskraal, near Pretoria, following a February 1983 resolution of the Azanian People's Organization (AZAPO), a Black Consciousness organization which called for a common front among black organizations against the government's constitutional proposals. The Hammanskraal meeting was convened by the National Forum Committee which has since continued.[31] The National Forum Committee encompasses two hundred organizations with an affiliated membership of 600 thousand. Its two main affiliates are the Azanian People's Organization (AZAPO) and the Cape Action League (CAL). The Committee continues as one of the major anti-*apartheid* organs, albeit different and separate from the larger UDF insofar as it excludes whites and has a much more pronounced socialist orientation.[32]

Youth and Student Groups

Ever since the 16 June 1976 student-led uprisings which engulfed the whole country at the cost of thousands of casualties, the black youth of South Africa marked a new chapter in anti-*apartheid* resistance. They moved decisively into the

* See UDF statement in Documentation section, this issue of *WP—Ed.*

vanguard of the liberation struggle and became its principal striking force. Their immediate focus was Bantu education, but within the broad framework of a general challenge to *apartheid.* Youth and student organizations have demanded the scrapping of Bantu and *apartheid* education and replacing it with a people's educational program relevant to the liberation process. They have also demanded to have freely-elected student representative councils, a curb on corporal punishment and the elimination of the age limit for high school admission.[33] Their principal tactic has been the school boycott, which has plagued South Africa on a massive scale since 1976. This ended only recently through the mediation of the National Educational Crisis Committee. The students have not confined themselves to educational issues and the school, but have taken a leading role in addressing community concerns and opposing *apartheid* in general. For their leading role the youth have borne the brunt of the *apartheid* regime's army and police repression.

This student rebellion/resistance is mobilized at all levels. Contrary to the regime's calculations, African, so-called Coloreds and Indian students do not see themselves as a sector of promised, relative privilege with whom a special deal can be struck. Rather, they see themselves as part and parcel of the oppressed black masses and, thus, integral to the forces resisting *apartheid.* The black universities equally have been in turmoil as a result of student protests, lecture boycotts, demonstrations and frequent closings as a consequence.[34] This general mood and activity has come to engulf the white, English-speaking universities as well. There, the black students have taken the leading role in consolidating student opposition.

Because of *apartheid*, very few blacks ever make it to university. It is, therefore, primary and high school students who are the main force of student resistance. South African black youth enter the politics of resistance at a very young age and are seasoned veterans by their teens. More than any other sector of the black population, the students and youth in general have really seized upon the weapon of organization. They are tightly organized into a bewildering number of organizations and sub-organizations.

Following the banning of Black Consciousness organizations in October 1977, including the then leading national student movements, the South African Student Organization (SASO) and the South African Student Movement (SASM), the youth and student forces had to regroup in order to continue the struggle. The two leading student movements to emerge were the Azanian Students Organization (AZASO), with a mild Black-Consciousness orientation, and the Congress of South African Students (COSAS), with a multi-racial and, therefore, UDF orientation. AZASO and COSAS did not have any firm or deep ideological or tactical differences, and thus soon began to draw closer together, the UDF acting as the magnet for this drawing together. This led to the formation of the Black Consciousness-oriented Azanian Student Movement (AZASM), which is closely aligned to AZAPO.

The students reflect two tendencies that have always characterized black—especially African—politics in South Africa. These are the issues of black nationalism versus multi-racialism, or in the current political parlance, Black

Consciouness versus Progressivism. This results directly from the unique racial circumstances of South Africa. As a settler colony, South Africa has a permanent, white minority that has been there for over three hundred years. In addition, there is a long-resident Indian community (over one hundred years) and a substantial native, so-called Colored community. This demographic sector is compounded by the issue of racism and all its implications. A difficult question has always been: are all whites the oppressors and, therefore, the enemy; or is the enemy only racist whites? This is not an easy question if coupled with the assertion that racism is so pervasive among whites that it has become, in fact, a part of their culture and world view. Blacks must also consider the unconscious racism among whites in South Africa.

Again, these are questions emanating from the specific history of South Africa and are really part and parcel of the black political process and ideological positions within the anti-*apartheid* movement. Whatever their differences, which are mostly tactical and not strategic, South African black youth have decisively moved into the front-line of resistance.

COSAS was banned in August 1985, and its political mantle was assumed by AZASO. Like the UDF, AZASO is the leading student organization, and as a UDF affiliate is, in effect, its student wing. In December 1986, AZASO changed its name to the South African National Student Congress (SANSCO), which marked the final symbolic break with the Black Consciousness tradition. The secret congress which endorsed the name change to reflect its multi-racial or progressive political orientation declared: "We are South Africans, not Azanian students;" the name Azania "has strong attachments to the black consciousness organizations which still refuse to place themselves under the discipline of the popular progressive movement and the question of the name of our country shall be decided upon by the people and not by a few easily excitable and well-read intellectuals."[35]

At a COSAS conference in May 1982, a plan was formulated to establish an organizational arm that will cater to youth no longer in school. Twenty new youth organizations were launched. This past February (1987), a secret congress met in Cape Town with some one hundred delegates in attendance to launch a national youth movement—the South African Youth Congress (SAYCO). SAYCO sees itself as the lineal descendant of the African National Congress Youth League of the early 1940s, and thus has formally adopted the ANC's Freedom Charter.[36] It pledged to prosecute the struggle militantly with the uncompromising slogan: "freedom or death; victory is certain." It has also pledged to work in close cooperation with the Congress of South African Trade Unions (COSATU), the UDF, the National Education Crisis Committee (NECC) and other progressive organizations.

The leadership of SAYCO is made up of youthful, but already seasoned veterans of the struggle who bear deep battle scars. They remain undaunted by their bitter experiences at the hands of the *apartheid* state's repressive organs. The new youth organization has more than 150 youth congresses arranged in a federal structure with a claimed membership of over 500 thousand. Its stated aims and objectives are:

- To unite and politicize all sectors of the youth—working youths, unemployed and students, regardless of race, color, sex or religion;
- To encourage youths to join progressive trade unions "which form part and parcel of total political and economic liberation"; and
- To strive "together with women as equals" for the achievement of a non-sexist, free and democratic South Africa.[37]

The Azanian Youth Organization (AZAYO), a Black Consciousness-oriented national youth movement, was formed this past May. Affiliated to AZAPO/National Forum Committee, it has adopted the Azanian Manifesto as its ideological guide.[38] There is a third political tendency—Africanism, which is represented by the fringe Azanian National Youth Unity (AZANYU). Its intellectual and ideological heritage is that of Anton Lembede, Africanist ideologue of the early 1940s and first president of ANC Youth League, and of Robert M. Sobukwe, founding president of the PAC. The Africanist tradition emphasizes the primacy of African nationalism and de-emphasizes the role of class. It is suspicious of the role of white and Indian leftists in movements espousing the cause of Africans. It reduces the political question in South Africa to a colonial question—Africans, the rightful owners, have been dispossessed of their land. The struggle, therefore, is for repossession of the land by its rightful owners, the Africans.[39]

Trade Unions

Trade Unions are emerging as a powerful force within the liberation movement. Labor requirements in the expanding South African economy have made the black worker a critical and central feature. Black workers see themselves as a formidable force for change whose ultimate denouement is the dismantling of *apartheid*. They fully realize that *apartheid* is their main enemy and that the inequities of the capitalist system are greatly exacerbated by the racism of the white-ruled state, and that nothing short of *apartheid*'s demise will guarantee worker's rights.

The largest and leading trade union movement is the Congress of South African Trade Unions (COSATU), which was launched in Durban, 30 November 1985. This was the outcome of four years of preparatory talks resulting in the combination of thirty-four unions, representing 450 thousand workers. With the birth of COSATU, the eight affiliates of the Federation of South African Trade Unions (FOSATU) disbanded and joined the new labor federation. The pivot and largest affiliate of COSATU is the National Union of Mineworkers (NUM) with a claimed membership of 100 thousand.

The new federation's five fundamental principles are: nonracialism; one union, one industry; worker control; representation on the basis of paid-up membership; and cooperation among affiliates at the national level. Its aims and objectives include: striving for the building of a united working class movement regardless of race, color, creed or sex; seeking just standards of living, social security, and fair conditions of work for all; understanding how the economy of the

country affected workers and formulating clear policies as to how the economy could be restructured in the interest of the working class; and facilitating and coordinating education and training of all workers so as to further the interest of the working class.[40]

From its very inception, COSATU firmly nailed its colors to the mast of the anti-*apartheid* liberation movements. This was brought out by newly-elected President Elijah Barayi in his inaugural speech, stating that the goal of COSATU would be, among others: nationalization of mines and major industries; the elimination of all laws which divide people by race or sex; and the formation of a workers' state created through the participation and leadership of the working class in community and political struggles.[41] COSATU now holds pride of place among workers' movements inside South Africa. The number of affiliates has grown to forty, and so has the number of workers involved to 769 thousand. It is also steadily attaining its goal of "one union, one industry." The number of "one unions" is now four. These are: The Food and Allied Workers' Union; the Transport and General Workers' Union; the Construction and Allied Workers Union;[42] and the Metal and Allied Workers' Union. The merger of the MAWU is a great stride for COSATU as it represents 130 thousand members, second only to NUM is size within the federation.[43]

COSATU's emergence into the forefront of the anti-*apartheid* struggle has led the *apartheid* state to react with vicious retribution. Strike action has been brutally suppressed with random killings of striking workers. The federation's headquarters in Johannesburg, COSATU House, has been subjected to repeated raids and attacks. The last attack was a bomb blast that damaged the building so badly that it will have to be razed. The *apartheid* state has indeed declared war on COSATU.

The other two black labor federations—the Azanian Confederation of Trade Unions (AZACTU), (Black Consciousness-leaning, which claims a signed-up membership of 75 thousand), and the Council of Unions of South Africa (CUSA), (a black-leadership oriented federation with a claimed membership of 250 thousand)—did not join in the formation of COSATU. AZACTU disagreed with the non-racialist stand taken by COSATU, postulating instead the position of anti-racism of a blacks-only united front. Ever since the Durban strikes of 1972-1973, CUSA has been wary of the key role of whites in union activities, insisting that leadership positions within the unions should be reserved for blacks.

AZACTU and CUSA have since merged into the National Council of Trade Unions (NACTU) to pool their strengths into a more formidable labor force. This difference in perspective runs through the entire gamut of black politics in South Africa. It is to be expected and is understandable, given the realities of the South African situation. Unfortunately, such differences often turn acerbic, and even hostile, thereby sapping energies which should be directed at the common enemy—the *apartheid* regime. These, however, are contradictions which will only be reconciled and resolved by the progression of the struggle.

The Role of Churches

The churches, too, have been fully carrying their share of the struggle-load. They have come into the foreground of resistance as the black clergy has come into

positions of leadership. They have forced the churches to face up to their duty of Christian witness and be a part of the resistance to *apartheid*. Among the leading figures are prominent and not-so-prominent members of the church and its hierarchy. Sister Bernard Ncube, Catholic nun and President of the Federation of Transvaal Women (Fedraw) and still in detention, is one of the foremost examples of turning Christian witness into anti-*apartheid* activism. More famous are clergymen such as Archbishop Desmond Tutu, Nobel Prize winner, Anglican head in South Africa, as well as former Secretary General of the South African Council of Churches; also, President of the World Alliance of Reform Churches Reverend Dr. Allan Boesak, who is also the main spiritual force behind the UDF.

Many other clergymen and women lesser known abroad are leaders in the struggle against the evil of racism and *apartheid*. Just to mention a few, there is the Lutheran pastor Simon Tshenuwani Farisani, who has been repeatedly detained and tortured without weakening his resolve or dampening his spirit of resistance. Anglican Bishop Sigisbert Ndandwe is another steadfast veteran of the struggle and a true warrior against *apartheid*. So, too, is General Secretary of the Catholic Bishops Conference Father Smangaliso Mkhatshwa, who has been detained and brutally tortured and humiliated. Mkhatshwa was recently released after a long and agonizing detention. And there is the Reverend Frank Chikane, recently the new General Secretary of the South African Council of Churches. He is a veteran of detentions, having been detained five times in the last eight years. He is also a UDF vice-president and founder. Until recently, he was director of the influential Institute of Contextual Theology which published the Kairos Document.[44] White clergy has also been active in the anti-*apartheid* struggle. Beyers Naude is a veteran in the struggle against his own Afrikaners' racial bigotry; Archbishop Dennis Hurley has been a shining light in the Catholic Church against *apartheid*, just to name two. The anti-*apartheid* Church recently issued its most telling refutation and challenge to *apartheid*: The Kairos Document, which demanded that the churches unequivocally take the side of the oppressed majority.[45]

The resistance in South Africa has really taken to heart the Vietnamese Revolution's injunction that to defeat the enemy you must "organize, organize and organize." A whole plethora of organizations is sprouting all over. Such is the practical application of the maxim, "unity is strength." To address the educational crisis in the country is the National Education Crisis Committee of parents, teachers, professionals and students. It has been in the forefront of the struggle against Bantu education and implementation of the alternative of a "people's education" and a "people's power" in the schools, whereby Parent-Teacher-Student Associations (PTSAs) would ultimately control the schools. It mediated the end of the school boycott and has started to revise the curriculum by producing a new history text. There is also the national Release Mandela Campaign which calls for the release of Nelson Mandela and all other political prisoners.

New organizations are forever coming into being. Recent formations include the Congress of South African Writers, recently launched when over two hundred of the country's best known writers came together to organize active and creative participation in the transformation of the society. This was the first, serious attempt to incorporate the country's major writers into the mass-based, democratic

movement.[46] Also recently launched was the National Association of Democratic Lawyers (NADEL), when three hundred delegates from all over South Africa attended. The delegates committed themselves to strive for a truly democratic and just society free from oppression and exploitation.[47]

This year, about five hundred women delegates attended the launch in Cape Town of the UDF's Women's Congress Alliance. The Alliance decided to adopt the Freedom Charter as its guiding document and drew up a program of action. In this latest phase, even sports and entertainment bodies have organized themselves into part of the struggle. The South African Council on Sports (SACOS) and the National Professional Soccer League fully endorse and participate in community actions of solidarity and action against *apartheid*. Musicians have also formed the South African Musicians' Alliance (SAMA) to keep themselves conscious and to integrate the struggle into their craft and art.

Most remarkable in this upsurge of organizational resistance is the resurgence of the African National Congress, banned since April 1960. In fact, the people have unbanned the ANC. Their constant and incessant, indeed adamant, calls for its unbanning are not pleas for permission, but demands for affirmation of the fact of popular determination.

The ANC is the first national political organization of Africans in South Africa. It was formed 8 January 1912. From its founding to 1960, the ANC followed the path of non-violent resistance to racial discrimination and *apartheid*. In the aftermath of the Sharpeville massacre of 1960, the ANC and the PAC were banned, thus closing off any legal and non-violent political action to Africans. This closure made armed resistance the only viable option and led to the formation of *Umkhonto we Sizwe* [Spear of the Nation], the armed resistance wing of the ANC.

In its armed-resistance activities the ANC has exercised great care to avoid innocent civilian casualties. Sabotage bombings have been the principal method aimed at industrial installations, government buildings, police and army facilities. These attacks have been on the increase as the struggle escalates and now encompass the whole country with daily regularity. Some have described the ANC's armed resistance as the most humane in the history of armed resistance. In these actions, the ANC has scrupulously avoided soft or civilian targets and has assiduously avoided turning the conflict into a racial one of blacks against whites.

Leadership of the ANC in the struggle against *apartheid* and for democratic rights for blacks is generally accepted by the South African black masses from all walks of life; and ANC leaders are acknowledged as the true leaders of the people. Nelson Mandela, the ANC leader imprisoned for life by the South African regime, best symbolizes this. The legitimacy of his leadership is acknowledged and accepted by nearly all South African blacks, and the campaign for the release of Mandela and all the other leaders enjoys very wide support.

As the first and oldest national political organization, the ANC established political traditions and symbols which have endured through time and have come to be national traditions and symbols of the resistance. The banning of the organization by the South African regime and the exile and imprisonment of ANC leaders all have not managed to diminish these political traditions and symbols.

It would be correct to say that, within the last few years, the struggling people of South Africa have decided to continue the ANC's political tradition. ANC songs are sung openly; ANC colors adorn every political rally and ANC flags drape the coffins of those killed by the regime. ANC guerrillas killed by the regime are openly hailed as heroes and are given massive heroes' burials. The Freedom Charter, issued at the ANC-led Congress of the People in 1955, is widely accepted as the blueprint for the future post-*apartheid* South Africa. ANC literature abounds in spite of the fact that it is illegal. It is the ANC and its vision of a non-racial future South Africa that guides and inspires the struggle against *apartheid*.

Internationally, the ANC is acknowledged as playing the leading role in the struggle against *apartheid*. Its responsible leadership has foiled South African attempts to depict it as a terroristic organization. The ANC maintains offices and, in numerous cases official, representation in many countries, including countries of the West. Its standing with the front-line states remains high and is generally accepted as the representative of the South African people.

After the torrential outflow of refugees in the aftermath of the 1976 uprisings, the ANC faced a challenge as the principal in the liberation struggle to respond to the increased South African refugee problem. To complicate matters, these new refugees were mostly children, some as young as twelve years old. Solomon Mahlangu Freedom College became the vehicle for their schooling, and Charlotte Maxeke Creche the home for children born in exile. The already ongoing commercial and industrial projects of the ANC in the neighboring countries of refuge have also provided training and employment for the refugees.

ANC leadership in the struggle against *apartheid* has widened and deepened, principally through endorsement and acceptance of the Freedom Charter, as the minimum guiding light for the future, post-*apartheid* South Africa. The Freedom Charter is considered the basic document of the ANC. Endorsements of it have now come from the UDF, COSATU, SANSCO, SAYCO and a host of other major organizations leading the anti-*apartheid* struggle. Groups within South Africa, especially in the white community, have come to accept the ANC as *the* important element in any solution to the South African crisis. This they have proclaimed with their feet, making a well-beaten path to the ANC in Lusaka. To ANC headquarters in Lusaka have come businessmen, clergy, civic leaders and students, not to mention political figures. A substantial number were Afrikaners. Western powers, the United States included, have had to acknowledge the ANC's centrality and importance to any solution to the South African crisis.

Tactics and Methods of Struggle

Oppression and repression are indeed a good tactical school. Besides, the struggling masses of South Africa have endured one form or another of repressive and brutal settler-colonialism for over three hundred years. To continue resistance to *apartheid*, a number of adjustments had to be made after the bitter experiences of 1960 and 1976 and their aftermaths. Two important lessons had emerged. The year 1960 gave the clear message that the *apartheid* regime had no qualms or

compunctions about maintaining the *status quo* of white dominance, including murderous force. The year 1976 clearly indicated that black unity can sustain the struggle to victory. Other ancillary lessons were also learned, especially in the field of organizing.

What 1960 taught the resistance was that centralized organization sharpens the regime's weapon of decapitation and banning. What 1976 and 1977 taught the resistance was that a more diffuse organizational structure is more difficult to thwart; that a broader unity of the oppressed/black was much more resilient. And the resistance learned that grassroots organization was much more resistant, self-perpetuating and, thus, almost impossible to stamp out. These were expensive, bitter, but important lessons. Their proper assimilation was to take the struggle to a much higher plane.

Resistance to *apartheid* is now all-pervasive among the blacks in South Africa. Their confidence in the future is soaring, while that of the white racists is waning. Their resolve is growing stronger by the day to assert their rightful place in the South African social order. The spirit of resistance has grown indomitable.

What pervades the black community in South Africa is that intangible, immeasurable element—the spirit of resistance. Today, the oppressed reject racist degradation and declare themselves the masters of their fate and destiny. A people confident and determined is a people powerful. Resistance is everywhere and manifests itself in everyday life. It continues with or without headlines by the simple act of refusal. Crossroads in Cape Town was an apt metaphor of this spirit.

Blacks in South Africa have now adopted the strategy of generalized resistance whose main component is the grassroots organization. This strategy has rendered less effective the regime's time-worn tactic of political decapitation. The resistance is no longer leadership centered. It is now mass centered; thus, it is wide, deep and abiding.

The resistance has learned and begins to show true signs of maturity and sophistication. It now correctly determines the most vulnerable points of the *apartheid* regime. This enables it to strike where it will hurt the most. It also has come correctly to identify the linchpins of the system; i.e., what sustains it, what makes it work. Even more importantly, the resistance came to know its own strength and capability, and does not bite off more than it can chew. This development was important because it avoided unnecessary defeats which would provide the enemy gratuitous victories. The assimilation of these lessons and their successful implementation have given rise to a confidence whose principal manifestation is refusal—simple "No" refusal. Underlying this mood and stance is the loss of fear. Blacks in South Africa, particularly the young, are no longer afraid. They are, in fact, more afraid of an *apartheid* future than of the price to be paid to be rid of *apartheid.* Over the past three years in particular, they have shown no fear of death. The recently-adopted slogan of SAYCO—"freedom or death; victory is certain"— bespeaks this mood.

The current crisis was sparked by the massive black rejection of, and resistance to, the so-called new constitutional dispensation. What translated this campaign into a general challenge and resistance to *apartheid* was the 4 September 1984

rejection of rent hikes by the residents of Sebokeng and the surrounding black Vaal Triangle townships. This event not only marks the beginning of popular resistance to arbitrary decisions imposed on the people, but initiated a new tactic in the struggle that was to be sustained and was to have telling effects on the *apartheid* system—the rent boycott.

The rent boycott or strike is now a national campaign involving fifty-four townships with four million people in 650 thousand households participating. According to the Community Research Group of the University of the Witwatersrand, the loss to the government in unpaid house rents and services has cost R1.3 million a day. A huge, corrupt and wasteful bureaucracy runs the black townships, which, in its ever-increasing corruption and waste, continues to become costlier and costlier. This is passed on in turn to the township residents in the form of rent-hikes. The people are thus made to pay for their corrupt repression and oppression. When the Vaal Triangle Community Council (a puppet, government-imposed body) introduced what it called "economic rentals," the people said no. According to the Bureau of Market Research, while real wage increases for blacks in the area were 17 percent between 1980 and 1985, their rent had increased by a whopping 56 percent. This was very much the case throughout the country.[48]

The government's response was not to correct this economically insane policy, but to see the rent boycotts as a mortal threat and respond in accordance with "total strategy"—force and repression. A recently-obtained document of the Joint Management Committee (an aspect of the State Security Council) is entitled: "Strategy for the Collection of Arrear Rental and Service Charges." Rent and consumer boycotts are perceived as security issues. The response has been nighttime raids, evictions, property confiscation and general repression by the vigilantes, police and army. The people have stood fast against this for three years now.

Another struggle method which has emerged in the current phase is the Consumer Boycott. The thinking behind consumer boycotts is that the white community, especially the business sector, bears a responsibility for *apartheid*. A consumer boycott by blacks would apply non-violent pressure on them and in turn compel them to pressure the government for change. While implemented throughout the country, the consumer boycott has been perfected as a struggle tactic in the eastern Cape, particulary in Port Elizabeth. In negotiations between the boycott committee and Concerned Citizens, a Port Elizabeth white forum of leading business aimed at ending a crippling boycott of white businesses, the following six points were offered: (1) organize whites behind "broad anti-*apartheid* and democratic principles"; (2) "Educate whites about colonialism and *apartheid*, the Freedom Charter . . ."; (3) "Make 'personal sacrifices' by getting involved in the anti-*apartheid* struggle"; (4) "Support the call for SADF troops to be withdrawn from the townships and for an end to military conscription"; (5) "Turn the majority of whites in Port Elizabeth against the imposition of the Regional Services Councils and towards joining blacks in creating a single-race municipal authority"; (6) "Opposition to the Public Safety Amendment Bill."[49]

In addition to hitting businesses where it hurts—their pocketbooks, the consumer boycott has been a powerful organizing device and has delivered the

message quite clearly that black resistance action can adversely affect the comfort and privileged position of whites.

This message has been most tellingly relayed by labor union strike and stay-away actions. Ever since the Durban strikes of 1972-73, South Africa has been plagued by labor unrest in the form of strikes, work-stoppages, show-downs and stay-aways. This labor unrest has intensified as the workers become more and better organized, and the state resorts to ever-escalating repression. As in other areas of black life, the *apartheid* state's response to labor action was to invoke the "total strategy" response, call in the police and even the army and unleash mayhem. The latest such reaction was the murderous repression of a strike by the South African Railways and Harbor Worker's Union (SARHWU), when six workers were gunned down by the police. The other such reaction was the wanton attacks on COSATU House, culminating in the bomb attack.

The government has declared war on the labor movement. The labor movement has met this government's reaction head-on by moving deeper and deeper into the political sphere and fully identifying itself with the general anti-*apartheid* struggle.

What the regime finds even more threatening is what the black youth in the townships, now popularly called the "comrades," have wrought. They have systematically destroyed the *apartheid* structures and replaced them with popular structures and institutions—people power. They have, in effect, created semi-liberated zones. Policemen and their families have been forced out of the townships, so have Community Councillors and other collaborators. Informers have been weeded out largely through necklacing, and a stiff price has been put on collaboration and "selling out" to the regime.

The much-hated, puppet Community Councils and local authorities have been replaced with popular street and area committees. Their activities have a very broad range. They organize clean-ups to root out crime; organize garbage collection and encourage community service, such as building small grassy parks and rockeries to lend some beauty to otherwise drab townships. Township residents no longer deal with *apartheid* structures, such as the police; instead, they bring their grievances and complaints to the community's disciplinary committees and "people's courts," where the main aim is rehabilitation and re-education. All cases are judged in accordance with community standards.[50]

This form of organization has proved successful and popular. It has turned the high level of mobilization into solidly-based organization; and because of this, the government has launched an all-out assault to destroy these popular structures and institutions. Thousands of "comrades" have been detained, arrested, tortured and killed. Lately, the government has turned to black goon-squads to act as its storm-troopers. The ultimate aim is to turn the anti-*apartheid* struggle into a black civil-war by pitting its goon-squads against the popular masses.

Migrant workers, not allowed to bring their families to the work camps, have been housed in single-sex hostels. This has been one of the sorest points of the migrant worker system. Miners recently took matters into their own hands and simply moved their wives and girlfriends into the hostels. The miners also decided to refuse a time-worn system of South African mining known as the

"Picanin system." This is a system whereby white miners had their lunch boxes and tool boxes carried by an African as part of the perks of a white-skin or being a "*baas*" [boss]. Recently the NUM instructed its membership to discontinue this practice.[51]

The armed struggle conducted principally by *Umkhonto we Sizwe* has been steadily escalating. In spite of the Nkomati Accord and increased repression on the part of the racist regime, attacks on neighboring African countries persist, and the number of armed actions has been on the rise. The recent bomb explosion outside a military barracks in Johannesburg was the latest in a string of eleven explosions in that city this year, and the largest explosion South Africa has yet witnessed. It is also the most serious since the May 1983 blast outside the air force headquarters in Pretoria, which killed four soldiers. This action is in line with the decision of the ANC to take the armed struggle into white areas.[52]

As in all other armed struggles and liberation movements, the regime loses by not winning; and the people win by not losing. So far, the racist *apartheid* regime shows every indication of being doomed to suffer this historical fate. It cannot win; therefore, it is will lose. In fact, it has already lost.

Conclusion

The white minority regime held an all-white election on 6 May 1987 to decide South Africa's future. This election was another futile exercise in the self-delusionary forays of the racist whites of South Africa. It was further testimony of their total inability to grasp the reality facing them. For white-supremacist South Africans there is only the past; they are unable to face the future. The election debate was over Botha's so-called reforms—an irrelevancy from the majority perspective. The outcome was equally irrelevant. White racists are no longer the determinants of South Africa's future.

The pathos of the regime, its patent self-delusion, its cognitive-dissonance is best exemplified by P. W. Botha's recent trip to Sebokeng and Sharpeville. Sebokeng is the Vaal Triangle township where the present crisis began on 4 September 1984, which has resulted in over three thousand killed, thousands injured and maimed, and over 30 thousand detained. Sharpeville is the scene of the 21 March 1960 massacre that killed sixty-nine non-violent pass resisters and injured hundreds. To these two places, Botha ventured on 4 June 1987:

> Botha, flanked by a phalanx of cabinet ministers, flew in by army helicopter to gracefully accept the "freedom of the city" delivered, on behalf of the 346 thousand rent-boycotting residents by [Esau] Mahlatsi, whose council has been so strapped for cash by the 32-month boycott they had to beg the R15,000 for [the] ceremony from local white businessmen.[53]

The welcoming "Mayor" Mahlatsi and his colleagues have lived behind barbed wire in a specially-constructed and heavily-guarded compound since September 1984.

Botha, in his 21-page acceptance speech, tried to hawk his latest reform ploys in the National Council and future Council of State, which are meant to give

Africans a presence without participation. Even his pliant and supplicatory host felt compelled to demur and decline. To Botha's shock he offered:

> We would have great reluctance in participating in the National Council. We seriously urge you to abandon the idea of operating this body. It is our belief that the reform you have been mandated to pursue will be an exercise in futility if it does not have [as its objective] the ultimate participation of blacks in parliament on par with whites.[54]

This espisode also demonstrated the determined refusal of the people to do the master's bidding. After being gang-pressed into Botha's show, they firmly decided to go so far but no further:

> After the Lekoa flag had been raised upside-down, and dignitaries began singing *Morena Bolaka* (the Sotho version of *Nkosi Sikelel' iAfrika*) and then, *Die Stem*, the Afrikaner—therefore, official—national anthem, hundreds of those beyond the guns shot their fists into the air and began singing the more widely-recognized *Nkosi Sikelel' iAfrika*. Consensus among journalists present was that the crowd won the singing.[55]

The Sebokeng incident encapsulates the central and essential dilemma of *apartheid*; that is, the Afrikaner. In the past, some postulated that Botha would impose a DeGaulle solution to unmake the South African logjam. This speculation was brought about by the central role given to the army, prompting observers to describe Botha's administration as military government by silent coup. However, Botha as an Afrikaner can only be a politician, not a statesman.

Botha has embarked on a policy whose basic predicate is *kragdadigheid* [show of strength] at a time when history, not strength, is at issue. To whom does history belong? The black majority is firmly convinced that history is on their side, and that their victory is inevitable. Botha and the Afrikaners, like most Western social scientists, cannot deal with what they cannot quantify. The struggle ongoing in South Africa is not a quantifiable equation. It is spirit versus matter, right versus strength. Its future is intangible, but all the same very real.

The regime stubbornly refuses to accede to the people's just demands. It refuses to release Nelson Mandela and all the other political prisoners. It refuses to unban the ANC and all other popular political groupings. Likewise, it refuses to talk with the people's acknowledged leaders and representatives; and it refuses to consider any future outside its own idiomatic definition. Its stand is arrogantly, uncompromisingly racist.

Meantime, the resistance is gaining experience, adaptability and strength. Winnie Mandela symbolizes this spirit of open defiance and daring. (She unbanished herself and moved to her house in Soweto.) Nelson Mandela will not accept release unless on his own terms. As the secret congresses and launching conferences attest, the people's organizing ability is getting sharper, more efficient and effective. Murphy Morobe of the UDF operated for a year underground, active and surfacing from time to time. This is quite a feat.

The regime has now unleashed black vigilantes, black council police (known as green flies, on account of their uniforms and their reputation) and black

kitskonstables (a hastily-trained and armed, auxiliary police force) in the townships. Their role is to generate a cycle of black-on-black violence. Rural and Bantustan unemployed Africans have been brought in as mercenary storm troopers of the *apartheid* regime. This is a sinister version of "Vietnamization," paying, arming and training poor blacks to do the government's dirty work. After two years of valiant resistance, Crossroads, the squatter camp outside Cape Town, was finally destroyed by black vigilantes, called *Witdoeke* (named for the white headband they wore). These mercenaries were helped and encouraged by the police. The black storm troopers of *apartheid* are wreaking havoc on the townships, being even more vicious and brutal than their paymasters.

At the same time, the *apartheid* structures and creations are unravelling. The townships' ruling Community Councils have all but ceased to function. They suffer the internal rot of unbridled corruption. Their rank opportunism renders them altogether unreliable, and their universal rejection makes them contemptible outcasts. Things are really falling apart.

Unbelievably, the racist government still abides in the fantasyland of a hazily spelled-out National Statutory Council, which will be the deliberative body of the government and the unmandated and thoroughly discredited "black leaders."

The other fantasy is the Council of States. This is an over-arching confederal body, which is to include "city-states" like Soweto and the Bantustans. Such is a veritable phantasmagoric nightmare dubbed political solution or dispensation. Even Gatsha Buthelezi of Inkatha, which for all intents and purposes is a vigilante organization in the service to *apartheid*, has decided not to take the bait. In his now-legendary "neither-fish-nor-fowl" stance, he has demanded the release of Nelson Mandela as a condition of his participation in the scheme. Thus, Buthelezi has hoisted Botha on his own petard.

Botha will not release Mandela unless Mandela renounces violence; and Mandela will not forswear armed struggle unless Botha dismantles *apartheid* and unbans the ANC. Key black leaders will not negotiate with Botha unless Mandela is released unconditionally.

The regime is frantically trying to create black "leaders" to cut a deal with. The latest ploy is indeed sad. This is the recent launching of the Federal Independent Democratic Alliance (FIDA), formed, it is now clear, to accede to the government's dispensations for the African majority. This is far worse than Muzorewa in Rhodesia. The government has nowhere else to turn. Beyond repression and violence it has nowhere.

For the black majority, struggle is the only destiny. In the midst of much hullabalooed change, they see and feel no change. Removals continue, Group Areas is more vigorously enforced; economic and social inequality between black and white grows worse.

In this crisis, in the current upheaval, black people have died. They have been mowed down daily. They have been killed in droves. However, the disparity of force will not endure forever. There shall be guns in black hands to make the flow of blood even. South Africa is in for a really bitter future. The black people are willing and ready to face it.

This future is a difficult one which bears much bitterness. Unfortunately, the Boers will not change—they can only be made to change. The black masses will not retreat. They cannot. The future of South Africa belongs to the majority of the people. Struggle will be painful and costly, but it is on. Finally, the crisis will pass, the contradictions will abate and the future will be determined. No one can hold the tiger's tail forever, just as no one can stop the rain.

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1. Jan J. Loubser, "Calvinism, Equality, and Inclusion: The Case of Afrikaner Calvinism," in S.N. Eisenstadt, ed. *The Protestant Ethic and Modernization* (New York: Basic Books, 1968) p. 371.
2. Ibid.
3. Ibid., p. 368.
4. Ibid., p. 369.
5. Ibid.
6. Quoted in John Fisher. *The Afrikaners* (London: Cassel and Company, 1969) p. 302.
7. Quoted in Hermann Giliomee. "The Development of the Afrikaner's Self-concept," in A. Paul Hare, Gerd Weindieck and Max H. von Broembsen. *South Africa: Sociological Analyses* (Cape Town: Oxford University Press, 1979), p. 58.
8. Robert P. D. Buis. "The Relationship between the Dogmatic Teachings and Attitude towards Race Relations of Two South African Religious Denominations," in Ibid., pp. 105-106.
9. Quoted in T. Dunbar Moodie. *The Rise of Afrikanerdom*, (Berkeley: University of California Press, 1975) p. 1.
10. *Die Transvaler*, 16 December 1942; quoted in Ibid., p. 248.
11. John Dugard. *Human Rights and the South African Legal Order* (Princeton, NJ: Princeton University Press, 1978) p. 60.
12. For a fuller discussion and analysis, see Alfred T. Moleah. *The Apartheid Fraud: The So-called New Constitutional Dispensation*. (London: The International Organization for the Elimination of All Forms of Racial Discrimination [EAFORD], 1983).
13. *The Weekly Mail*, 9 January 1987.
14. *Guardian* (London), 16 August 1985.
15. *The Weekly Mail*, 23 January 1987. [At the time of publication, the South African Rand equals approximately US$0.364-*Ed.*]
16. *The Weekly Mail*, 29 May 1987.
17. *The Star*, 9 June 1987.
18. *The Weekly Mail*, 15 August 1986.
19. *Africa Confidential*, 15 January 1986.
20. *The Weekly Mail*, 15 August 1986.
21. *The New York Times*, 4 May 1986.
22. *Financial Times* (London), 23-24 April 1986.
23. *Financial Times* (London), Ibid.
24. *The Weekly Mail*, 25 April 1986
25. *The Weekly Mail*, 20 March 1987.
26. *The New York Times*, 30 August 1984.
27. *The New York Times*, 1 September 1984.
28. Ibid.
29. *The New York Times*, 16 September 1984.
30. *Survey of Race Relations in South Africa, 1983* (Johannesburg: South African Institute of Race Relations, 1984) pp. 57-60.
31. Ibid., p. 54.
32. *Survey of Race Relations*, 1985, pp. 12–13.
33. *The New York Times*, 21 October 1984.
34. *Rand Daily Mail*, 6 September 1984; and *The Star* (Johannesburg), 8 September 1984.
35. *The Weekly Mail*, 12 December 1986.
36. The "Freedom Charter," adopted unanimously by the four sponsoring organizations at a "Congress of the People," at Kliptown, near Johannesburg, on 25-26 June 1955, has become a manifesto of the struggle for freedom in South Africa. The Congress was convened by the African National Congress (ANC), the South African Indian Congress, the South African Colored Peoples' Organization and the Congress of Democrats (white progressives). The "Freedom Charter" called for a non-racial and democratic South Africa, based on the principles of brotherhood and equal rights and opportunity. The Charter opens with the proclamation: ". . . that South Africa belongs to all who live in it, black and white, and that no government can justly claim authority unless it is based on the will of all the people . . ."
37. *The Weekly Mail*, 3 April 1986.
38. *The Star*, 2 June 1987.
39. *The Weekly Mail*, 19 September 1986.
40. *Survey of Race Relations*, 1985, p. 180.
41. *Africa News*, 16 December 1985.
42. *Weekly Mail*, 30 January 1987.
43. *The Weekly Mail*, 22 May 1987.
44. *The Weekly Mail*, 24 April 1987.
45. *South Africa in the 1980's: State of Emergency* (London: CIIR, 1987) pp. 10 and 66-70.
46. *The Weekly Mail*, 10 July 1987.
47. *Daily Dispatch*, 5 May 1987.
48. *Sechaba*, February 1987.
49. *The Weekly Mail*, 6 June 1986.
50. *The Weekly Mail*, 9 May 1986.
51. *The Weekly Mail*, 3 April 1987.
52. *The New York Times* and *The Washington Post*, 31 July 1987.
53. *The Weekly Mail*, 5 June 1987.
54. Ibid.
55. Ibid.

What People Who "Shine" Can See

A Review of Stanley Kubrick's The Shining

*William Blakemore**

Stanley Kubrick's film, *The Shining*, is explicitly about the genocide of the American Indians. Every frame, word and sound of it. Kubrick, whose latest release is *Full Metal Jacket*, does not produce simple films. Fans found it surprising in 1980 when he turned out a movie that was apparently no more than a horror film. The action was set at the Overlook Hotel in Colorado, where the winter caretaker, a chilling Jack Nicholson, became progressively madder and tried to murder his wife and his telepathic son.

But *The Shining* is not only about the murders at the Overlook Hotel. It is about the murder of a race—the race of native Americans—and the consequences of that murder.

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* A correspondent for ABC-TV News, William Blakemore has been captivated by the movie, *The Shining*, ever since it first appeared in 1980. Mr. Blakemore grew up in Chicago, near Calumet Harbor. Thus, he is familiar with the meaning of "calumet," one of the key clues to discerning the meaning of this film.

Mr. Blakemore has lived as both a teacher and a journalist in the Middle East and as a journalist in India, Africa and Europe. He covered the claims and counterclaims of many different land disputes, which often had impressed upon him parallels with American Indian history. Adding to these insights, Blakemore gave thought to Stanley Kubrick's artistic sojourn in Britain. By the time *The Shining* was released, Blakemore covered a number of wars and thus developed a special sensitivity to the perspectives of war and nationalism that Kubrick projects in the work of art here under review.

If you are skeptical about this, the Calumet baking powder cans Kubrick placed carefully in the two food locker scenes will soon convince you. (A calumet was, for the French explorers, an Indian peace pipe.) Consider the Indian motifs that decorate the hotel, and the way they serve as background in many of the key scenes. Consider the insertion of two lines early on in the film, describing how the hotel was built on an Indian burial ground. These are something like "confirmers," such as puzzle makers often use to tell you you are on the right track.

Through the medium of film Kubrick explicitly addresses America's inability to admit to the gravity of the genocide of the Indians, or, more exactly, its ability to overlook that genocide. That is why Kubrick made a movie in which the American audience sees signs of Indians in almost every frame, yet never really sees what the movie is about. The film's very relationship to its audience is, thus, part of the mirror this movie holds up to the nature of its audience. The indigenous Americans' culture has only a mute presence in the film much as it does in America today.

The setting of this film is the Overlook Hotel with its Overlook Maze, where we visit to witness an Overlook Hotel Fourth of July Ball in 1921. Perhaps even this date has significance to Native American history, as 1921 was the year the U.S. government finally conducted a survey of the state of the American Indians and discovered that the survivors were in a pitiable condition.

The film is also explicitly about how the all-male, British military establishment, itself forged in bloody empire-building, passed on to its offspring continental empire, the United States, certain time-worn, army-building methods, including the separation of weak males from their naturally more sensitive womenfolk and children. And it is about how British and American businessmen interested in "Colorado gold," political power, land-owning and other gratifications would use such armies.

Through symbols, this movie reflects and analyzes how a killing frenzy in a whole society (i.e., war) is spawned and builds to a point of eruption.

The Shining is also explicitly about America's current racism, particularly against blacks. This film is one of our civilization's great works of art.

Indian Spirits

Silent evidence of the indigenous Indian is ubiquitous in this American setting. The Overlook has Navajo and Apache motifs throughout, as manager Stuart Ullman tells the caretaker's wife Wendy, in the only lines in the film in which the Indians are mentioned. Ullman says, "The site is supposed to be located on an Indian burial ground and I believe they actually had to repel a few Indian attacks as they were building it." This bit of dialogue does not appear in Stephen King's novel, *The Shining*.

The first and most frequently seen of the film's very real American "ghosts" is the flooding river of blood that wells out of the elevator shaft, which presumably sinks into the Indian burial ground itself. The blood squeezes out in spite of the fact that the red doors are kept firmly shut within their surrounding Indian artwork-

embellished frames. We never hear this rushing blood. It is a mute nightmare. It is the blood upon which this nation, like most nations, was built, as was the Overlook Hotel.

Indian artworks appear throughout the movie in wall hangings, carpets, architectural details and perhaps even the Colorado state flag. Yet we never meet an actual Indian.

But we do get to know, and love and then see murdered, a powerful black character, Chef Hallorann—the only person to die in the film other than the protagonist, villain and victim, Jack. The murdered black man lies across a large Indian design on the floor—victim of similar racist violence.

Promoting The Shining

Kubrick carefully controls every aspect of his films' releases, including the publicity. The posters for *The Shining* that were used in Europe read across the top, "The wave of terror which swept across America" and, centered below that, the two words "is here." At first glance this seemed to be a poster bragging about the film's effect on America. But the film wasn't out yet when the posters first appeared.

For the posters which appeared in the United States, Kubrick used different words: "A Masterpiece of Modern Horror." A reading of *Bury My Heart at Wounded Knee* will remind any Americans who need reminding of how carefully, intentionally, cold-bloodedly and masterfully the government in Washington and in other early and not-so-early centers of the United States executed their various Indian removal policies.

The wave of terror that swept across America was the white man.

Kubrick alludes symbolically to this wave of Old World terror sweeping across America when he has Jack at one point compliment the Mephistophelean management-backed bartender, Lloyd, by calling him the "best goddamned bartender from Timbuktu to Portland, Maine . . . or Portland, Oregon for that matter!" Thus he sweeps our minds across the continent in one phrase. As we shall see, Lloyd's ministrations are part of the time-worn tactics of those who manage such sweeping armies.

Every word of dialogue in this movie, as every other detail, bears on the themes here described. Nor is it probably unintentional on Kubrick's part that he has Hallorann return west on his rescue mission from Florida specifically on Continental Airlines. Hollaran would be a wave of mercy sweeping across America; but this is a movie partly about how terror overcomes mercy, and so Hallorann's rescue efforts fail.

America is symbolically noted in the interview scene. Prominent on manager Ullman's desk is a dinky American flag on a stick. The Overlook comes to represent America in all its abundance, but Ullman represents ancient kinds of evils which hide behind and use paper patriotism. Such people do not feel true concern for their compatriots and nations.

As manager Ullman says in the opening interview, after telling Jack of the horrible murders that took place earlier in the Overlook, "It's still hard for me to

believe it actually happened here, but . . . it did." Many comfortable Americans probably have the same attitude about the genocide of the American Indians.

So quickly does the new culture develop and take root that already for years now many have put themselves to sleep with the happy comedy of the "Tonight Show" in a satisfied mode—analgesic bedtime fare, not likely to stir memories of brutality. When, in his moment of greatest bloodlust, the rampaging Jack jams his grizzled face through the axed hole in the bathroom door and announces, "Heeere's Johnny!", the American audiences invariably laugh in surprise, an unconscious recognition of the incongruity between the anodyne entertainment with which we often ease our minds to rest and the horror of the white men wielding axes.

But most people, not only Americans, try to go to bed with happy thoughts. Kubrick is not trying to blame something unique in American life.

The type of people who partied in the Overlook included, as Ullman tells Jack and Wendy, "four presidents, movie stars." And when the impressed Wendy asks, "Royalty?" Ullman replies simply, "All the best people."

Stephen King's novel of the same title has nothing to do with any of these themes. As he has with other books that gave their titles to his movies, Kubrick used the general setting and some of the elements of King's novel, while drastically altering other elements and ignoring much of it to suit the needs of the multifilm *oeuvre* about mankind's inhumanity to man that he's been making at least since *Paths of Glory*.

The Final Scene

As with some of his other movies, Kubrick ends *The Shining* with a powerful visual puzzle that forces the audience to leave the theater asking, "What was that all about?" *The Shining* ends with an extremely long camera shot moving down a hallway in the Overlook, reaching eventually the central photo of twenty-one photos on the wall, each capturing previous good times in the hotel. At the head of the party is none other than the Jack we've just seen in 1980. The caption reads: "Overlook Hotel/July 4th Ball/1921."

The answer to this puzzle, which is a master key to unlocking the whole movie, is that most Americans overlook the fact that July Fourth was no ball, nor any kind of Independence Day, for native Americans; that the weak American villain of the film is the reembodiment of the men who massacred the Indians in earlier years; that Kubrick is examining and reflecting on a problem that cuts through the decades and centuries.

And in an apparent final stroke of brilliance, Kubrick physically melds the movie audience leaving his film with the ghostly revelers in the photograph. As the credits roll, the popular English song on the sound track ends, and we hear the 1920s audience applaud, and then the gabble of that audience talking among themselves—the same sound the crowd of moviegoers itself is probably making as it leaves the theater. It is the sound of people moving out of one stage of consciousness into another. The moviegoers are largely unaware of this part of the sound track, because they are making the same sound themselves, and this reflects their unaware-

ness that they've just seen a movie about themselves, about what people like them have done to the American Indian and to others.

Thus, apparently to its very last foot, this film is crying to break through the complacency of its audience, to tell it "you were, are, the people at the Overlook Ball."

Clues

The opening music, over the traveling aerial shots of a tiny yellow Volkswagen penetrating the magnificent American wilderness, is the "Dies Irae" ("Day of Wrath"), part of the major funeral mass of the European-based Roman Catholic Church. This movie is a funeral, among other things. And it was Hitler's Germany that first produced the Volkswagen.

At the end of the movie, in the climactic chase in the Overlook Maze, the moral maze of America and of all mankind in which we are chased by the sins of our fathers ("Danny, I'm coming. You can't get away. I'm right behind you"), the little boy Danny escapes by retracing his own steps (probably an old Indian trick) and letting the father blunder past.

Those people who do not become victims of history, who do not get lost in its maze of passed-on slights and repressions, are those who "retrace its steps," learn and acknowledge what has gone before, and thus find their way out of the maze. American Indians, European Jews and other people who have been grievously disenfranchised do not, after the harm is done, ask the world to turn back time. But they do ask that the world acknowledge what happened. ("Forgetfulness is the way of perdition. In remembrance is the way of salvation," as the Baal Shem Tov said.)

Kubrick carefully equates the Overlook Maze with the Overlook Hotel, and both with the American continent. Chef Hallorann emphasizes to Wendy the size and abundance of the kitchens, remarks upon the extraordinary elbow room (so attractive to early settlers) and begins his long catalogue of its storerooms' wealth with those most American of items: rib roast, hamburger and turkey.

The Calumet baking powder can first appears during Hallorann's tour of the dry goods storage locker. In a moment of cinematic beauty, we are looking up at Hallorann from Danny's point of view. As Hallorann tells Wendy about the riches of that locker, his voice fades as he turns to look down at Danny and, while his lips are still moving with words of the abundant supplies, Danny hears the first telepathic "shining" from Hallorann's head as he says, "How'd you like some ice cream, Doc?" Visible right behind Hallorann's head in that shot, on a shelf, is one can of Calumet baking powder. This approach from the open, honest and charismatic Hallorann to the brilliant young Danny is an honest treaty, and Danny will indeed get his ice cream in the very next scene. Over the promised ice cream, Hallorann virtually explains the entire symbolism of the movie—how bad things happening in a place leave something of themselves behind—ghosts, real ghosts as it turns out, from the very real horrors that have happened in America. These are, as Hallorann tells the boy, "not things that *anyone* can notice, but things that people who 'shine' can see." Unlike some elements of American society which do

not communicate with and learn from their elders, Hallorann first learned he 'had a shine to him' as a boy himself, when his grandmother shared the gift with him.

The other appearance of the Calumet baking powder cans is in the scene where Jack, locked in the same dry goods locker by his terrified wife, is talking through the door to the very British voice of ghost Grady. Grady, speaking on behalf of the never identified "we," who seem to be powerful people, is shaming Jack into trying to kill his wife and son. ("I and others have come to believe that your heart is not in this, that you haven't the belly for it." To which Jack replies, "Just give me one more chance to prove it, Mr. Grady.") Visible just behind Jack's head as he talks with Grady is a shelf piled with many Calumet baking powder cans, none of them straight on, none easy to read. These are the many false treaties, revoked in bloody massacre, that the U.S. government gave the Indians and that are symbolically represented in this movie by Jack's rampage to kill his own family—the act to which Grady is goading Jack in this scene. Nor is the treaty between Grady and Jack any less dishonest. For Jack will get no reward for doing Grady's bidding, but rather will reap insanity and death. Kubrick has sought to expose in several of his movies before this one the delusionary tricks by which big powers get weak males to do brutal and ultimately self-destructive battle.

We never see ghost Grady in these scenes, but, if we're wondering whether the voice of Grady is just in Jack's head or comes from a "real" ghost who can do real damage, we are chillingly convinced when we hear the pin being pulled out on the outside latch of the locker door. All ghosts in this movie are real horrors in America today, and indeed in most cultures present and past.

The second set of ghosts seen in the movie is that of the British twin girls—Grady's murdered daughters—alike, but not quite alike. They represent, quite simply, duplicity, and not only the duplicity of the broken treaties with the Indians. Only young Danny sees these twins: children have a sensitivity to duplicity in the adult world around them.

There is something quite mad about the unnerving twin-like girls. Their disingenuous voices beckoning Danny to play with them "forever and ever" bear the tones of schizophrenia, which is a duplicity of the mind. Kubrick is examining in this movie not only the duplicity of individuals, but of whole societies that manage to commit atrocities and then carry on as if nothing were wrong. That's why the movie is set in the Overlook; man keeps killing his own family and forgetting about it, and then doing it again. This is why, too, Jack has such a powerful sense of *deja vu* when he arrives at the Overlook, as though "I'd been here before." Later Grady tells him, "You are the caretaker [who murdered his children]." ("Born to kill," perhaps, as the ads for *Full Metal Jacket*, Kubrick's latest movie, proclaim?)

Kubrick is not a moralist. He's an artist, a great one. And along with the greatest artists he is holding the mirror up to nature, not judging it. Though he has made here a movie about the arrival of Old World evils in America, he is exploring most specifically an old question: why, or at least how, do humans constantly perpetrate such "inhumanity" against humans. When asked what *The Shining* is about, Kubrick has only answered, "It's about a man who tries to kill his family."

That family is the family of man.

Book Reviews

The Alternative to War

The Palestine Problem in International Law and World Order, by W. Thomas Mallison and Sally V. Mallison. London: Longman, 1986 xvi + 424 pages. Appendices to p. 496. Maps to p. 505. Index to p. 557. Table of United Nations Resolutions to p. 564. £35.00; $39.95.

Reviewed by John Henrik Clarke[*]

In this year which marks the fortieth year since Palestine's partition, it is fitting to take account of how the problem of this area has evolved since Israel was created—by law—at the United Nations in 1947.

In the area of Palestine that became the state of Israel, a large number of Palestinian Arabs exist under the domination of a form of settler-colonialism similar to that experienced by Africans in pre-independence East Africa and present-day South Africa. A much larger group of Palestinian Arabs fled, or were driven away from the land. This action created one of the most tragic refugee problems of the 20th century, and consequently one of the greatest challenges to the system of international law and order.

After World War I when the mandate system was established by the then existing League of Nations, the Palestinians were considered better prepared for self-government than most of the other non-self-governing peoples of that day (and thus were considered under a Class A mandate). Today, except for Namibia (originally considered as a Class C mandate), all of the other previously non-self-governing nations are politically independent. The denial of Palestine's self-determination, though central to the Palestine problem, is just one of a great complex of legal contradictions analysed by Mallison and Mallison in *The Palestine Problem in International Law and World Order.*

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[*] John Henrik Clarke is an internationally recognized historian and author of numerous works on American black and classical African history. During his teaching career, Professor Clarke has been a member of the faculty of Cornell University and Hunter College (City University of New York). He is presently Professor Emeritus at Hunter College, where he has taught in the Department of Black and Puerto Rican Studies.

Viewing this work from a historian's perspective, the Mallisons' work is significant because it deals with the progressive and deepening crisis over time and demonstrates how the great contribution of law to the institutionalization of world order—intending to avoid a repeat of history after the debacle of the Second World War—has been ignored. The Palestinians of 1947, and the problem they did not create, were on a collision course with history. Decisions were made for them in councils of the world where they had no representation. The legal basis for the establishment of the state of Israel was legislated by the U.N. without the Palestinians' representatives, and despite the objection of Arab Member States. This historical fact raises questions as to the authority of the General Assembly and its Partition Resolution 181 (II) of 1947, which is only a partial recognition of the Palestinians' right to self-determination. However, Mallison and Mallison set out the basic claims and counter claims on this point and conclude that there is legal authority of the initial United Nations Partition Resolution. Therefore, they do not challenge the existence of the state of Israel, but draw upon existing international law to provide a framework within which to promote a resolution of the conflict.

Without the 70-year-old Balfour Declaration as a symbol of Zionism's convergence with Western imperial interests, it is unlikely that Israel would have been established as a state. There exist a number of books on this Declaration alone, but the Mallisons have reviewed this key historical document with new insight in Chapter One of *The Palestine Problem* based on the negotiating history.

The Zionist propaganda that wore down the statesmen of the British Empire and brought this Declaration into being was to become an essential feature of a world mission and a cornerstone of Zionism in the 20th century. Today as we stand on the verge of the Israeli state's fortieth anniversary, hundreds of thousands of Palestinians who lost their homes and farms are still living in refugees camps, while their legal rights are yet to be implemented. Such is part of the results of a lengthy process by which the Zionists sought legal recognition of their settler-colonial program in Palestine. However, as the Mallisons point out, this was not the intent or meaning of the Balfour Declaration. Thus, the Declaration was frustrating to the Zionists and fell short of their expectations. Its objectives are deliberately stated as the establishment of a "national home for the Jewish people" in Palestine, but with the condition that "nothing shall be done which may prejudice the civil and religious rights of the existing non-Jewish communities in Palestine. . .." It is precisely this safeguard clause (inserted at Jewish insistence over Zionist objections) protecting the indigenous Palestinians which has been consistently violated. It is for this reason that the Mallisons' reassessment of the Declaration, clearly showing its relevance today, is fundamental to the legal framework which they set before the reader.

Chapter Two subjects some of the basic issues of the ideology of Zionism and its institutions to legal inquiry. This study includes the analysis of the Zionist claim of Israel's jurisdiction over "the Jewish people." It is this "Jewish people" concept that is central to Israel's ambitious claim of representing all adherents of the Jewish faith. It is in this part of the Mallison's work that, among the Zionist tenets subjected to legal scrutiny, the reader encounters the assertion by a chairman of the Zionist Executive, based on the extra-territorial "Jewish people" concept, that: "Jews as a community do possess a collective loyalty to the State of Israel, as Israel is the national home of the entire Jewish people" (p. 86). This claim is contrasted to the judgment on the subject by the U.S. Department of State that it "does not regard the 'Jewish people' concept as a concept of international law" (p. 84).

Further to Chapter Two's discussion of the Zionist doctrines and institutions is an analysis of the status of the World Zionist Organization/Jewish Agency. Here the authors give particular attention to the status of these institutions as registered in the United States under the Foreign Agents Registry Act. The analysis demonstrates convincingly that the WZO/JA enjoys a self-evident contradiction as a tax-exempt, public charity under its current registry in the U.S., while under Israeli public law these same institutions are, in fact and in law, agencies of the government of Israel. This paradox bears great significance not only as a point of law, but of politics and ethics, with regard to the methods by which the state of Israel collects tax-deductible contributions from donors in the United States.

The most significant instrument of law toward the establishment of Israel as a state is U. N. Palestine Partition Resolution 181 (II). The authors dedicate their third chapter to a full analysis of the United Nations Partition Resolution, while providing a useful introduction to the development of

international law through the United Nations system. This chapter successfully builds upon the information of the previous chapter and shows how the forces of international politics were closing in on the Palestinians and creating a world rationalization for what, in the final analysis, would be the colonization of a people. The nations in Western Asia (called the Middle East) at this time had not mounted an effective political offensive against this encroachment. The Palestinians had defenders with no power and no armies of consequence.

As many through the ensuing forty years have apparently forgotten, the Partition Resolution recognized and set out to implement the Palestinians' right to self-determination with their state in Palestine, albeit in a truncated Palestine. And even in the absence of Palestine's representation before the body, the U.N. recognized basic human, civil and national rights as part of the Palestinians' patrimony. Under Resolution 181, civil, economic, social rights, as well as rights to property and of worship were recognized to be equal for all citizens in the two Palestines—one Palestinian Arab, one Israeli.

The consideration of the rights and obligations of the two states in Palestine as provided in the Partition Resolution lead to the following chapter, "The Fundamental Palestinian Rights in International Law." Two specific rights—the Palestinians' individual right of return to their homes in Palestine (U.N. Resolution 194 of 1948) and the right to self-determination—are the most basic of guarantees whose denial forms the heart of the Israeli/Palestinian conflict and the most persistent violations of international law. Under such conditions, the authors remind us, too, of the right granted in General Assembly Resolution 3070, reaffirming "the legitimacy of the people's struggle for liberation from . . . alien subjugation by all means including armed struggle" (p. 201).

The issues of the inadmissability of the seizure of property by war and the coercive treatment of occupied populations in the following chapters examines that legal area known as humanitarian law. The 1967 Israeli occupation of Jerusalem and the establishment of settlements on occupied Palestinian property are acts in further violation of international law. Israel agreed to abide by humanitarian law as in the Hague and Geneva Conventions before the United Nations and the world. Yet without any adequate opposition, it has violated these laws, persistently and repeatedly, and proceeds to take more and more land from the indigenous Palestinians. The Israelis are not pitching tents in these occupied areas; they are building permanent homes, schools and institutions. The Israeli settlers and their sponsors intend to stay in these territories, indefinitely. They are not saying that possession is nine-tenths of the law; they are saying that possession, by whatever means, *is* the law which they take unto themselves.

Chapter Seven, the book's most dramatic and, at times, graphic depiction of recent history is entitled, "The 1982 Israeli Attack on the Palestine Liberation Organization and Invasion of Lebanon: Appraisal Under International Law." True to this lengthiest chapter's ambitious title, the authors take us through the events begun in June 1982 as seen through the lens of a number of relevant humanitarian law issues. This chapter focuses on the questions of aggression versus self-defense, POW status, protection of wounded and sick combatants and civilian persons, use of proscribed weapons and the law on genocide.

The assessment of the Israelis' and Palestinians' relationship to the law in Mallison and Mallison makes distressingly clear that Israel has consistently acted with disregard of much of the laws promulgated in the interest of world order and peace. Violation of the law, if further tolerated, bodes ill for the future of states and citizens far distant from the Middle East as well. For the international order that was to institute peace through justice and an adherence to minimum international standards of behavior has reduced existence in the Middle East to the law of the jungle.

This richly annotated work also calls attention to some of the closed pages of Zionism. Often ignored is the large number of Jews in Europe, the Americas, and also in the Middle East and Africa, who are content to live and work in their respective countries of birth or residence without considering allegiance to any other homeland. In the early settlement in Palestine there were many Zionists, especially the Labor Zionists, who wanted a state where both Jew and Palestinian could live, side-by-side, with mutual respect for each other's culture, in a bicultural, binational state. They were Jews who did not

want an exclusively Jewish state. There were Jews, after the establishment of the state and presently, who never intended to become pawns in a high-stakes, international game that creates a role for Israel, such as the one it is playing with South Africa, and much of the rest of Africa and the Third World. Many Israelis have likewise come to realize that the threat of the current situation outweighs any narrow Zionist vision of "Jewish nationalism" which denies basic rights of another people.

With regard to the Palestine problem, the law remains one of the last remaining recourses of the person of conscience. The authors conclude that: "it is this pattern of violation of the applicable international law, rather than the establishment of the State of Israel under the authority of the United Nations, that is the basic source of the Palestine problem" (p. 411). As persons of conscience and prodigious expertise in the law, the Mallisons see as an urgent necessity the enforcement of the world legal order.

The international community of states, by failing to implement its own principles with regard to the Palestinians, has created the conditions for the perpetuation of this conflict. At the same time, international law stands as a framework within which an acceptable—and perhaps even just—solution can be found. However, the most immediate service that the Mallisons' book renders is that they have placed the documents in order, with clear analysis. This is a book of great importance to all thoughtful people who seek peace with justice in Palestine as a means of achieving world order which substitutes the use of law for violence.

Namibia's Continuing Struggle

Namibia: The Struggle for Liberation, by Alfred T. Moleah. Wilmington, DE: Disa Press, 1983. 324 pages, incl. 17 black & white plates. Selected Bibliography to p. 329. Index to p. 341. $22.95; $12.95, paper.

Reviewed by A. W. Singham•

One of the major industries that has emerged in the Western world since World War II has been the scholarly and journalistic writings about the trials and tribulations of the peoples of the Third World. The Scandinavian Institute of African Studies has published a bibliography on Namibia citing 1,546 references.[1] The United Nations Institute for Namibia has also published a 1,000-page volume giving detailed information about the economic and social issues that confront the Namibian people.[2] In spite of the massive output of materials graphically describing the horrors of the South African occupation of Namibia, it still remains a colony. Nor can the most prestigious newspaper in the Western world, *The New York Times*, bring itself to call this territory Namibia. Instead, it continues to refer to Namibia as a territory known as South West Africa. This inability of the Western world to recognize the authenticity of a people and their history may be the root cause of Namibia's problem, or at least contribute much to its continuation.

A most welcome addition to the literature on Namibia comes from a South African scholar who is a refugee from his own homeland and is now resident in the United States. Alfred T. Moleah has done an admirable job of showing the reader the formation and development of Namibian national society, especially the cultural resistance of the people to all forms of colonization. His chapter on African resistance dispels the racist view that it is externally inspired. He shows how tradition and revolution have been integrated by the liberation movement and explains why the South West African People's Organization (SWAPO) has emerged as the sole and authentic representative of all the peoples of Namibia. One of the unique features of *Namibia: The Struggle for Liberation* is its thorough description

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• A.W. Singham, Professor of Political Science at Brooklyn College, is co-author of *Namibian Independence: A Global Responsibility*. Westport, CT: Lawrence Hill, 1985; and *Non-alignment in the Age of Alignments*. Westport, CT: Lawrence Hill and London: Zed, 1986.

of the various internal social divisions in Namibia. In demonstrating that these divisions are not obstacles to the formation of a national society, Moleah exposes the hollow arguments of those who call for the "bantustanization" of Namibia. The volume is organized in such a fashion as to present in the first half the origins and local factors which comprise the present situation in southern Africa. The second is focused more squarely on the role of the international community in the question of Namibia and the slow, frustrating process toward its resolution.

Chapter One provides the physical setting and defines South Africa's stake in retaining control of the area. Though Namibia may not be central to popular understanding in the West of the contradictions of African politics, or even of *apartheid*, the booty of occupation is keenly on the minds of the South African occupier. It is the yield of diamonds, uranium, rich karakul pelts, abundant fishing and potential other mineral resources—as well as the cheap labor to extract them— that remain South Africa's incentive to further perpetuate its illegal occupation of Namibia and its indigenous people.

Chapter Two lays out the historical context of colonization of Namibia by Europeans. Moleah published this work in the hundredth year since the German colonization of South West Africa was begun, and thus the year 1883 offers a logical point of departure in recounting the modern history of Namibia. The tragedy of German genocide against the Herero people was a consequence of that colonial enterprise, only to be followed by a new stage of dispossession under the South African mandate granted by the League of Nations after the First World War. Drawing on that history, Moleah demonstrates how cynically the important powers, behind the rhetoric of that time, regarded the mandate system as a real "division of spoils" of the war (p.24).

Rationale for the old League's mandate system of administering colonial peoples derived from a "principle that the well-being and development of such peoples form a sacred trust of civilisation" (League of Nations Charter, Article 22). The land rushes that accompanied the early South African phase of colonization in Namibia was to see this "sacred trust" carried out as the practical equivalent of a claim to the country as a "white man's land." After the Second World War and the replacement of the League with the United Nations, the mandate system was supplanted with the trusteeship system and administered by the Trusteeship Council, which was to see non-self-governing peoples to eventual independence. South Africa made its case before the Council for annexation of South West Africa, based in part on the claim that the indigenous people of that area "spring from the same ethnological stem as the great masses of the native peoples of the Union [of South Africa]" (p. 31). That plea was rejected.

Following this analysis of the development of international consensus on South Africa's trusteeship over Namibia is discussion of the unbroken process of land expropriation as executed within the settler-colonial framework. The demands of this enterprise excised from the dispossessed people as labor, or, in Moleah's term, helotry, is a classic tale. This author takes upon himself to outline also the reality of health, social welfare, housing and educational institutions and conditions which dramatize the great disparity between black and white in Namibia.

Moleah proceeds along a logical tack suggesting cause and effect to trace the genesis of the Namibian resistance to colonization and occupation. To this he dedicates his fifth chapter, beginning with an account of the heroic 1904-1907 uprising against the German colonists. Appropriately, discussion of this period features prominently the legacy of Jacob Morenga, the brilliant guerrilla leader who challenged the German army and still survives after his 1907 death in battle as an inspiration to his heirs in the contemporary anti-colonial resistance. Traditional leadership and social organization have continued to provide much needed continuity and the link of earlier resistance efforts to the modern liberation movement.

In keeping with a theme that remains consistent in his work, Moleah portrays the resiliency and optimism of Namibia's beleaguered people. Against the strictest application of divide and rule, the banishment of native Namibians into numerous "reserves" and the utter neglect of African education by both the German and South African colonizers, the odds working against the people of Namibia have been great indeed. The conditions and scale of dispossession, in the author's view, have made the Namibian situation unique in the world.

The various manifestations of the resistance form the next issue of discussion in *Namibia: The Struggle for Liberation.* Especially important here are the student organizations of the 1950s and the formation of SWAPO in 1960 with Sam Nujoma as president, all of whom then witnessed the disappointing decision of the International Court of Justice of 1966 (discussed at greater length in Chapter 6). 1971 was a pivotal year for the resistance with such events as the International Court's advisory opinion on the illegality of South Africa's continued occupation of the country and the mounting of active labor resistance evidenced by the Ovambo strike.

The second part of the volume dealing with developments drawing in the international community is equally important. Through the United Nations, South Africa continued to seek formal annexation of Namibia. By a series of U.N. Resolutions and opinions of the International Court of Justice, the international community was consistent in denying this arrogant demand of South Africa. However, United Nations efforts fell short of resolving the Namibia issue. His investigation of the U.N. involvement leads the author to conclude that U.N. action was ineffective largely due to the refusal of Western powers seriously to consider the issue with any urgency.

The events of the mid-1970s and the replacement of Portuguese colonialism in the continent with revolutionary independence called attention to a need in the West to thwart the further spread of such independence movements, especially if perceived to be of a revolutionary nature. South Africa resolved, with a little help from its friends, totally to reject any role for SWAPO in Namibia's future. In this context, Moleah examines United States policy in southern Africa and describes in some detail the various ideological tendencies within the U.S. administration. He also shows how the Contact Group hijacked the question of Namibian independence from the United Nations and, hence, delayed the country's independence.

In spite of these enormous setbacks faced by the liberation movement, one cannot but be amazed at the optimism displayed by SWAPO in its struggle for Namibian independence. At a recent meeting in Lusaka organized by the World Council of Churches, the grand old man of Namibian politics, Sam Nujoma, was ebullient with regard to Namibia's future. He spoke with great compassion about the capacity of the American people to change the policy of their administration and unite the rest of the world in the cause of the Namibian people for independence. President Nujoma was also quite optimistic about the people's capacity to overthrow South African hegemony. All of his previous predictions about the puppet regime established at Windhoek have come true with the subsequent failure of South African strategies to achieve legitimacy. Even *The New York Times* reports that South Africa's most stalwart supporter, Dirk Mudge, is greatly disenchanted with his benefactors, suggesting that the entire regime be replaced.[3]

In his concluding chapters, Moleah discusses the paradoxical character of those like Dirk Mudge who fail to recognize the legitimacy of SWAPO, while claiming to oppose *apartheid.* Of such, Moleah remarks:

> Their biggest problem was that they could not be credibly opposed to apartheid and South Africa's illegal occupation and be a challenge to SWAPO, which had come to embody the most thorough, rigorous and total rejection of apartheid and opposition to South Africa's illegal occupation. In Namibia there is no middle ground—the choices are stark (pp. 306-307).

Further with regard to Mudge's party alternative, the Democratic Turnhalle Alliance (DTA), the author concludes that by proclaiming to oppose *apartheid* in Namibia, they are caught up in a fundamental contradiction—as creatures of *apartheid* in opposition to *apartheid.* Their position has proved to be untenable.

The whole world knows that without SWAPO there can be no legitimate government in Namibia. The whole world also knows that once the Western Alliance led by the United States ceases to support the Republic of South Africa and its policy in Namibia, independence will come quickly. It is certainly hoped that, with the thawing of the Cold War, a new day may dawn in southern Africa, and it will no longer be viewed by the United States as an arena for the East-West struggle. In the meantime, the global community has a deep moral obligation to continue to support the legitimate rights of the Namibian people.

In pursuing a better understanding of the experience of the people of Namibia, *Namibia: The Struggle for Liberation* by Alfred T. Moleah offers a well-researched, cogent and comprehensive treatment and analysis of one of the world's most urgent issues, one which calls for a just and non-racist solution.

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1. See Tore Linné Eriksen with Richard Moorsom. *The Political Economy of Namibia: An annotated, critical bibliography*. Uppsala: Scandinavian Institute for African Studies in cooperation with United Nations Council for Namibia, 1985.
2. *Namibia: Perspectives for National Reconstruction and Development*. Lusaka: United Nations Institute for Namibia, 1986.
3. *The New York Times*, 12 January 1983, p. A5; and 18 January 1983, p. A5.

Book Notes

En Nombre de la Cruz: Discusiones teológicas y políticas frente al holocausto de los indios (periodo de conquista), by Fernando Mires. San José, Costa Rica: Departamento Ecuménico de Investigaciones, 1986. 219 pages. Paper (no price indicated).

La Colonización de las Almas: Misión y Conquista en Hispanoamérica, by Fernando Mires. San José, Costa Rica: Departamento Ecuménico de Investigaciones, 1987. 228 pages. Paper (no price indicated).

These two titles by Mires combine to constitute a single concept. That is the seemingly paradoxical role of missionism in the history of the "American holocaust" under Spanish conquest. Beyond a simple moralist condemnation of genocide, the author treats both the effects of the war against the indigenous Americans and the differing views of them held by various sectors of the Church.

En Nombre de la Cruz reviews feudal Spain's social class structure and presents the Church as a multi-class institution that expressed nearly all class interests in society. Those Spanish Scholastics in the Church who defended the Indians were a tiny, but militant nucleus centered in Spain itself, having no real social base of support. Mires poses this against the more dominant currents which sought to reconcile faith with conquest into a kind of theology of slavery.

La Colonización de las Almas takes a closer look at the practice of missionism in colonial Latin America. The range of missionary tendencies is discussed, including that in which evangelism serves as an "alternative conquest." And the history of revolutionary clergy enriches the body of theological contradictions. The author sees economic forces as the real culprits in the process of conquest, which continues to seek "final solutions" at the expense of peoples. These are contradictions that belong not only to past centuries, but are "present and permanent."

Human Rights in Peru after President Garcia's First Year, by The Americas Watch Committee. New York and Washington: The Americas Watch Committee, September 1986. ii + 119 pages. $8.00, paper.

The subject of this analytical monograph may recall for some a scene from a popular novel by Peruvian author Mario Vargas Llosa. In the first chapter of *The Real Life of Alejandro Mayta* a minor character, speaking at the time of the Cuban Revolution, observes: "What's going on there is nothing

compared to what can happen here. Thanks to our geography, I mean. A real gift from God to the revolution. When the Indians rise up, Peru will be a volcano."

That prescient prediction is underscored by evidence marshaled in this Americas Watch Report. Its researchers take the reader through notable cases in the war between the state and the *Sendero Luminoso* (Shining Path) guerrilla movement. The objectives, as well as mistakes and excesses, of both sides are presented here.

The monograph is divided into ten sections, discussing extra-judicial executions, disappearances and political prisoners and the counterinsurgency, among other subjects. Special attention is given to the variously successful institutional responses to the crisis in protecting human rights, and relevant judicial cases are also discussed. A final section analizes the prison riots of 18 June 1986.

It becomes evident by this work that conflict between Sendero and the state has deepened the abjectness of Peru's poor, indigenous people. Any prospect of alleviating the crisis might be summed up in one telling passage from the Introduction:

> Lima, the grand capital of Spain's colonial power, has never made its peace with the Indians of the highlands, and fundamental questions of democratic representation, equality under the law, and just distribution of the country's resources have been postponed and forgotten. Now, many Peruvians realize that waging war against Sendero will be futile unless the government earns the trust of those Sendero seeks to convert."

Human Rights in Nicaragua 1986, by The Americas Watch Committee. New York and Washington: Americas Watch, February 1987. iii + 148 pages. Appendices to p. 170. Endnotes to p. 174. $8.00, paper.

In this report, the human rights condition in Nicaragua is viewed largely in the context of the military conflict between the Sandinista government and the insurgent forces, commonly known as the "*contras*." Here the gravest suffering among rural people stems from systematic killings and indiscriminate attacks against civilians by the *contras*. The report concludes that the Nicaraguan government has justified various restrictive and abusive measures on the basis of the military emergency. However, the government is not charged with the systematic violation of the "laws of war," as are the *contras*.

Of particular interest is the report on conditions in the Atlantic Coast region of the country. The observers compiling this report discovered that, in spite of much improvement in the government's treatment of the indigenous people there, its abuses of 1981-1982 have left behind a great deal of animosity among the people toward the state.

This report briefly discusses the efforts of the Managua government to achieve national unity through the autonomy plan for the Atlantic Coast, while referring to the indigenous population there as "ethnic minorities," the same term used by the Autonomy Commission.

It's No Secret: Israel's Military Involvement in Central America, by Milton Jamail and Margo Gutierrez. Belmont, MA: Association of Arab-American University Graduates, 1986. AAUG Monograph Series: No. 20. xii + 79 pages, including tables and illustrations. Appendix to p. 82. Bibliography to p. 114. Index to p. 117. $10.00, paper.

These two Central America specialists have marshaled facts and analysis from a wide variety of sources, from North America, South America, Europe and Israel, to reconstitute the symbiotic relations

of the Zionist state with the extreme right in Central America. Good sources of published information on the subject have been unavailable until pioneering writers like Jamail and Gutierrez have recently begun to make such contributions.

The authors discuss the reasons for, and dimensions of, Israel's involvement in the region, citing among the logical components Israel's fine reputation for clearing the land of its indigenous inhabitants. Their citing the Guatemalan right wing as speaking openly about the " 'Palestinianization' of the Guatemalan Indians who comprise more than half of the country's population. . . ." is enlightening as to racist motives shared by Israel and its allies in Central America.

Undercutting Sanctions: Israel, the U.S. and South Africa, by Jane Hunter. Washington: Washington Middle East Associates, 1987. Revised Edition. iv + 53 pages. Endnotes to p. 71. $7.00, paper.

This groundbreaking work by the Editor of *Israeli Foreign Affairs* is now in its second edition. The revelations issuing from the increasingly developing Zionist-*apartheid* alliance suggest that more titles will be forthcoming from this researcher.

The background and evolution of the Israeli-South African relationship explained in this concise monograph demonstrate how any effects of U.S. sanctions against South Africa are undermined with Israel serving as commercial and military intermediary. It is on this commercial and military cooperation, especially nuclear weapons co-production, that Hunter focuses her work in *Undercutting Sanctions*.

The evidence here presented suggests an answer to questions raised as to why the 1 April 1987 U.S. Government report on U.S.-allies' military involvement with South Africa was suppressed.

Mission to South Africa: The Commonwealth Report, by the Commonwealth Group of Eminent Persons. Foreword by Shridath Ramphal. Middlesex: Penguin Books, 1986. 141 pages, incl. 15 black & white plates. Annexes to p. 176. £2.50; $5.95, paper.

This is the official record and proceedings of the Eminent Persons Group representing the Commonwealth countries in its investigation of conditions in South Africa. Their visits and the present report were concluded in June 1986, culminating in a list of recommendations for the peaceful transition to democracy in that country.

One is struck by the calm and reasoned manner in which the Eminent Persons apparently went about their work and expressed themselves in this document, since this was conducted against the backdrop of turmoil and mounting violence. Also impressive is the thinly veiled contempt with which the *apartheid* government responded to the EPG mission and its recommendations.

In addition to the narrative on the travel and interviews conducted throughout South Africa by the EPG members, the Annexes include valuable documentation that testifies to relevant events, dating from the 1955 Freedom Charter to 1986.

The State of Black America 1987, by the National Urban League, Inc. New York: National Urban League, 1987. 197 pages, including charts and tables. Chronology of Events 1986 to p. 222. A Profile of the Unemployed: A Disaggregation Analysis to p. 237. Notes and References to p. 259. $18.00, paper.

This annual publication represents the combined work of respected scholars who have reported on their area of expertise to illustrate the current economic, social, medical and other conditions of black people in the United States.

From reading these pages it becomes clear that blacks in the United States continue to live with and suffer social problems in ways that others do not. And blacks in the U.S. feel to a greater degree the effects of undemocratic processes and economic downturns. However, from the volume of statistics and analysis of the present conditions included here, a note of optimism is evident as some gains are made in black America toward overcoming the long-felt sense of disempowerment.

Views from the World Press

In this section, analysis and opinions from the international press are excerpted or reprinted in full. These selections focus on current issues and developments around the globe in response to racism and its practice, as well as efforts to combat discrimination and institutionalized forms of racism.

- **Year of the Big Stick.** A retrospective analysis of the past year under South Africa's State of Emergency from *The Weekly Mail* (Johannesburg).
- **Race, Cultural Chauvinism and the Church.** The weekly *Latinamerica Press* (Lima) interviews Brazilian theologian Leonardo Boff on the Church's role in multiracial society.
- **Men of Reason?** An opinion appearing in the Tel Aviv daily *Yediot Aharonot* reveals the varying styles in which racism is expressed in Israel.
- **English Blacks.** From *The Washington Post*, a look at the state of the current generation of West Indians in Britain.

State of Emergency: Year of the Big Stick

Correspondent Patrick Laurence, writing for The Weekly Mail *(12–18 June 1987), takes stock of South Africa's State of Emergency, now over one year old, and suggests the effects of this policy on the country's future.*

Anniversaries invite stock-taking and none more so than the first anniversary of the national State of Emergency imposed by President P.W. Botha on June 12 last year.

The State of Emergency, the first on a nation-wide scale since the Sharpeville massacre of 1960, has clearly fulfilled its immediate objective: containing the intensifying rebellion in the black townships. But it has certainly not led to the achievement of the next major goal of the government's counter-revolution: negotiation of a political settlement with genuine and credible black leaders or, alternatively, depriving them of their mass support.

The political cliché popularized by the Botha government is that the solution to South Africa's problem of satisfying the rising expectations of the black majority is 20 percent military and 80 percent

political. The State of Emergency has proved that the army and the police can effectively counter revolutionary violence, as they did in 1976-77, and as they have done so far on the Namibian border. But the ruling politicians have yet to show that the Emergency has enhanced their ability to deliver a lasting political solution. Indeed, by detaining and alienating literally thousands of black community leaders, it may have made their task more difficult.

The success of the Emergency in slowing and, in places, halting revolutionary violence—though not, of course, state violence—is manifest in official figures. There has been an 80 percent decrease in violent acts of rebellion since June 12, according to Deputy Law and Order Minister Roelf Meyer. These figures may not reflect counter-revolutionary violence by vigilantes and the security forces, but they cannot be dismissed as mere manipulation of facts, behind a screen of press restrictions, by the Bureau for Information and the Police Division of Public Relations. There are independent pointers to the success of the counter-revolution. Townships which were strongholds of the "comrades" in late 1985 and early 1986 are today largely under the control of pro-government forces.

To cite three examples: Alexandra, on the outskirts of Johannesburg, is now ruled by a white administrator and earmarked for upgrading by a counter-revolutionary Joint Management centre; in KwaNoubuhle, in the Eastern Cape, vigilantes have gained the upper hand; and at Crossroads, near Cape Town, Johnson Ngxobongwana rules supreme after the *witdoek* vigilantes routed anti-apartheid activists, allegedly with police help. Josette Cole's conclusion on Crossroads in her important new book, *Crossroads, the Politics of Reform and Repression, 1976-86*, applies in broad terms to many townships: "By the end of 1986, the political terrain of the Cape Peninsula had been radically restructured by a state determined to maintain control over the majority of its black population. . . ." "The Crossroads complex, a focal point of squatter resistance to the state, no longer exists . . . Old Crossroads, formerly a crucible of resistance, became an apple in the eye of the South African state."

As John Kane-Berman, director of the Institute of Race Relations, observed in an interview, 1986—declared to be the Year of Umkhonto we Sizwe [Spear of the Nation] by the outlawed African National Congress — did not lead to "people's power." Far from it. It was the year in which the state struck back, buttressing the power of "responsible" black councillors with hastily recruited black police auxiliaries: the council police and the *kitskonstabels*, who largely replaced the vigilantes of 1985 or, as some charge, became the uniformed vigilantes of 1986.

The same general point is illustrated in KwaNdebele. There a popular rebellion against independence has been crushed through the application of Emergency powers by a new police chief and the deployment of *kitskonstabels*, many of them reportedly former members of the dreaded Mbokotho vigilantes.

Protected by Emergency powers and the guns of the KwaNdebele police, a pro-independence regime has emerged under Chief Minister Majozi Mahlangu. He has dismissed last year's popular revolt as the work of "a few criminal elements," forgetting that it culminated in a decision by the Legislative Assembly—over which he now presides, minus anti-independence leaders—last August to abandon the quest for independence.

The success of the State of Emergency seemingly reinforces, as a diplomat remarked in an interview, all Botha's presuppositions in declaring the Emergency. These were, the diplomat said, Botha's explicit and implicit beliefs that the township revolt could be crushed by the application of greater force, that popular opposition forces could be seriously disrupted by detaining their leaders, and that the rebellion was fanned by press coverage and could, therefore, be contained by press restrictions. But while the State of Emergency can be interpreted didactically as proof of these assumptions, the situation is more complex.

Without denying its effectiveness in containing and repressing rebellion, there are signs that the Emergency may have failed in some respects. It has forced the United Democratic Front to become also *de facto* underground organization, but it has not destroyed it. Less than a fortnight ago the UDF was able to hold a national conference attended by representatives of nine regions. It was a manifestation of a spirit of defiance and a will to resist what the UDF termed the "apartheid regime's total onslaught."

It may not seem much when compared with the massed strength of the state. But historically resistance has always been sustained and nourished in small ways during what those who survive call the

"dark hours." The UDF is no exception. A small example was manifest during Botha's recent visit to Sharpeville. A message on the walls of a building not far from the route taken by Botha during his fleeting visit proclaimed: "Long live Vacyo. The struggle continues."

Vacyo is the local branch of the South African Youth Congress, Sayco, the latest UDF affiliate, which was formed clandestinely during the State of Emergency. By forcing the UDF to operate subterraneously the government has, in some respects, compounded rather than overcome its difficulties. As political scientist Tom Lodge observed in an interview: "in dealing with one problem, they have created another."

The suppression of extra-parliamentary opposition from the UDF and, in smaller measure, the Azanian People's Organization, has increased pressures on the trade unions to take up political issues. Under the exigencies of the State of Emergency, the Congress of South African Trade Unions has abandoned any pretense of merely concerning itself with shop-floor issues. It openly proclaims that it is part of the liberation movement and enjoys cordial relations with both the UDF and the ANC.

Lodge predicted that a bill before parliament at present will bring the trade unions even more directly into the political frontline. Under the bill, black town councils can obtain a court order to force employers to make deductions on their behalf from the wages of workers who are in arrears on rent. The move is a calculated bid to break a civil disobediance campaign which has persisted throughout the State of Emergency: the refusal of blacks to pay rent and service charges in the townships. But, Lodge warned, the move would merely catapult trade unions into conflict with employers who, whether they like it or not, would be acting as surrogates of state authority.

Apart from ensuring that major trade unions take up cudgels on political issues—detention without trial is an obvious one—the State of Emergency has blurred the distinction between the outlawed ANC and the still theoretically lawful UDF. By forcing the UDF to function as a semi-clandestine political movement, the State of Emergency has pushed it closer to the ANC. The line between the two ideologically similar but nevertheless distinct movements is now porous.

Throughout the State of Emergency the ANC has sustained its "armed struggle," mounting a record number of 228 strikes last year. By the end of May, its tally for 1987 was about 70, including the devastating car bomb attack outside the Johannesburg Magistrate's Court on May 20, which claimed the lives of four young police constables. Far from providing a shield for peaceful negotiations, the Emergency may have ensured that the struggle for a non-racial South Africa takes a more violent course.

Evangelizing the Church

In 1992, the American continent's Roman Catholic hierarchy will celebrate the 500th anniversary of the beginning of Latin America's evangelization. Many liberation theologians say that any commemoration of the "discovery" of the Americas must acknowledge that evangelization was accompanied by the cruel subjugation of indigenous cultures. Latinamerica Press *correspondent Pablo Sartori recently interviewed Brazilian theologian Leonardo Boff about his views on the Commemoration. The interview, as appearing in the 2 July 1987 issue of* Latinamerica Press, *is reprinted in full below.*

In your opinion, what are the lessons of the evangelization process carried out on this continent?

I think the first lesson the church should learn from examining its contact with the Amerindian cultures of Latin America is that evangelization carried out from a position of power leads to subjugation and colonialization.

Secondly, evangelization should neither reproduce the ecclesiastical system nor expand the [existing] Christian system, but should give birth to a new church; in the case of Latin America, that church should be indigenous, mestizo and black. This didn't happen. Instead, the European church was transplanted to Latin America.

Finally, as the church evangelizes, it should also allow itself to be evangelized by the indigenous peoples. We must remember that before the church arrived, Jesus, God and the Spirit of the Risen Christ lived among the poor. But the church evangelized without allowing itself to be challenged or evangelized.

These are key conclusions if we are to develop a new way of evangelizing—especially the point about the church learning from those it has come to evangelize and allowing a space for new forms of Christ's church (in this case, an indigenous, black and mestizo Latin American church).

How have Brazil's black people been evangelized?

The church must recognize its need to make amends to black culture, because it acted as an accomplice to slavery. Also, the church currently has no overall strategy for the evangelization of blacks — it has one for indigenous people, but nothing for blacks.

Thirdly, the church continues to deny the dignity of black religious experience — a syncretistic incorporation of Christianity into their own cultural framework that has made Christianity stronger both religiously and culturally.

This represents a great challenge for today's church: it must confront Afro-Brazilian and Afro-Caribbean cultures that have their own distinct religions, religions that are not simply decadent, syncretized forms of Christianity. These should be empowered theologically, and their legitimate theological content should be recovered. The church [of Brazil] must allow blacks who have assimilated Christianity to develop their own Christian experience and create a black church. Not a church made up solely of blacks, but a church in which black people's concerns are at every level, and would be reflected in liturgical celebration and in the church's pastoral work, where the black version of Christianity would be presented.

But isn't there a risk of creating a church "for blacks" and a church "for whites?"

In Brazil we have nearly 50 million blacks who have never been able to express their Christian faith within the context of their own culture. They have had to camouflage their religious expression and conceal their deities under the guise of Catholic saints and Christian ritual. That's why I'm convinced that within the church, blacks must be able to express their faith out of their black culture. This is not an expression that's simply going to be added on to Roman Catholic, white Christianity. A new Afro-Brazilian culture will be born. It will be a mixture, the basis of which is neither white nor Catholic, but black. And building on this foundation, it will assimilate Christian and white elements.

It's difficult to talk about one Latin American culture. What relationship do you see among the different cultures of the region?

Culture is a global process in which the meaning of life is produced and reproduced; culture also involves power. What we find is that there are dominant cultures and there are dominated cultures—cultures of silence, marginalized cultures. And because culture and power always go hand in hand, there is necessarily a close relationship between the two. When we speak of culture, we must always specify what sort of culture we're talking about—a dominant culture or a culture of the subordinate classes.

We see that in Brazil dominated cultures have tremendous power—in terms of resistance, creativity and capacity to assimilate new elements. On the other hand, the dominant culture is fundamentally violent, repressive and elitist, and it takes advantage of the dominated culture's contribution to music, folk art, etc. I believe there is a profoundly unequal political relationship between the two. Social power is on the side of the dominated cultures, but political power is in the hands of the dominant cultures.

I find it astonishing that the [Roman Catholic] church has not defined its position in this confrontation. Even though its institutions are generally close to the powerful, its most significant pastoral advances, theological reflection and new Gospel insights are directed at the dominated cultures, with which it is forming a new alliance. This is taking place in the grassroots church, in the option for the poor—in the church of liberation, of the oppressed. New power is springing from here.

After 500 years of evangelization, who are Latin America's major prophets?

We must recover the prophetic tradition that has always been present in Latin America, beginning with the prophecy of indigenous peoples. These peoples denounced the violence of the Spanish invasion, genocide and the destruction of their cultures. Then there were prophetic missionaries such

as Antonio Montesinos, Bartolomé de Las Casas and Antonio Valdivieso, among others, who raised their voices to protest native people's subjugation.

The Church's presence in Latin America has been profoundly ambiguous; on the one hand, it has been an accomplice in the process of domination; on the other, it has sown seeds of liberation. The prophet has always been one who distinguishes between the wheat and the chaff and denounces the complicity of the church, while at the same time recognizing the liberating efforts born of Gospel demands.

Our prophetic voice must speak out against the perpetuation of the model of colonialism inherent in the capitalist system. One characteristic of modern capitalism is transnationalization, which promotes a culture that obstructs the development of "witness cultures."

On the other hand, there is a prophetic tradition within the church that calls for the recovery of the experience of European Catholicism—that synthesis of Jewish, Greek, Roman and barbarian traditions that has made up Roman Catholicism. We should have the same freedom to expose our faith to the great Amerindian, black and mestizo traditions of the new peoples of Latin America, so a truly Latin American Christianity evolves.

This freedom has not been granted due to the centralization of the church in Rome, despite the fact that it is a theological imperative and is required by a new type of evangelization whose meaning is liberation rather than subjugation.

What role should missionaries have within today's church?

In the first place, I believe it's good that they come to stand in solidarity with us. They leave their own countries, their families and usually more sophisticated cultures to live in situations of poverty and oppression.

Secondly, missionaries must be mystics above all. That is, they should know how to recognize the presence of God in the people they've come to evangelize—because before the missionary came, God was there; the Spirit of the Risen Christ was fermenting new life. Those who come to evangelize should have the sense that they're also being evangelized—a dialectical process in which there are neither evangelizers or evangelized. Something different should result from this evangelization process—a new way of understanding the Gospel should emerge that is not simply a repetition of other historical ways of understanding it. Missionaries should also bear witness in their own countries to the new seeds of faith and the new way of understanding the Gospel arising among the poor of Latin America.

Finally, missionaries should also be prophets, standing in God's stead by hearing the cry of the oppressed and giving greater echo to that cry. This means denouncing all oppression that impedes an authentic experience of God—God as communion, as friendship, as a force of hope and joy.

Such experiences have been denied our peoples, who have been condemned to live a kind of 'resistance Christianity,' a survival Christianity. Missionaries coming from a more open cultural environment must lend their voices to the cry of the oppressed, listening to it and giving it greater resonance. These missionaries should also play the role of pastors and fulfill the requisites laid down by the prophets Jeremiah and Ezequiel: to enliven, coordinate, identify with and even give one's life for the people they have come to serve.

When Men of Reason Speak as Racists

An opinion by Ziva Yariv in the Tel Aviv daily Yediot Aharonot, *10 July 1987, exposes an apparent, common misunderstanding. The phenomenon of Rabbi Meir Kahane in Israel has given a louder voice to advocates of the final solution to the problem of Palestinians under Israeli rule. However, in view of the increased attention drawn to that man and his Kach Party, Yariv gives evidence that such racist notions as his are actually not so isolated or exceptional in that society. Differences are sometimes but a matter of style.*

When Rabbi Kahane used to shriek that we must kick the Arabs out of Israel by loading them into trucks, people would say that the man was a lunatic, a Nazi, an alien implant, and that the anti-Racism

law had been passed to deal with creatures like him. But when (Reserve General) Rehavam Zeevi put forward the idea of a population transfer, which means, albeit in more educated language, the explusion of 1.5m Arabs from this country, the anti-Racism law was forgotten. Instead of shouts of disgust, or at least attempts to call a spade a spade by stating clearly that a transfer was no different from Kahane's proposal and could only be put into practice by forcefully expelling the Arabs, the response was a relaxed academic debate conducted on the pages of our newspapers.

Commentators earnestly discussed the historic implications of the transfer idea, reputable researchers calmly and thoroughly examined its ideological, sociological and political aspects, and veteran columnists argued among themselves as to whether Berl Katznelson had been in favor of it, whether Yitzhak Tabenkin had supported it after the establishment of Israel, and whether David Ben Gurion had had similar plans.

Some of them indeed rejected the idea as impractical, but others treated it as a legitimate and considered proposal, that deserved serious attention and should be checked out by experts in the fields of transport and haulage. One suddenly discovered that all those people who sneer at Kahane are willing to treat his ideas with the greatest respect as long as they are nicely packaged into a term such as "transfer." In that guise, they suddenly become completely socially acceptable.

Surprisingly, one of those who joined in the jolly academic debate was Tel Aviv's mayor, Shlomo Lahat, who said that "I prefer people like Rehavam Zeevi, who say what they think, over the kind of rotters who hold the same views, but don't have the courage to say so openly." The mayor forgot only one thing: the law against racist incitement was not aimed at rotters who harbor racist thoughts deep in their hearts. It was passed precisely in order to deal with decent people such as Zeevi and Kahane, who chose to voice their racist views in public.

Hadashot of the same date quoted an opinion poll carried out by Tel Aviv's reputable Telseker Institute, which showed that 50.4 percent of respondents agreed with Rehavam Zeevi's proposal. 37.4 percent disagreed with it, and 12.2 percent were undecided. When asked whether they, irrespective of their views, regarded it as practicable, only 14.4 percent thought so; 71.6 percent thought it could not be carried out and 11 percent were undecided.

Britain's Race Problem

For roughly forty years, black immigrants from the West Indies have been arriving in Great Britain. Native of Manchester, David Pitts, traces the development of this community, now in its second generation, and suggests an American-style adjustment to some of the problems confronting the "English blacks" and the society at large. This article, first appearing in the 5 April 1987 Washington Post, *is reprinted below in full.*

Riots engulf major cities across the nation. Young blacks hurl gasoline bombs, rocks and other objects at the overwhelmingly white police force that is seen as a hostile invading army. South Africa? The United States in the 1960s? No, this is England in the 1980s.

Peaceful, bucolic Britain was shocked in 1981 when thirty of its towns and cities erupted in urban disorder. Since then, there have been numerous riots in a number of cities. In October 1985, the most violent riot to date ravaged the London neighborhood of Tottenham. For the first time, firearms were used by rioters, wounding seven people. A police officer was hacked to death.

Britain has a race problem. It's still small in terms of numbers—black make up only 2 percent of Britain's 58 million people—but the potential for social strife is huge. And if the British hope to avoid the traumas of America or South Africa, they should begin to consider some decidedly un-British remedies, such as affirmative action, which can contain the race problem before it gets worse.

To Americans, England has been a nation of civility and tolerance. Indeed, we have often believed that it is the level of civilization attained by England and other European countries that prevented the sort of ugly racial upheavals which have characterized American history. But not only has England experienced these traumas, it seems to be decades behind the the Unted States in dealing with them.

Britain's race problem has different roots from America's. For example:

- It's a recent problem. Blacks have been in Britain in significant numbers for only forty years, compared to 400 years in America. And they didn't come as slaves, but as immigrants looking for work. These black immigrants are still known as West Indians, since that's where most of them were born. But the Jamaicans and Trinidadians, having settled in Britain, are now the parents of the first generation of "English blacks."
- It's largely a problem of blacks versus police. The focus of black anger in Britain hasn't been the white working class, which shares many of the same economic problems, but the police. The London-based *Economist* reported after the riots in 1985 that "there is one certain connection between the riots in Handsworth, Brixton, and Tottenham. It is the link which blacks see between incidents of police violence. In the ghettos around the country, some young blacks see the racism of young constables as part of a general pattern. They regard the police as agents of oppression." The situation is exacerbated by the scarcity of non-white officers—only 700 in a total force of 125 thousand.
- It's a problem that has been exacerbated by Britain's economic slump and is likely to get worse as the British economy continues to decline. The black unemployment rate is at least twice the 11 percent rate for whites, according to an estimate by the British Department for Employment. A Birmingham city council inquiry found that two-thirds of young blacks in the district of Handsworth, scene of a riot in 1985, were unemployed. In a recent Harris poll, 87 percent of blacks said employers discriminate and 40 percent said they had been refused jobs because of their race.

Despite this evidence of discrimination, the British government rejects American-style affirmative action (called positive discrimination in England). The lack of political support for such a measure reflects, in part, the fact that English blacks have little political power. There are no black members of the House of Commons, no black judges in the courts, and only one black mayor.

Moreover, minority rights are not provided for in the English Constitution, which is unwritten and based on common law and tradition. Parliament is supreme, enshrining what Jefferson called "the tyranny of the majority." Politicians both left and right have called for the adoption of an American-style Bill of Rights. A step forward was taken last month when Parliament began debating a bill to incorporate the European Convention on Human Rights into British law. But there is great reluctance to limit the sovereign power of Parliament.

England was an overwhelmingly white nation until after World War II, when the government encouraged immigration to deal with a growing labor shortage. Since the residents of Her Majesty's colonies were, by definition, British and carried British passports, there were no barriers to entering the country.

Thousands of immigrants made their way to the motherland looking forward to a bright future for themselves and their children. Many blacks came from Jamaica and Trinidad, especially in the early days. But there was also significant immigration from Africa and also from Pakistan and India. The English viewed the Indians and Pakistanis in much the same way they viewed the immigrants from the Caribbean—as colored (considered a polite description by English whites). About 50 percent of the nonwhite minorities are now of Caribbean or African descent. Most of the rest are of Pakistani or Indian origin.

By the early 1960s, as more whites became conscious of a growing economic problem the immigrants seemed a convenient scapegoat. Immigration became a serious election issue for the first time in the 1964 general election, especially in Smethwick (near Birmingham) where Labor's Patrick Gordon Walker was defeated by a Conservative candidate who blamed England's economic problem on immigration. Politicians soon fell over one another in pandering to racist feeling.

One Conservative, Enoch Powell, warned that "rivers of blood" would flow down English streets if something were not done about immigration. Many Labor lawmakers also called for an end to immigration to cool the situation. Some politicians even suggested incentive schemes to encourage

blacks to leave. During the '60s and '70s a series of immigration bills sailed through Parliament, drastically reducing entry. But the new laws did not solve the growing racial problem. Barely fifteen years after the first sizable wave of immigration, the dream of a multi-racial society, largely free of divisions so common in the United States, lay in ruins—lost in the crushed hopes and bitter experience that was the immigrants' legacy to their children.

Those children are now the first sizable generation of English blacks. They are English as well as black. But they are not accepted as such by English whites, who have equated whiteness with Englishness for centuries. English blacks, a phrase not commonly used in England, are still viewed as immigrants even though they were born in England.

About half of all people of color now living in the country were born there. They are not immigrants. Many of them find it not uncommon to be asked which country they come from. They feel they are denied not only basic opportunities, but their nationality as well. It is among this group of blacks, born in the country, and unwilling to accept the second-class citizenship their immigrant parents endured, that the most anguish and the most rage is felt.

For Britain's blacks, the future looks bleak. They continue to bear the brunt of England's high unemployment, low living standards and poor housing conditions. Racial epithets are still openly used there in a way that has long ceased to be respectable in the United States. The use of racial slurs by spectators against black players at soccer games, for example, has become a national embarassment. More serious are the growing number of assaults on blacks. In 1982, the British Home Office reported that blacks are 36 times likelier than whites to be attacked for racial motives.

The potential for more deterioriation in Britain's inner cities is threatening for a society that does not accept change easily or quickly. Before World War II, England was a largely homogeneous society stratified by a rigid class system. The class system endures. But England now is increasingly polarized by a serious race problem. The time to begin solving it is now, while it is still manageable, and the best model of how to do so is the American approach of affirmative action.

United Nations Update

In an effort to promote international law and the work of the United Nations to eliminate racism and racial discrimination, Without Prejudice *regularly summarizes here major activities undertaken in the United Nations and its environment toward that end. Special attention is given in this section to efforts of UNESCO, the Commission on Human Rights, the Committee on the Elimination of Racial Discrimination and other agencies and divisions dealing with the specific problems of* apartheid, *Palestine and Namibia, as well as other relevant developments in the General Assembly and Security Council during the forty-first session.*

Racism and Racial Discrimination

The first regular session of the Economic and Social Council (ECOSOC) in 1987 directed its attention to the continuing efforts of the Second Decade to Combat Racism and Racial Discrimination and considered activities for the final four years of the decade, 1990-1993.

Speaking to the Commission on Human Rights, 26 February 1987, Assistant Secretary General for Human Rights Kurt Herndl outlined a plan of activities for the remainder of the Decade [E/1987/31, Annex I]. These included, with respect to action to combat *apartheid*, the continuation of annual reports on economic and financial collaboration with South Africa; the convening of a roundtable of experts toward preparing teaching materials to combat racism; the dissemination of information in as many languages as possible on the International Convention on the Elimination of All Forms of Racial Discrimination; the further study of conditions of minority groups, indigenous peoples and migrant workers with a view to, among others, providing education to children in their mother tongue. Mr. Herndl also suggested that states parties to the Convention be convened to assess experience gained in the implementation of the Convention and look to the possibility of adopting additional protocols. These suggestions relevant to the Convention's implementation were later endorsed by the Committee for the Elimination of All Forms of Racial Discrimination (CERD), during its 802nd session on 19 March 1987 [E/1987/31. Annex II].

The Report of the Secretary-General, *Implementation of the Programme of Action for the Second Decade to Combat Racism and Racial Discrimination* [E/1987/29 and Adds. 1,2] was issued in April 1987. In the Report, the Secretary-General suggested that the Council might invite specialized U.N. bodies

to provide annual reports on their progress toward implementing the provisions of the Convention. Also contained in the Report are summaries of information received from governments, specialized U.N. agencies and inter-governmental and non-governmental organizations regarding efforts exerted to implement the Convention.

With regard to the implementation of the Programme of Action, the General Assembly [GA 40/22] reiterated its invitation to the Secretary-General to proceed with a planned training course to be held in New York for some twenty legislative draftsmen from developing countries, focusing on the preparation of national legislation against racism and racial discrimination. In response, the Secretary-General appealed for urgent contributions to the Trust Fund for the Programme for the Decade for Action to Combat Racism and Racial Discrimination in order to provide necessary funds for this practical activity.

Also during the forty-first session, the Working Group on the Drafting of an International Convention on the Protection of the Rights of All Migrant Workers and Their Families met twice. A seventh session of the Working Group was held during the forty-first General Assembly from 24 September to 3 October 1986, and a sixth inter-sessional meeting took place from 1-12 June 1987. A full report of the proceedings has been issued in a Report of the Economic and Social Council [A/C.3/41/3 and A/C.3/42/1].

Committee on the Elimination of All Forms of Racial Discrimination

Perhaps the two issues of greatest importance to the Committee over the past year have been the financial security of CERD and the periodicity and format of reports submitted to the Committee by states members. The former was demonstrated by the cancellation of the Summer 1986 session, the latter by the fact that 130 states' reports remain outstanding.

At its 34th meeting (2-20 March 1987) in Geneva, CERD examined twenty-five individual states' reports. Specific actions by governments to establish penal procedures for punishing racial abuses were requested, while at the same time the Committee sought to rationalize its work through a change in reporting procedure. Plans for the final four years of the Second International Decade for Combatting Racism and Racial Discrimination included a series of workshops for national institutions combatting racism and the possibility of a CERD-sponsored seminar on lessons learned since its inception in 1970. The Committee emphasized the actions of reporting states to distance themselves from the racist regime in South Africa and the general effort to combat *apartheid*. Argentina, Mauritius, Czechoslovakia, South Korea, the German Democratic Republic, the Holy See, Pakistan and Cameroon were among those commended by the Committee for their efforts in that direction. The United Kingdom and Israel were urged by CERD experts to exert greater efforts in this regard.

In presenting the report from Israel, Robbie Sabel referred to Israel as a "multi-racial state." Among others, the Egyptian expert expressed great interest at this, as Israel has in the past exclusively referred to itself as a "Jewish state." He also remarked that the news of that day (11 March 1987) had reported the indictment by Israel of certain of its citizens for talking with Palestinians (in Costanta, Romania) about peace prospects; and he raised the question of how such events could be reconciled with the Convention. The expert from the Federal Republic of Germany remarked that it was indeed unfortunate that the Committee had determined itself not competent to receive information concerning compliance with the Convention in the Israeli-occupied territories. Commenting on the Israeli educational program on Arab-Jewish relations included in the report by Israel, the Argentinian expert noted the Israeli government's directive that the program should educate people to accept democracy as a system in which the people might be different but equal. The expert questioned how the Israeli government could preach that concept at home and yet maintain close relations with the racist regime in South Africa. Also, he asked how it could reconcile ratification of the Convention with its own treatment of the Palestinians as second class citizens [RD 548].

Among the issues attended to by CERD was the situation in Kampuchea. In the agreed statement to be included in its report, the Committee recalled its view set out in an earlier report that the occupation of the territories of a member state party to the Convention constituted a "grave breach of the Convention," if its organs were prevented from fulfilling obligations under the Convention and demographic changes were imposed. The text stated that "some members of the Committee therefore expressed hope that the territorial integrity of Kampuchea would be re-established and that it shall be enabled to comply with international obligations under the Convention" [RD 559].

Also of great importance was the treatment of indigenous peoples, and the Committee requested more detailed information on compliance from Argentina, Brazil, New Zealand and Panama. Following examination of the twenty-five reports, discussion turned to ways of bringing more order to the Committee process. Australia, with considerable general support, proposed that after each currently scheduled report, the reporting nation file proof of compliance with the Convention every fourth year. It was decided to bring this issue to the attention of the Permanent Representatives of the states parties to the Convention at their 29 April 1987 meeting.

Financial concerns, however, remained dominant. With *apartheid*, the conditions of the Palestinians (especially in the Israeli-occupied territories), as well as the plight of the indigenous people worsening, many delegates spoke of the vital need to continue the work of the Committee. The Committee decided that its Chairman should attend the one-day meeting of the Permanent Representatives and join them in urging states whose payments toward the support of CERD are in arrears to honor their financial obligations.

The meeting of the states parties (with their Permanent Representatives) recognized the urgency of the financial crisis and agreed that groups of high-level representatives could be set up to approach states parties in arrears to urge payment. The Representatives also accepted the four-year plan for reporting as proposed by Australia [RD 560 and 561].

With funding assured for the thirty-fifth session, the work of CERD was scheduled to continue at Geneva in August 1987.

South Africa and Namibia

If one theme were to be singled out as reflective of the past year's work by the United Nations Council for Namibia and other United Nations bodies concerned with southern Africa, it might be "linkage." That is, linkage between *apartheid* in South Africa and similar policies in Namibia, and linkage between South African domestic unrest and the export of that violence by Pretoria's military forces, linkage betweeen the continuation of *apartheid* and tacit support for those policies by the international business community.

In February 1987, the Secretary-General reported to the ECOSOC on the follow-up to public hearings on the activities of transnational corporations (TNCs) in South Africa and Namibia. The report noted that many TNCs, even some of those publicly "divesting," continue to provide products and services to South Africa and Namibia [E/1987/13].

In Buenos Aires, the Council for Namibia held a Seminar on Support for the Immediate Independence of Namibia and the Effective Application of Sanctions against South Africa (20-24 April 1987). The Call for Action adopted by the Seminar participants emphasized the necessity of imposing stringent sanctions against South Africa for its continuing illegal occupation of Namibia and the desirability of taking steps to encourage third parties to stop assisting South Africa [A/AC.131/245].

Three reports by the Standing Committee II of the Council for Namibia explored social conditions generated by the extension of *apartheid* policies to Namibia [A/AC.131/242], the military situation in and relating to Namibia (with discussion of the irrelevance of Cuban defensive personnel in Angola) [A/AC.131/241], and the history of political developments relating to Namibia [A/AC.131/240]. This last document includes a review of past developments, an assessment of the current situation and a summary of actions of the international community. Also of interest was the March 1987 report by the

Ad Hoc Working Group of Experts on allegations regarding infringements of trade union rights in South Africa. This analysis points to the methods used by the South African authorities to manipulate and weaken union strength and to prevent the development of a mature political consciousness [E/1987/70].

On 15-22 May, the Council for Namibia held extraordinary plenary meetings in Luanda, Angola. The Declaration and Programme of Action resulting from these discussions called for convening a Security Council meeting at the Foreign Minister level to discuss ways immediately to achieve Namibian independence [NAM 975/Corr. 1]. Taking note of the long-elapsed Eminent Persons Group sanctions deadline of 1 January, the Programme of Action called for the speedy enactment of effective sanctions against South Africa to encourage it to abide by international law and the relevant United Nations resolutions [NAM 975].

In July, President of the Council for Namibia Peter D. Zuze condemned the 3 July 1987 attack by South African police on unarmed civilians in Luderitz [NAM 979]. In the Netherlands, the U.N. Council for Namibia initiated legal action, 14 July, against a Dutch uranium enrichment company and its state-owned partner for conducting business with the occupation authorities in Namibia in violation of both Dutch and international law [NAM 980].

During the forty-first session, the Centre against Apartheid (CAA) continued its vital work of research and reporting on the racist system of *apartheid*. In April of this year, the Centre published an exhaustive list of General Assembly and Security Council resolutions adopted to date on the question of *apartheid* [87-10593, 87-10569]. As part of its efforts to document collaboration with the racist South African regime, the Centre against Apartheid published two important documents: a register of sports contacts with South Africa (July to December 1986), including a list of athletes participating in sports events in South Africa from 1980 until 1986 [87-15430]; and a register of entertainers, actors and other artists who have performed in South Africa since 1981 [87-09713].

In keeping with its program of publishing analytical papers relating to the efforts to combat racism in South Africa, in May the Centre published *United Nations Sanctions and South Africa: Lessons from the Case of Southern Rhodesia*, by Elizabeth Schmidt [87-03834]. Also on on the subject of sanctions, the Centre issued three additional titles: *South Africa Imposes Sanctions against Its Neighbours*, by Phyllis Johnson and David Martin [87-12395], and *People's Sanctions Now*, by Stanley Clinton Davis [87-14791]. *The Importance of a Joint Coal Boycott by the European Community* was authored by the Association of West European Parliamentarians for Action against *Apartheid* (AWEPAA) and issued June 1987 [87-16122].

In June, the CAA published a selective bibliography specifically focused on the topic of sanctions against South Africa (1981-1986) [87-15523]. Finally, giving a look at the tremendous human costs of *apartheid* was *Women and Children: Repression and Resistance to* Apartheid *in South Africa*, by Paulette Pierson-Mathy, also published in June 1987 [87-15422 2586c (E)].

Palestine

The year 1987 is especially commemorative for Palestinians and those concerned with their fate under Israeli colonization. Years marked by the number seven have led to catastrophic consequences for the Palestinian people and nation. It has been ninety years since the conveners of the First Zionist Congress at Basle, in 1897, initiated plans to claim Palestine for themselves (and "the Jewish people") at the expense of the existing society in that country. Fifty years ago, the Peel Commission first mentioned the partition of Palestine in an official document.

Forty years ago, in 1947, it was the United Nations which provided the legal machinery to establish two states in that country; the one for the original inhabitants of that land has yet to be realized. A decade later, it seemed that an expansionist Israel was in check after its forced retreat from a joint invasion of the Sinai with the former regional colonial powers, Great Britain and France; however, the dismal Arab defeat at war with Israel in 1967 added a further blow to hopes of any peaceful resolution of the conflict.

We recall at the midpoint between June 1967 War and the present year Egyptian President Anwar Sadat's 1977 journey to Jerusalem, to be followed by the ill-fated and, to many, ill-conceived "Camp David process." Not unrelated to that process is the subsequent Israeli invasion of Lebanon in 1982 and its carnage that is indelibly symbolized by the massacres at Sabra and Shatila. Another five years have since passed. And mindful of this history, the International NGO Symposium on the Question of Palestine last year, at Vienna, declared 1987 "The Year of Palestine."

Besides these commemorations of Palestinian history, two major focuses marked activities on the Palestine question during the forty-first session: the search for an elusive peace through building a consensus in favor of an international peace conference, and the immediate necessity of improving the physical lot of the Palestinian people, particularly those in the occupied territories and the besieged refugee camps.

The Committee on the Exercise of the Inalienable Rights of the Palestinian People, currently composed of twenty-three member states, reviewed its work during the past year. The Report of the Committee, submitted at the start of the forty-first session to the General Assembly [A/41/35], reviewed the situation relating to the question of Palestine during the past year. The Committee's Report concluded that the continuing military occupation and annexation of land and property in the Palestinian and other Israeli-occupied territories have "resulted in a growing spiral of conflict, tension and violence in the region." In its regular role of bringing urgent matters to the attention of the General Assembly, the Committee reviewed in the Report its actions with regard to the situation in Palestine, as well as the catastrophic situation in the refugee camps under siege by *Amal* and Israeli forces in south Lebanon. The annual review also documented the actions of other relevant U.N. bodies and inter-governmental efforts to resolve the conflict. Among the priorities of the Committee, particularly since the 1982 Geneva Declaration on Palestine, remains that of building consensus in favor of an international peace conference on the Middle East.

In the midst of the siege by *Amal* forces of Palestinian refugee camps in Lebanon, the President of the Security Council issued an urgent appeal for the restoration of peace and the facilitation of relief efforts to provide humanitarian aid to the Palestinian victims [S/18691]. With the siege continuing in March, Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People Massamba Sarre notified the General Assembly of the crisis in the refugee camps in south Lebanon [A/42/176]. A week later, the Security Council urged all parties concerned to facilitate the passage of vital provisions into the camps. Again in May, the Chairman informed on the conditions in the camps and protested against the Israeli air-raid bombings of the Palestinian refugee areas [A/42/278]. This document was bolstered by the call of the Permanent Representative of Lebanon to the United Nations for the immediate cessation of Israeli air raids on the camps near Sidon [A/42/281; S/18854]. This followed the detailed report of Israeli air raids the same Representive submitted in January [A/42/82; S/18584].

Also of grave concern were the conditions of the Palestinian population living within areas of Palestine occupied by Israel. A seminar on the subject was held in Vienna, 2-6 March 1987, and the subsequent report was submitted by ECOSOC to the General Assemby [A/42/183; E/1987/53]. In May, the Secretary-General reported to the General Assembly on progress toward the implementation of the recommendations of the Seminar on ways to facilitate humanitarian aid to the Palestinian people. And pursuant to Resolution 41/181 (8 December 1986), the Secretary-General convened a meeting at Geneva of relevant inter-governmental and non-governmental organizations, 19 June 1987, to discuss means of providing assistance to the Palestinian people.

At its forty-third session, the Commission on Human Rights adopted a series of resolutions addressing Israel's egregious violations of the human rights of the Palestinians in all areas of its occupation. These resolutions dealt with the problem of the theocratic nature and the so-called "homeland" doctrine of the state of Israel, denounced the "iron fist" policy applied in the occupied territories of Palestine, as well as Israel's refusal to allow the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories access to the field. A further resolution adopted in March 1987 by the Commission strongly condemned the attacks on the refugee camps in Lebanon (E/1987/18, Chapter II, section A].

Pursuant to G.A. Resolution 38/145 requesting a mission be sent to prepare a program of economic and social assistance to the Palestinian people, the Secretary-General engaged former Director of the (New York) Liaison Office of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) John Miles to conduct this work. The draft program focusing on the occupied territories was issued 15 May 1987, in advance of the June meeting at Geneva [A/42/289 and Add. 1; E/19877/86 and Add. 1]. The actions and policies of Israel in the occupied territories led the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories to travel on a two-week, fact-finding mission to the area. Between 1 and 14 June, hearings were held in Cairo, Amman and Damascus. On 16 June, the Secretary-General transmitted to the General Assembly part of a report by UNCTAD outlining the nature of Israeli trade and financial practices in the occupied Palestinian territories [A/42/341; E/1987/78].

In March, the Division for Palestinian Rights published *The United Nations and Non-governmental Organization Activities on the Question of Palestine* [87-10451]. This document explores the history of non-governmental organizations and provides the texts to related declarations and resolutions arising from NGO conferences worldwide.

In accordance with General Assembly Resolution 41/43 C of December 1986, the North and Latin American journalists encounter on the question of Palestine was held at San Carlos de Bariloche, Argentina, from 20-23 1987. Two further encounters were held at Lima, Peru and Caracas, Venezuela, on 28 and 30 January 1987, respectively. The purpose of these conferences was to promote better understanding of the question of Palestine among leaders of the media by bringing them together with experts on the subject for a brief, in-depth, informal and candid discussion of the various aspects of the Palestinian problem.

The Division for Palestinian Rights organized the Second United Nations Asian Regional NGO Symposium on the Question of Palestine in New Delhi, 8-12 June 1987. Convened at this Symposium co-hosted by the Government of India and the United Nations were NGOs representing public opinion in India, Mongolia, China and Japan. The participants were particularly concerned with the Israeli "Anti-terrorism" Law and its negative prospects for dialogue and peace. In their final declaration, the NGOs stated:

> We believe that it is the increasing expansion of conflict areas by Israel and the growing threat that it constitutes not only to the peace of this region as a whole but of Asia and the world, it makes the convening of an International Peace Conference urgently needed. We further assert the inextricable connection between the struggle of the Palestinians for their independent homeland and every struggle in every part of the world of peoples fighting for their independence and sovereign rights to build their life in their own way without any outside interference.

Seventy-five organizations gathered in New York at United Nations headquarters for the United Nations North American Regional NGO Symposium on the Question of Palestine. The first of the three days featured expert panelists, including Rev. Benjamin Weir (Presbyterian Church, USA), Latif Dori (Mapam, and Israeli founder of the Committee for Israeli-Palestinian Dialogue) and Tawfiq Abu Ghazaleh (Gaza Center for Rights and Law, Gaza, Palestine). Among the practical suggestions emanating from the workshops was that of sponsoring a model international peace conference on the Middle East, bringing together non-official representatives of the various states and parties concerned in accord with General Assembly Resolution 38/58 C.

Some NGOs focused on the importance (and violations) of international law with regard to the Palestine question. A special amendment to the Symposiums' Final Declaration called for recognition of "events in the territories occupied in 1967 as part of both an historic pattern and continuum." The NGOs also took note that recognition of the relevant international laws is basic to minimum consensus achieved among NGOs at the U.N. Symposium. Further, the North American NGOs called upon their

respective governments to implement the rights and principles with regard to the Palestinian people that they themselves have put forth in law. In another addition to the Declaration, the North American NGOs condemned Israeli legislation rendering it a crime against the state for Israeli citizens to meet with an official representative of the Palestinian people. All North American NGOs also recognized the urgency in convening the international peace conference, including the PLO as the principal party to any resolution of the conflict.

The possibility of convening an international peace conference on the Middle East was lent new strength by the 7 May report of the Secretary-General to the General Assembly/ECOSOC detailing exploratory talks held with principal parties to the conflict on the subject [A/42/277; S/18849]. All consulted agreed that some form of international peace conference was desirable; however, questions of format, participation and range of issues remain unsolved.

Indigenous Peoples

By its Resolution 1982/34 of 7 May 1982, the Economic and Social Council has authorized the Sub-Commision on Prevention of Discrimination and Protection of Minorities annually to convene a Working Group on indigenous populations in order to review new facts concerning the promotion and protection of the indigenous peoples' human rights and fundamental freedoms. In addition, the Working Group revues information received during the past year at the request of the Secretary-General.

In Resolution 1985/22 of 29 August 1985, the Sub-Commission requested the Secretary-General to circulate the Working Group's report and its annexes to governments, specialized agencies and United Nations bodies concerned, indigenous peoples' organizations and other interested NGOs in order to solicit comments and suggestions. Due to the large volume of comments received in preparation for the fifth session (August 3-7 1987), the Secretary-General considered it appropriate to compile this information, rather than digest and analyze it. These comments and recommendations are contained in a series of documents of the Commission on Human Rights [E/CN.4/Sub.2/AC.4/1987/WP.4 and Addenda].

This year's fifth meeting of the Working Group took place a decade after the very first conference of indigenous peoples in the United Nations. Since that event and with subsequent meetings at Geneva, the indigenous peoples now constitute a regular presence in the United Nations. A number of participants in the Working Group took note of some important, specific developments over the past ten years, including recent initiation of the process toward revision of the ILO Convention 107 and eventually altering the objective of that instrument—and many states—of achieving the assimilation of indigenous peoples into the larger society of the nation-states in which they live. With the reversal of this trend, indigenous peoples would be able to obtain greater guarantees to land rights and self-determination. Ameliorating present statutes and working toward new, international agreements on the rights of indigenous peoples is a consistent part of the Working Group's Review of Developments Pertaining to the Promotion and Protection of Human Rights and Fundamental Freedoms of Indigenous Populations [See E/CN.4/Sub.2/AC.4/1987/WP.4 and Addenda].

In general, however, the Working Group noted that the actual conditions of indigenous peoples continues to worsen worldwide. In a number of areas, indigenous people are suffering policies of violence tantamount to genocide.

One area of focus, particularly of non-governmental organizations, was the effects of TNCs on indigenous societies and physical environments. This concern led to a call for the United Nations Committee on Transnational Corporations and the Disarmament Committee to conduct special investigations into the detrimental effects TNCs and the arms race have on indigenous populations.

Recalling a recommendation of the Special Rapporteur in his conclusion to *The Study of Discrimination against Indigenous Populations* [E/CN.4/Sub.2/1986/7/Add. 4, para. 633], a number of participants urged that the year 1992 be declared "International Year in Solidarity with the World's

Indigenous Peoples." That year will hold enormous symbolic and historical importance, as well as offer great educational opportunity to draw attention to the process of human destruction that began 500 years ago.

Of special note concerning the United Nations facilities with regard to the indigenous peoples is the recent destruction of the Documentation Centre for Indigenous Peoples in the Palais Wilson, Geneva. Volumes of irreplaceable documents were destroyed there, and a general call is now out to support reestablishment of the Documentation Centre for Indigenous Peoples.

Documentation

With a view to providing a continuous record of major developments in the field of racism and its elimination, Without Prejudice *reprints here relevant statements and documents issued by individuals, groups, organizations or governments during the recent period. Items in this section may relate either to ideologies or developments which combat racism or further institutionalize its practice.*

I. General Documents on Racism and Racial Discrimination:

A. "Alien Terrorists and Undesirables: A Contingency Plan," U.S. Department of Justice Immigration and Naturalization Service, Investigations Division, Washington, May 1986;

B. European Parliament Council Commission Declaration on Racism and Xenophobia, 11 June 1986;

C. U.S. Supreme Court Ruling in *McCleskey v. Kemp,* Washington, Decided 22 April 1987;

D. U.S. Supreme Court Ruling in *Saint Francis*, et al. *v. Al-Khazraji* and *Shaare Tefile Congregation*, et al. *v. Cobb*, et al., Washington, Decided 18 May 1987.

II. Documents on South Africa and Namibia:

A. Commonwealth Group of Eminent Persons Report, Conclusions, London, 7 June 1986;

B. Secretary of State's Advisory Committee on South Africa, Washington, 29 January 1987;

C. United Democratic Front Statement, First National Conference of the Institute for a Democratic Alternative for South Africa, Port Elizabeth, 9 May 1987;

D. The Dakar Declaration, Issued by the African National Congress of South Africa, Dakar, 12 July 1987.

III. Documents on Indigenous Peoples:

A. Statement of the Traditional Village Leaders of Shungopavi and Mishongnavi, Sovereign Hopi Nation, Hearing before the House Committee on Interior and Insular Affairs, U.S. Congress, Washington, 8 May 1986;

B. Statement by Pope John-Paul II to Aborigines of Australia, Alice Springs NT, November 1986;

C. Proposal of MISURASATA for a Treaty of Peace, Concluded at Rus Rus, Honduras, 18 June 1987.

IV. Documents on Palestine:

A. Communiqué of the Plenary Meeting of the Non-aligned Countries on the Question of Palestine, New York, 8 December 1986;

B. European Economic Community Foreign Ministers' Declaration on the Middle East, Brussels, 23 February 1987;

C. Resolution of the Commission on Human Rights, Forty-third Session on the Situation in Occupied Palestine, Geneva, 19 February 1987;

D. Final Political Resolutions of the Palestine National Council, Eighteenth Session, Algiers, 20–26 April 1987.

I. General Documents on Racism and Racial Discrimination

I:A

"Alien Terrorists and Undesirables: A Contingency Plan," U.S. Department of Justice Immigration and Naturalization Service, Investigations Division, Washington, May 1986 (Excerpts).*

Executive Summary

The Investigations Division has reviewed a variety of options available under the Immigration and Nationality laws and regulations in order to develop a contingency plan relating to alien terrorists and undesirables. The options may be found in this paper, which should be considered preliminary in nature. Briefly, however, it recommends the following steps:

* For more information regarding the relevance of the "Contingency Plan" to the case of the Los Angeles 8, contact The Committee for Justice, P.O. Box 4631, Los Angeles, CA 90051; or the National Immigration Project of the National Lawyers Guild, 14 Beacon Street, Suite 506, Boston, MA 02108—*Ed.*

- A "limited targeting" approach utilizing information from other government agencies to either:
  (1) summarily exclude under Section 235 (c) of the [Immigration and Naturalization] Act;
  (2) act to deport under Section 241 (a)(6)(F) of the Act; and where applicable,
  (3) prosecute under applicable sections of Titles 3 or 18 of the United States Code.
- Immediate publication of a few required revisions to the Code of Federal Regulations in order to implement the above steps. This should be done without resort to normal proposed rulemaking procedures.
- Request a Presidential Executive Order requiring other federal agencies to provide the information necessary to institute the proceedings referred to initially above.

Assumptions

Operational planning of the Immigration and Naturalization Service necessarily involves certain assumptions, based both on present geopolitical realities involving terrorist groups and organizations, and past experiences of the Service, such as the Iranian crisis, when certain actions were taken in response to the seizing of American hostages in that country. These assumptions follow.

- There will not be new or remedial legislation passed to enhance Service authorities to deal with alien terrorists in sufficient time to incorporate such laws into present contingency planning. Accordingly, INS will operate within the parameters of the Immigration and Nationality Act (Title 8, United States Code), and related laws and regulations.
- Such laws and regulations will likely require supplement through issuance of Executive Orders of the President and/or Attorney General.
- Close cooperation and an exchange of information will be required between INS and other governmental agencies with national intelligence and security functions, including but not limited to the FBI and CIA.
- The Service will likely be required to concentrate its counterterrorism efforts against particular nationalities or groups known to be composed primarily of certain nationalities, most probably those citizens of states known to support terrorism.
- INS should distinguish and isolate those members of the nationality group whose presence is inimical to national security interests, from those who have fled to this country seeking asylum or are dissidents from the regime in power.
- Corollary to the above, INS should distinguish between the broad categories of aliens of the nationality group, i.e., immigrants and nonimmigrants, due to the differing standards which exist in law for processing and initiation of proceedings against these two classes.

Operational Plan

This plan suggests an approach which may be segmented into different strategies or options. It also incorporates proposals for regulatory change, within the framework of the Act, in order to expedite the rapid removal from United States territory of alien terrorists.

As was previously noted, the law requires different treatment of immigrant and nonimmigrant populations in some significant respects. For this reason, it is believed that the most effective actions in removal of aliens who constitute a threat would be in the nonimmigrant category.

As presently perceived, there are two general scenarios within which Special Agents of the Investigations Division can operate, given the necessity to activate an operational plan:

(1) Conduct a general registry of all nonimmigrant aliens within the United States, based upon which decisions would be made as to which aliens would then be subjected to initiation of expulsion proceedings (this, generally, follows the phases used during the Iranian Special Project);

(2) Engage in a more limited sphere of operation, at least initially, wherein specific individuals are targeted based upon information received from other governmental agencies or intelligence sources, with the purpose of immediate location, apprehension, detention and removal.

Due to a variety of reasons, particularly resource limitations, the second scenario is preferred if Investigations is asked to perform the registry. Alternatively, both could be initiated simultaneously, with the registry functions being performed by other programs of the Service, i.e., Examinations, thus leaving the Special Agents of the Investigations Division (supplemented by Agents of the Anti-Smuggling and Border Patrol Divisions, if and as necessary) to conduct the enforcement, arrest and investigative functions.

General Registry

One possible scenario would be to request the State Department to invoke Section 221 (i) of the Act and invalidate the visas of all nonimmigrants of the nationality group, using that first step to initiate a wholesale registry and processing procedure. This, of course, is replete with problems in that it indiscriminately lumps together individuals of widely differing political opinions solely on the basis of nationality. Large numbers of asylum applications could be expected. There are, however, some advantages to initiation of a registry, if all operational units of the Service are involved:

(1) It permits a clear picture of the number and kind of aliens within the designated class that are in the United States;

(2) It acts as a logical precursor to further actions for those who do not comply with the registry or are found to be in violation of law at the time of registry;

(3) It has the benefit of being tested in administrative tribunals, district courts and courts of appeal, and having been found constitutional and within the power of the government.

Furthermore, this new sanction should be immediately published as a *final* rule in the Federal Register without resort to proposed rule-making procedures, as a matter of national security.

(5) Routinely hold any alien so charged without bond, as a danger to the national security and public safety; vigorously oppose granting of any bond by immigration judges in bond appeal proceedings on that same basis; introduce any material necessary to sustain the government's position under the provisions of 8 C.F.R. 242.17, relating to submission of classified information to the immigration judge *in camera* for inspection and use in arriving at a decision favorable to the government.

(6) As a corollary, amend the language of that provision to more closely mirror the language found in 8 C.F.R. 235.8, which does not require that the evidence be classified, but only requires that it be confidential in nature.

(7) As another corollary, amend 8 C.F.R. 242.14, to include a new subpart (b) as follows:
242.14 (b) Sufficiency of evidence in national security proceedings. In any appeals arising from a proceeding brought against an alien in which it is alleged that there are substantial security interests of the United States at risk, the alien shall remain under the conditions of release imposed by the government pending final resolution of all appeals.

Again, this new provision should be immediately published as a final rule, without the delays inherent in the proposed rulemaking process.

(8) Lastly, in all such cases, the government should routinely request the immigration judge to invoke the provisions of 8 C.F.R. 242.16 relating to the exclusion of the general public from the hearings on the basis of the national security.

Other Program Recommendations . . .

Entry and Departure Controls

A similar tool for travel control, not only of aliens but citizens as well, exists in Section 215 of the Act. This provision need only be fleshed out with appropriate regulations, published as final rules in the Federal Register due to the exigencies of the situation, in order to become an effective provision of law.

Use of this section would give broad enforcement latitude over *any* individual attempting to enter or leave the United States in violation of the regulations which the Service chose to promulgate. The Investigations Division explored this section of the Act in a memorandum to the General Counsel dated December 27, 1984 and at that time suggested possible revisionary language to the regulations. . . .

Suspension of Entry

Under the provisions of Section 212 (f) of the Act, the President could order the Service to suspend entry of any class of aliens whose presence in the United States was deemed detrimental to the public safety or national security. Used in conjunction with other enforcement techniques, this provision could be highly effective to prevent the further entry of the suspect class of aliens. However, it is clearly an extreme measure, and does not alleviate concerns over those who may have already entered the country. . . .

Detention During Proceedings

In order to accomplish the detention of aliens apprehended as the result of any special projects undertaken by INS, a phased approach has been developed by the Detention and Deportation Division. This approach escalates from step one through three, dependent upon the number of aliens to be confined. Essentially, it proposes to take advantage of the recently opened Oakdale, Louisiana processing facility in order to house and isolate this population; in emergent conditions, or faced with the need to obtain maximum security facilities, the Service would seek the cooperation of the Bureau of Prisons to assist in providing appropriate detention space.

As of April 16, 1986

Country of Citizenship and or Country of Residence

	NIIS	OVERSTAYS
Algeria	6,377	3,158
Libya	1,928	1,739
Tunisia	2,253	2,946
Iran	63,732	51,318
Jordan	24,561	12,066
Syria	7,826	7,230
Morocco	6,597	6,249
Lebanon	26,354	24,674
TOTAL	140,628	109,380

Country of Citizenship and or Country of Residence

	STSC
Algeria	1,101
Libya	1,737
Tunisia	393
Iran	32,471
Jordan	20,187
Syria	6,274
Morocco	2,617
Lebanon	16,535
TOTAL	81,315

. . . .

Plans for Detention and Removal

Detention and Deportation

INS has only a limited detention facility capacity (4,179) to support its daily operational needs.

If in the near future there is an influx of alien apprehensions, our capability to adequately respond would be limited due to the continuing lack of detention bedspace to house such aliens.

However, if faced with a large influx of apprehensions, in excess of the 200–500 which could be absorbed into our present system, we propose the following as a basic strategy.

Assumptions

- That emergency funding would be made available in amounts necessary for the chosen option.
- That most other normal activities would be scaled back to handle the apprehensions.
- That the majority of the apprehended aliens will be processed for deportation hearings. Some may seek judicial review and some will be released on bond.
- That should the influx exceed or be expected to exceed 3,000, a decision would be made to trigger the option known as the "South Florida Plan". (This plan is not to be considered as replacing the "South Florida Plan").

Step One

This phase would be activated upon information or intelligence that aliens in numbers in the range of 200–500 are to be apprehended.

Actions:

(1) Additional INS personnel commensurate with the size of influx will be detailed to assist with processing, transportation, and safeguarding.

(2) Additional contract guards will be procured to assist in controlling the increased population at the affected SPC.

(3) Additional bedding and other supplies will be procured to accommodate the population.

Step Two

This phase would be activated upon information or intelligence that aliens in numbers in the range of 500–1,000 are to be apprehended. Actions will include all in step one above and:

Actions:

(1) Notification will be made to BOP of intent to activate the 1,000-bed Oakdale Alien Detention Center for Emergency occupancy. After April 1, 1986, the space available will diminish incrementally until approximately September 1986, when Oakdale is expected to be at full occupancy.

(2) It is expected that a combination of the Service bus fleet, charter buses, and the Detention and Deportation aircraft will be sufficient to effect the transportation of aliens to Oakdale.

(3) Depending on when activated, BOP may be required to detail additional staff to Oakdale. Lacking such detail, contract guards on an emergency contract would be required.

Step Three

This phase would be activated upon information or intelligence that aliens in numbers of more than 1,000 are to be apprehended. This step would also be triggered by a number less than 1,000 if bedspaces projected in step two at Oakdale were not available due to degree of utilization of that facility at the time of the influx.

Actions:

(1) Immediate notification, as well in advance as possible, to the Department of Defense as to need for assistance in logistics and facilities.

(2) Upon identification and activation of a military location most of the various components of the "South Florida Plan" would then be operative.

Alternative Step Three

This alternate requires *advance planning action and funding* to be available at such time as a step three action is required. The designated contingency site adjacent to the Oakdale Alien Detention Center (ADC), consisting of 100 acres, stands ready for development as a stand-by alternative for a step three emergency. The methods of development and current status are outlined below.

Site:

- 100 acres with a center portion of 40 acres is presently cleared and awaiting development.
- Water, sewer, gas, and electric are already on site for hookup.
- Architectural and engineering has been developed through the design development stage and plans would be immediately available to issue contract to complete.
- Emergency equipment i.e., tents, cots, etc. is available, stored nearby for activation on short notice.
- Community is receptive and has agreed to location of such a site and its activation.
- Fence materials have been obtained and are stored nearby.
- Site management and administrative support would be available from the adjacent Oakdale ADC.

Capability

- Site is sized to house up to 5,000 aliens in temporary (tents) quarters, suitable in that southern climate.
- Once triggered by an emergency, after it has been developed to standby readiness, site can be fully activated in two to four weeks depending on degree of development.

Present status

- Current plans as developed by D&D with the A&E contract would provide a somewhat Spartan contingency site with quick start up capability, but will require approximately $2,000,000 in construction funds and 10 months for development to that stage.
- An alternate plan would provide development to a more comfortable facility (but still in tents) with faster activation time after the expenditure of approximately $4,000,000 and 12 months.

Recommendation

In spite of other funding considerations, additional funds from the Department should be sought, to complete development of the contingency site. The development should be at least to the $2 million level, which after completion, would allow activation on 4 weeks notice. The unreliability of whether the Department of Defense could or would respond in a timeframe to adequately assist the Service in such an influx, requires that we have the capability to at least respond to the first 3–5,000. Beyond that point the assistance of the military would most certainly be required and expected.

Arrangements will have to be made to obtain appropriate travel document to facilitate departure.

INS would have to request the assistance of the BOP to place individuals that are considered major security risks (such as terrorists), as INS facilities are only considered minimum security.

Removal Costs

Depending upon country to which alien [is] being removed, transportation costs include airfare to destination country, multiplied by the number of aliens removed. A few may pay their own removal costs.

I:B
European Parliament Council Commission Declaration on Racism and Xenophobia (86/C 158/01), 11 June 1986.

The European Parliament, The Council, The Representatives of the Member States, Meeting within The Council, and The Commission,

Recognizing the existence and growth of xenophobic attitudes, movements and acts of violence in the Community which are often directed against immigrants;

Whereas the Community institutions attach prime importance to respect for fundamental rights, as solemnly proclaimed in the Joint Declaration of 5 April 1977, and to the principle of freedom of movement as laid down in the Treaty of Rome;

Whereas respect for human dignity and the elimination of forms of racial discrimination are part of the common cultural and legal heritage of all the Member States;

Mindful of the positive contribution which workers who have their origins in other Member States or in third countries have made, and can continue to make, to the development of the Member State in which they legally reside and of the resulting benefits for the Community as a whole,

1. *vigorously condemn* all forms of intolerance, hostility and use of force against persons or groups of persons on the grounds of racial, religious, cultural, social or national differences;

2. *affirm their resolve* to protect the individuality and dignity of every member of society and to reject any form of segregation of foreigners;

3. *look upon it as indispensable* that all necessary steps be taken to guarantee that this joint resolve is carried through;

4. *are determined* to pursue the endeavours already made to protect the individuality and dignity of every member of society and to reject any form of segregation of foreigners;

5. *stress* the importance of adequate and objective information and of making all citizens aware of the dangers of racism and xenophobia, and the need to ensure that all acts or forms of discrimination are prevented or curbed.

I:C
U.S. Supreme Court Ruling in *McCleskey v. Kemp* (No. 84-6811), Washington, 22 April 1987 (Syllabus).

In 1978, petitioner, a black man, as convicted in a Georgia trial court of armed robbery and murder, arising from the killing of a white police officer during the robbery of a store. Pursuant to Georgia statutes, the jury at the penalty hearing considered the mitigating and aggravating circumstances of petitioner's conduct and recommended the death penalty on the murder charge. The trial court followed the recommendation, and the Georgia Supreme Court affirmed. After unsuccessfully seeking postconviction relief in state courts, petitioner sought habeas corpus relief in Federal District Court. His petition included a claim that the Georgia capital sentencing process was administered in a racially discriminatory manner in violation of the Eighth and Fourteenth Amendments. In support of the claim, petitioner proffered a statistical study (the Baldus study) that purports to show a disparity in the imposition of the death sentence in Georgia based on the murder victim's race and, to a lesser extent, the defendant's race. The study is based on over 2,000 murder cases that occurred in Georgia during the 1970's, and involves data relating to the victim's race, the defendant's race, and the various combinations of such persons' races. The study indicates that black defendants who killed white victims have the greatest likelihood of receiving the death penalty. Rejecting petitioner's constitutional claims, the court dismissed his petition, and the Court of Appeals affirmed. It assumed the validity of the Baldus study but found the statistics insufficient to demonstrate unconstitutional discrimination in the Fourteenth Amendment context or to show irrationality, arbitrariness, and capriciousness under Eighth Amendment analysis.

Held:

1. The Baldus study does not establish that the administration of the Georgia capital punishment system violates the Equal Protection Clause. Pp. 9–15.

(a) To prevail under that Clause, petitioner must prove that the decisionmakers in *his* case acted with discriminatory purpose. Petitioner offered no evidence specific to his own case that

would support an inference that racial considerations played a part in his sentence, and the Baldus study is insufficient to support an inference that any of the decisionmakers in his case acted with discriminatory purpose. This Court has accepted statistics as proof of intent to discriminate in the context of a State's selection of the jury venire and in the context of statutory violations under Title VII of the Civil Rights Act of 1964. However, the nature of the capital sentencing decision and the relationship of the statistics to that decision are fundamentally different from the corresponding elements in the venire-selection or Title VII cases. Petitioner's statistical proffer must be viewed in the context of his challenge to decisions at the heart of the State's criminal justice system. Because discretion is essential to the criminal justice process, exceptionally clear proof is required before this Court will infer that the discretion has been abused. Pp. 10–14.

(b) There is no merit to petitioner's argument that the Baldus study proves that the State has violated the Equal Protection Clause by adopting the capital punishment statute and allowing it to remain in force despite its allegedly discriminatory application. For this claim to prevail, petitioner would have to prove that the Georgia Legislature enacted or maintained the death penalty statute *because of* an anticipated racially discriminatory effect. There is no evidence that the legislature either enacted the statute to further a racially discriminatory purpose, or maintained the statute because of the racially disproportionate impact suggested by the Baldus study. Pp. 14–15.

2. Petitioner's argument that the Baldus study demonstrates that the Georgia capital sentencing system violates the Eighth Amendment's prohibition of cruel and unusual punishment must be analyzed in the light of this Court's prior decisions under that Amendment. Decisions since *Furman* v. *Georgia*, 408 U.S. 238, have identified a constitutionally permissible range of discretion in imposing the death penalty. First, there is a required threshold below which the death penalty cannot be imposed, and the State must establish rational criteria that narrow the decisionmaker's judgment as to whether the circumstances of a particular defendant's case meet the threshold. Second, States cannot limit the sentencer's consideration of any relevant circumstance that could cause it to decline to impose the death penalty. In this respect, the State cannot channel the sentencer's discretion, but must allow it to consider any relevant information offered by the defendant. Pp. 15–22.

3. The Baldus study does not demonstrate that the Georgia capital sentencing system violates the Eighth Amendment. Pp. 22–28.

(a) Petitioner cannot successfully argue that the sentence in his case is disproportionate to the sentences in other murder cases. On the one hand, he cannot base a constitutional claim on an argument that his case differs from other cases in which defendants *did* receive the death penalty. The Georgia Supreme Court found that his death sentence was not disproportionate to other death sentences imposed in the State. On the other hand, absent a showing that the Georgia capital punishment system operates in an arbitrary and capricious manner, petitioner cannot prove a constitutional violation by demonstrating that other defendants who may be similarly situated did *not* receive the death penalty. The opportunities for discretionary leniency under state law do not render the capital sentences imposed arbitrary and capricious. Because petitioner's sentence was imposed under Georgia sentencing procedures that focus discretion "on the particularized nature of the crime and the particularized characteristics of the individual defendant," it may be presumed that his death sentence was not "wantonly and freakishly" imposed, and thus that the sentence is not disproportionate within any recognized meaning under the Eighth Amendment. *Gregg* v. *Georgia*, 428 U.S. 153, 206, 207. Pp. 22–24.

(b) There is no merit to the contention that the Baldus study shows that Georgia's capital punishment system is arbitrary and capricious in *application*. The statistics do not *prove* that race enters into any capital sentencing decisions or that race was a factor in petitioner's case. The likelihood of racial prejudice allegedly shown by the study does not constitute the constitutional measure of an unacceptable risk of racial prejudice. The inherent lack of predictability of jury decisions does not justify their condemnation. On the contrary, it is the jury's function to make the difficult and uniquely human judgments that defy codification and that build discretion, equity, and flexibility into the legal system. Pp. 24–27.

(c) At most, the Baldus study indicates a discrepancy that appears to correlate with race, but this discrepancy does not constitute a major systemic defect. Any mode for determining guilt or punishment has its weaknesses and the potential for misuse. Despite such imperfections, constitutional guarantees are met when the mode for determining guilt or punishment has been surrounded with safeguards to make it as fair as possible. Pp. 27–28.

4. Petitioner's claim, taken to its logical conclusion, throws into serious question the principles that underlie the entire criminal justice system. His claim easily could be extended to apply to other types of penalties and to claims based on unexplained discrepancies correlating to membership in other minority groups and even to gender. The Constitution does not require that a State eliminate any demonstrable disparity that correlates with a potentially irrelevant factor in order to operate a criminal justice system that includes capital punishment. Petitioner's arguments are best presented to the legislative bodies, not the courts. Pp. 28–31.

753 F. 2d 877, affirmed.

Powell, J., delivered the opinion of the Court, in which Rehnquist, C. J., and White, O'Connor, and Scalia, JJ., joined. Brennan, J., filed a dissenting opinion in which Marshall, J., joined, and in all but Part I of which Blackmun and Stevens, JJ., joined. Blackmun, J., filed a dissenting opinion in which Marshall and Stevens, JJ., joined, and in all but Part IV-B of which Brennan, J., joined. Stevens, J., filed a dissenting opinion in which Blackmun, J., joined.

I:D

U.S. Supreme Court Ruling in *Saint Francis*, et al. *v. Al-Khazraji* (No. 85-2169) and Shaare *Tefile Congregation*, et al. *v. Cobb*, et al. (No. 85-2156), Washington, Decided 18 May 1987 (Syllabi).

Saint Francis, et al. *v. Al-Khazraji:*

Respondent professor, a United States citizen born in Iraq, filed suit in Federal District Court against petitioners, his former employer and its tenure committee, alleging that, by denying him tenure nearly three years before, they had discriminated against him on the basis of his Arabian race in violation of 42 U.S.C. § 1981. The court held that the claim was not barred under the Pennsylvania 6-year statute of limitations, but granted summary judgment for petitioners upon finding that § 1981 does not reach discrimination claims based on Arabian ancestry. The Court of Appeals for the Third Circuit acknowledged that its recent *Goodman* case had overruled its earlier decisions by applying Pennsylvania's 2-year personal injury statute of limitations rather than the 6-year period in § 1981 cases, but ruled that respondent's claim was not time-barred since *Goodman* should not be applied retroactively under *Chevron Oil Co. v. Huson*, 404 U.S. 97. However, the court reversed the District Court on the merits, holding that respondent had properly alleged racial discrimination in that, although Arabs are Caucasians under current racial classifications, Congress, when it passed what is now § 1981, did not limit its protections to those who today would be considered members of a race different than the defendant's. The court said that, at a minimum, § 1981 reaches discrimination directed against an individual because he or she is genetically part of an ethnically and physiognomically distinctive sub-grouping of *homo sapiens*. Because the record was insufficient to determine whether respondent had been subjected to the sort of prejudice that § 1981 would redress, the case was remanded.

Held:

1. Respondent's claim was not time-barred. When respondent filed suit, it was clearly established in the Third Circuit that a § 1981 plaintiff had six years to bring an action. The Court of Appeals

correctly held that its *Goodman* decision should not be applied retroactively, since *Chevron* indicated that it is manifestly inequitable to apply statute-of-limitations decisions retroactively when they overrule clearly established circuit precedent on which the complaining party was entitled to rely. Pp. 3–4.

2. A person of Arabian ancestry may be protected from racial discrimination under § 1981. The Court of Appeals properly rejected petitioners' contention that, as a Caucasian, respondent cannot allege the type of discrimination that § 1981 forbids since that section does not encompass claims of discrimination by one Caucasian against another. That position assumes that all those who might be deemed Caucasians today were thought to be of the same race when § 1981 became law. In fact, 19th-century sources commonly described "race" in terms of particular ethnic groups, including Arabs, and do not support the claim that Arabs and other present-day "Caucasians" were then considered to be a single race. Moreover, § 1981's legislative history indicates that Congress intended to protect identifiable classes of persons who are subjected to intentional discrimination solely because of their ancestry or ethnic characteristics. However, a distinctive physiognomy is not essential to qualify for § 1981 protection. Thus, if respondent can prove that he was subjected to intentional discrimination based on the fact that he was born an Arab, rather than solely on the place or nation of his origin or his religion, he will have made out a § 1981 case. Pp. 4–9.

784 F. 2d 505, affirmed.

White, J., delivered the opinion for a unanimous Court. Brennan, J., filed a concurring opinion.

Shaare Tefile Congregation, et al. *v. Cobb*, et al.:

After their synagogue was painted with anti-Semitic slogans, phrases, and symbols, petitioners brought suit in Federal District Court, alleging that the desecration by respondents violated 42 U.S.C. § 1982. The District Court dismissed petitioners' claims, and the Court of Appeals affirmed, holding that discrimination against Jews is not racial discrimination under § 1982.

Held:

1. A charge of racial discrimination within the meaning of § 1982 cannot be made out by alleging only that the defendants were motivated by racial animus. It is also necessary to allege that that animus was directed toward the kind of group that Congress intended to protect when it passed the statute. P. 2.

2. Jews can state a § 1982 claim of racial discrimination since they were among the peoples considered to be distinct races and hence within the protection of the statute at the time it was passed. They are not foreclosed from stating a cause of action simply because the defendants are also part of what today is considered the Caucasian race. *St. Francis College* v. *Al-Khazraji, ante*, at ——. Pp. 2–3.

785 F. 2d 523, reversed and remanded.

White, J., delivered the opinion for a unanimous Court.

II. Documents on South Africa and Namibia:

II:A
Commonwealth Group of Eminent Persons Report, Conclusions, London, 7 June 1986 (Excerpt).

In our Report we have addressed in turn the five steps which the Nassau Accord called on the authorities in Pretoria to take 'in a genuine manner and as a matter of urgency'. They, and our conclusions with regard to them, are as follows:

- **Declare that the system of apartheid will be dismantled and specific and meaningful action taken in fulfillment of that intent.**

We have examined the Government's 'programme of reform' and have been forced to conclude that at present there is no genuine intention on the part of the South African Government to dismantle apartheid.

- **Terminate the existing state of emergency.**

Although the state of emergency was technically lifted, the substantive powers remain broadly in force under the ordinary laws of the land which, even now, are being further strengthened in this direction.

- **Release immediately and unconditionally Nelson Mandela and all others imprisoned and detained for their opposition to apartheid.**

Nelson Mandela and other political leaders remain in prison.

- **Establish political freedom and specifically lift the existing ban on the African National Congress and other political parties.**

Political freedom is far from being established; if anything, it is being more rigorously curtailed. The ANC and other political parties remain banned.

- **Initiate, in the context of a suspension of violence on all sides, a process of dialogue across lines of colour, politics and religion, with a view to establishing a non-racial and representative government.**

The cycle of violence and counter-violence has spiralled and there is no present prospect of a process of dialogue leading to the establishment of a non-racial and representative government.

II:B
Secretary of State's Advisory Committee on South Africa, Washington, 29 January 1987 (Excerpts).

• • •

There is no magic formula that can resolve the conflicts underlying the present crisis. But our wide-ranging discussion with a cross section of South Africans have led us to conclude that, in order to create the conditions necessary for the initiation of genuine, open-ended negotiations with truly representative black leaders, the first steps the South African government must take are:

- to release Nelson Mandela, Walter Sisulu, Govan Mbeki, and all other persons imprisoned for their political beliefs or detained unduly without trial;
- to unban the ANC, and other political organizations, and establish the right of all South Africans to form political parties, express political opinions, and otherwise participate freely in the political process;
- to terminate the State of Emergency and release the detainees held under such State of Emergency.

The most urgent challenge facing the United States and other members of the international community is to convince President P. W. Botha and his supporters that it is in their interest to negotiate now rather than later. Unfortunately, they appear unlikely to accept this reality until a further combination of internal and external pressures raises the financial and human costs of maintaining apartheid with its present white monopoly of power. Sanctions alone will not change the attitudes of South Africa's ruling white minority. They must be combined with efforts to dissolve the atmosphere of fear that has so narrowed white visions of a post-apartheid South Africa. This will require:

- finding ways to dispel the lack of knowledge that prevents many South African whites from understanding the depth of despair that fuels black unrest, the justice of black demands, and the strong concern of most black leaders for the future welfare of South Africa and all of its inhabitants;
- taking steps to provide whites with reasonable assurances that they will not be unjustly victimized by a post-apartheid government;
- undertaking imaginative diplomatic and private efforts to encourage black and white South Africans to discuss and debate alternative political formulas and negotiating processes.

There must be no confusion or uncertainty in the minds of the present South African Government, or in the minds of those struggling to create a nonracial South Africa, as to the preconditions for the resumption of normal political and economic relations with the United States. For this reason, the Advisory Committee recommends against U.S. endorsement of "reforms" that fail to address the fundamental concerns of black South Africans. Applause for piecemeal reforms has proven counterproductive. In addition to emphasizing the urgent need for "good faith" negotiations, U.S. officials in all branches and levels of government should clearly communicate to South African officials these fundamentals:

- the restoration of national citizenship to all persons born or naturalized within the internationally recognized territory of South Africa that have been denied citizenship on the basis of race;
- the repeal of the Group Areas Act, the Native Lands Act, and the Population Registration Act;
- the creation of a legal system that will ensure that persons charged with crimes, including those of a political nature, are entitled to guarantees of due process, particularly the right to a fair and speedy trial and the prohibition of detentions without cause;
- the reincorporation of the "independent" homelands into the Republic of South Africa.

These steps could and should be taken by the present South African government even before there are negotiations or agreements on procedures to bring about a transition to a nonracial democratic political system. . . .

. . . We recommend that the President seize the opportunity created by the passage of the Comprehensive Anti-Apartheid Act of 1986 to take that lead in implementing and publicly communicating a policy toward South Africa that will:

- make it clear that the United States opposes the racial policies and practices of the South African Government, and that we will do nothing to support maintenance of the racially discriminatory system;
- establish direct and open lines of communication with the full range of individuals and groups to whom black South Africans look for leadership;
- help to set in motion a process of negotiation and reconciliation that will result in the abolition of apartheid and the establishment of a nonracial, democratic political system;
- reinforce and strengthen the efforts of U.S. institutions, public and private, to support those individuals and groups inside South Africa struggling to replace apartheid with a democratic, nonracial political system and to ensure that the economic system is open to all regardless of race;
- combine strong pressures for change with a recognition that those who seek change must address the fears of whites about the role they will play in a post-apartheid South Africa;
- convey our commitment to assist the transition to a post-apartheid society;
- mobilize other members of the international community in a concerted effort to promote negotiations in South Africa and prevent escalating conflict throughout the region. . . .

II:C
United Democratic Front Statement, First National Conference of the Institute for a Democratic Alternative for South Africa, Port Elizabeth, 9 May 1987 (Excerpts).*

We in the UDF are engaged in a national democratic struggle. There are two aspects to take into account in this: national and democratic. The struggle is national for two reasons:

1. We are involved in political struggle at national, as opposed to local, regional or tribal level. The struggle involves all aspects of the people—workers, students, youth, women, etc.
2. we are seeking to create a new nation out of the historic divisions of apartheid

Democratic also has two aspects:

1. A democratic South Africa is one of the goals of our struggle, in accordance with the statement in the Freedom Charter: "The people shall govern"
2. Democracy is the means by which we conduct the struggle. This relates to the character of our mass-based organisation.

By developing an active mass-based organisation and democratic actions within these, we are laying the basis for a democratic South Africa.

Democratic means are as important as democratic goals.

Too often models are put forward which bear too little relation to what is now. The two must be related. A democratic South Africa will not be drawn up only after the struggle is won. Nor will it be developed through blueprints drawn up at conferences. . . .

The illegitimacy of Parliament has again been demonstrated in recent years. The UDF was formed in 1983 to oppose the tricameral Parliament. This was achieved through the boycott of the coloured and Indian elections. Despite clear rejection of these Houses, plus the BLAs, the state's response to resistance has been treason trials, emergency rule, the detention and death of activists.

Parliament is not only illegitimate, it can also not be taken seriously when it is evident that the NP itself left Parliament some years ago. The real struggle is between the extra-parliamentary government and the extra-parliamentary opposition. Parliament is no longer the de facto power in the country. Instead, it is ruled by the executive State President, the State Security Council and the JMCs. Our lives are controlled by the SAP, SADF and security police. In the townships, the factories and the schools, these act as a law unto themselves, waging a war against our activists.

These forces—together with the vigilantes at their disposal—are unelected and unaccountable and are the main hurdle to a democratic South Africa.

Parliament has been diminished as the site of power—and any real challenge to white rule is met with the full weight of state repression. Parliament serves merely to lend an air of democratic respectability to a thoroughly undemocratic system.

Some believe that parliamentary democracy means the extension of the present system to those now excluded from it. But white parliamentary debate (which dominates the liberal press) is extremely narrow in its parameters—and almost too narrow to be of any use. Those who engage in debate have no knowledge of South Africa's people (of the UDF, COSATU, SAYC and the ANC). . . .

It is of course vital that democracy allow debate. But this is not enough. It is also not enough for the people merely to be able to vote. They must also have direct control over how and where they eat, sleep, go to work, are educated, etc. These decisions must be made not by the government but by the people themselves. There must be mass participation and mass involvement of the people in doing the job themselves.

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* The UDF statement, entitled, "Towards a Peoples' Democracy," was delivered by Andrew Borraine. The local UDF representative originally scheduled to deliver this address was held in detention at the time of the conference—*Ed.*

Some of these sentiments have been expressed by a Nicaraguan leader: Effective democracy consists of adequate popular expression and participation in a variety of social tasks. People must give opinions and be actively involved in government at all levels. They must not [s]imply choose the *best* candidate to represent them for five years, like a new soap. They must be involved in a process.

The rudimentary organs of peoples' power have already begun to emerge in street committees, workers committees, defence committees, student SRCs, parent-teacher bodies, etc. . . .

It is from these organisations that the slogan "Forward to Peoples' Power" was developed and implemented in the majority of townships (but especially in Cradock, New Brighton, Lamontville, Mamelodi, Atteridgeville, etc). The result was massive involvement of all people—people who for years had simply been pushed around.

The basic unit of power was the street committee. This commonly comprises ten representatives, elected by all residents in a street, irrespective of political affiliation. This committee would meet at least once a week. It would also send representatives to zone or area committees. Finally, a township executive would be elected and endorsed at a mass rally.

Tasks of the committees were to:

1. establish direct political representation in the townships
2. ensure two-way communication of ideas
3. provide education and information on events in South Africa
4. debate tactics like stayaways and boycotts
5. facilitate the resolution of disputes through peoples' courts (and prevent the emergence of any form of "kangaroo" justice)
6. intervene in community affairs—through, for eg, the establishment of parks, collection of rent to fund new housing, etc.

The street committees began to work closely with student SRCs and with workers' committees and trade unions. The major purpose of Emergency II is to smash this emergent organisation.

The difficulties of organising democratically under Emergency II are clear. Meetings are banned, leaders are detained or in hiding. However, the basic principles of democracy remain. These are:

1. elected leadership at all levels, with re-election at periodic intervals (and provisions for removal from office for indiscipline or misconduct)
2. collective leadership at all levels, with an emphasis on continuous consultation
3. mandates and accountability of leadership. Delegates must always act within their mandates. This is not to say that individual views are discouraged. On the contrary, all members of our organisation must be able to debate and have the right to differ. We do not believe that there is only one line on any issue. However, once a decision is made, it must be respected
4. reporting back to communities. This is very important. Information is a form of power and, if not shared, undermines the democratic process. Moreover, the language of communication must be clear to all
5. Criticism and self-criticism. We do not believe any of our leaders or our organisations or strategies are beyond reproach. Hence, constructive self-criticism is encouraged. Criticism is offered in a spirit of friendship. . . .

Democracy in South Africa can only survive and flourish if it tackles the issues of inequality in power and privilege.

How can we ensure the continuance of the democratic process? The UDF, together with the NECC, has identified key aspects of democracy—necessary conditions for the continuation of the democratic process. These include:

1. the lifting of Emergency rule
2. the withdrawal of troops from the townships
3. the release of detainees
4. the unbanning of the ANC and other organisations
5. the return of political exiles

6. the repeal of all security legislation and introduction of checks on the conduct of the SADF and SAP

7. the repeal of divisive legislation such as the Group Areas and Land Acts, as well as other racially discriminatory legislation which inhibits free speech by black South Africans.

This may seem like a dream—especially in the face of the election results. But it is important to remember that Davids have defeated Goliaths.

The UDF will continue to use mass mobilisation to this end.

II:D
The Dakar Declaration, Issued by the African National Congress of South Africa, Dakar, 12 July 1987.

A conference organised by the Institute for a Democratic Alternative for South Africa (IDASA) took place in Dakar, Senegal from 9th to 12th July 1987. The participants comprised sixty-one South Africans, of whom the majority were Afrikaans-speaking persons who had come from South Africa, and a 17-person delegation from the African National Congress.

His Excellency President Abdou Diouf welcomed the participants and gave them exceptional hospitality.

The participants from South Africa took part in their individual capacities. They shared a common commitment of having rejected both the ideology and practice of the Apartheid system. They were drawn from the academic, professional, cultural, religious and business fields.

Although the group represented no organised formation within South Africa, their place within—particularly—the Afrikaans-speaking communities and the fact that they were meeting with the African National Congress invested the Conference with an overwhelming atmosphere that this was part of the process of the South African people making history. In similar manner the international community focused its attention on the Conference. Participants could not but be aware that some of the adherents of Apartheid regarded the participation of the group as an act of betrayal, not only to the Apartheid state, but also to the community of Afrikanerdom.

The Conference was organised around four principal topics:

(a) Strategies for bringing about fundamental change in South Africa.

(b) The building of national unity.

(c) Perspectives with regard to the structures of the government of a free South Africa, and

(d) of the economy of a liberated South Africa.

The discussion took place in an atmosphere of cordiality and a unity of purpose arising from a shared commitment towards the removal of the Apartheid system and the building of a united, democratic and non-racial South Africa.

The group listened to and closely questioned the perspectives, goals, strategy and tactics of the ANC. The main area of concern arose over the ANC's resolve to maintain and intensify the armed struggle. The group accepted the historical reality of the armed struggle and although not all could support it, everyone was deeply concerned over the proliferation of uncontrolled violence. However, all participants recognised that the source of violence in South Africa derives from the fact that the use of force is fundamental to the existence and practice of racial domination. The group developed revolt by the black people as well as the importance of the ANC as a factor in resolving the conflict.

[The c]onference unanimously expressed preference for a negotiated resolution of the South African question. Participants recognised that the attitude of those in power is the principal obstacle to progress in this regard. It was further accepted that the unconditional release of all political leaders in prison or detention and the unbanning of organisations are fundamental prerequisites for such negotiations to take place.

Proceeding from the common basis that there is an urgent necessity to realise the goal of a non-racial [democracy] participants agreed that they all have an obligation to act for the achievement of this objective. They accepted that different strategies must be used in accordance with the possibilites available to the various forces opposed to the system of Apartheid. They accepted that in its conduct this struggle must assist in the furtherance both of democratic practice and in the building of a nation of all South Africa, black and white.

It was accepted by the two delegations that further contacts of this nature were necessary. Equally, it was important that such contacts should involve more and wider sections of the South African people in order to dispel misunderstanding and fear and to reinforce the broad democratic movement.

[The] Conference expressed profound appreciation to His Excellency President Abdou Diouf and the government and people of Senegal for the warm welcome extended to the delegates as well as the assistance afforded to them to assure the success of the Conference. It further expressed gratitude to Madame Daniele Mitterrand for her assistance in organising the Conference and extended thanks to all other governments and individuals who contributed material resources to make the Conference possible.

III. Documents on Indigenous Peoples:

III:A
Statement of the Traditional Village Leaders of Shungopavi and Mishongnovi, Sovereign Hopi Nation, Hearing before the House Committee on Interior and Insular Affairs, U.S. Congress, Washington, 8 May 1986.

We, the undersigned traditional leaders of the Villages of Shungopavi and Mishongnovi of the Sovereign Hopi Nation, have been delegated to come to Washington to make this public statement for the true religious leaders of the Hopi villages of Shungopavi and Mishongnovi.

The following statement is made by these Hopi religious leaders:

History tells us that to escape the dictatorial rulings and religious persecution of the European countries, the white men found themselves forced to emigrate. They came upon our lands.

The abundance of land soon became a promise of a better life for the white men. Never satisfied, they continued in search for better land. As other immigrants arrived, old settlers (whitemen) sold our land to eager buyers, totally disregarding the pre-established religion, culture and traditions of the first inhabitants, the native peoples.

Many decades have passed since the white men first set foot on our homeland. They still continue in search for better land, causing great sufferings to the native peoples.

Prophecy warned us that one day another race of people would appear in our midst and claim our land as its own. He would try to change our pattern of life. He would have a 'sweet tongue' and many good things by which we would be tempted. This prophecy refers to the 'bahana', the white man. This has now come to pass.

The United States through its manmade laws, declaring it has plenary powers, has created many laws to cover its mistakes concerning land matters in its dealing with us, the Hopi 'Sinum', the Hopi Nation.

Through your manmade laws your government has created the Indian Reorganization Act of 1934 and the Hopi Tribal Constitution, to which no input was made by the native people. These laws were established when the white man found that the native people were sitting on rich lands which could not be leased to companies without the native people's signature. Once the mineral resources were discovered, then came the Hopi Tribal Council, a Bureau of Indian Affairs puppet. The BIA then staged a phony election to accept the

Hopi Tribal Council. Then arrived coal companies and uranium corporations in which many of you, congressional people, hold a large and shared interest behind the scenes.

We, the Hopi and other native peoples are the true stewards of the land. Because of your manmade laws, you have imposed great sufferings among our people. This hurt, and the hardships and deaths caused by the Relocation Bill can never be erased with another bill or with money.

As traditional religious leaders, we hold in our hand the land which extends from sea to sea, and we have never accepted your manmade laws. We have received our instruction from the Great Spirit, Masauu, the divine way before any white man set foot upon our shores. Therefore, your manmade laws will never supercede His laws and instruction. As traditional religious leaders, we have kept true to His instruction.

Because we are Hopi, the peaceful people, we have not asked the Navajos to move because we still honor the peace pact made many years ago. As religious leaders, we have never accepted any of your congressional mandates. Therefore, we DO NOT honor your Relocation Bill and will not honor your proposed Udall/McCain bill. There will be no land exchanges. OUR LAND IS NOT FOR SALE, and we will never accept the $300 million dollars dangled before the so-called Hopi Tribal Council, an entity of the United States Government, your puppet council. This Council is not legally established, and, therefore, cannot speak for the Hopi people in this matter.

We call on the United States Government to investigate the Hopi Tribal Council and its Chairman before imposing any more laws on our people. If you refuse such an investigation, we will then know that the corruption begins in Washington, D.C.

We call on the United States President to come to Hopi and talk with the true leaders of the Sovereign HOPI NATION. Only then can anything be resolved.

We say again, there will be no relocation of the Navajos come July 1986, and the Udall/McCain bill being proposed will not be accepted.

III:B

Statement by Pope John-Paul II to Aborigines of Australia, Alice Springs NT, 30 November 1986* (Excerpts).

Dear Brothers and Sisters,

It is a great joy for me to be here today in Alice Springs and to meet so many of you, the Aborigines and Torres Strait Islanders of Australia. I want to tell you right away how much the Church esteems and loves you, and how much she wishes to assist you in your spiritual and material needs. . . .

The rock paintings and the discovered evidence of your ancient tools and implements indicate the presence of your age-old culture and prove your ancient occupancy of this land.

Your culture, which shows the lasting genius and dignity of your race, must not be allowed to disappear. Do not think that your gifts are worth so little that you should no longer bother to maintain them. Share them with each other and teach them to your children. Your songs, your stories, your paintings, your dances, your languages, must never be lost. Do you perhaps remember those words that Paul VI spokes to the aboriginal people during his visit to them in 1970? On that occasion he said: "We know that you have a life style proper to your own ethnic genius or culture—a culture which the Church respects and which she does not in any way ask you to renounce . . . Society itself is enriched by the presence of different cultural and ethnic elements. For us you and the values you represent are precious. We deeply respect your dignity and reiterate our deep affection for you" (Sydney, 2 December 1970). . . .

The culture which this long and careful growth produced was not prepared for the sudden meeting with another people, with different customs and traditions, who came to your country nearly 200 years

* Date of publication in *L'Osservatore Romano*; also in English edition, 9 December 1986.

ago. They were different from Aboriginal people. Their traditions, the organization of their lives, and their attitudes to the land were quite strange to you. Their law too was quite different. These people had knowledge, money and power; and they brought with them some patterns of behaviour from which the Aboriginal people were unable to protect themselves.

The effects of some of those forces are still active among you today. Many of you have been dispossessed of your traditional lands, and separated from your tribal ways, though some of you still have your traditional culture. Some of you are establishing Aboriginal communities in the towns and cities. For others there is still no real place for campfires and kinship observances except on the fringes of country towns. There, work is hard to find, and education in a different cultural background is difficult. The discrimination caused by racism is a daily experience. . . .

Among those who have loved and cared for the indigenous people, we especially recall with profound gratitude all the missionaries of the Christian faith. With immense generosity they gave their lives in service to you and to your forebears. They helped to educate the Aboriginal people and offered health and social services. Whatever their human frailty, and whatever mistakes they may have made, nothing can ever minimize the depth of their charity. Nothing can ever cancel out their greatest contribution, which was to proclaim to you Jesus Christ and to establish his Church in your midst.

From the earliest times men like Archbishop Polding of Sydney opposed the legal fiction adopted by European settlers that this land was *terra nullius*—nobody's country. He strongly pleaded for the rights of the Aboriginal inhabitants to keep the traditional lands on which their whole society depended. The Church still supports you today.

Let it not be said that the fair and equitable recognition of Aboriginal rights to land is discrimination. To call for the acknowledgement of the land rights of people who have never surrendered those rights is not discrimination. Certainly, what has been done cannot be undone. But what can now be done to remedy the deeds of yesterday must not be put off till tomorrow.

Christian people of good will are saddened to realize—many of them only recently—for how long a time Aboriginal people were transported from their homelands into small areas of reserves where families were broken up, tribes split apart, children orphaned and people forced to live like exiles in a foreign country.

The reserves still exist today, and required a just and proper settlement that still lies unachieved. The urban problems resulting from the transportation and separation of people still have to be addressed, so that these people may make a new start in life with each other once again.

The establishment of a new society for Aboriginal people cannot go forward without just and mutually recognized agreements with regard to these human problems, even though their causes lie in the past. The greatest value to be achieved by such agreements, which must be implemented without causing new injustices, is respect for the dignity and growth of the human person. And you, the Aboriginal people of this country and its cities, must show that you are actively working for your own dignity of life. On your part, you must show that you too can walk tall and command the respect which every human being expects to receive from the rest of the human family. . . .

III:C

Proposal of MISURASATA for a Treaty of Peace, Concluded at Rus Rus, Honduras, 18 June 1987.

Misurasata, representative of the Miskito, Sumo and Rama Indians of Nicaragua, proposes this Treaty to end the existing conflict and to establish a just and peaceful relationship between the Government of Nicaragua and the Indian Nations and Peoples of the Atlantic Coast region. Misurasata proposes a system of autonomous self-government which would guarantee historic rights and protect against discrimination and ethnocide.

This is a call for revolutionary change in the relationship of the Nations and Peoples of Nicaragua. The proposed Treaty would establish the legal framework for a new era of harmony among all

Nicaraguans. Misurasata calls on the Government of Nicaragua, all Nicaraguans, all political, social and religious institutions, and the international community to study the Treaty and to support its early ratification. A summary of the Treaty follows:

Article 1

The Miskito, Sumo and Rama Nations will exercise their right to self-determination within the framework of the Nicaraguan State. The Indian peoples have an inalienable right to all of the lands, waters and resources of the traditional Indian territory which is to be known as the autonomous territory of Yapti Tasba.

All peoples of the autonomous territory, including Indians, Creole, Carib (Garifuno), and Ladino, will be protected against discrimination. The rights of ethnic communities to the use and benefit of the lands, waters and resources will be guaranteed.

Article 2

The autonomous territory of Yapti Tasba is established within the Republic of Nicaragua. It encompasses the traditional territories of the Miskito, Sumo and Rama Nations, including those areas which are now populated by Creole, Carib (Garifuno) and Ladino communities.

Article 3

Yapti Tasba will be a self-governing territory under a constitution and laws established democratically by representatives of all of the Atlantic Coast people. Soon after the Treaty is signed, there will be an assembly of representatives from all communities for the purpose of drafting a constitution for the autonomous territory.

Article 4

The autonomous governing authorities will be responsible for all governmental affairs within Yapti Tasba except those matters that are delegated to the Government of Nicaragua through the Treaty or other agreement.

Article 5

The autonomous governing authorities will have authority over the use, occupation, development and ownership of all lands, waters and resources of the autonomous territory. Rights to these lands, waters and resources may not be taken from the people of Yapti Tasba.

Article 6

The Government of Nicaragua also has governmental powers and responsibilities within Yapti Tasba, including military defense against external military aggression, foreign relations, customs and international borders, Nicaraguan citizenship and immigration, currency and the postal system, and court jurisdiction over some criminal and civil cases. Residents of Yapti Tasba will not be conscripted into the Nicaraguan armed forces, Nicaraguan troops will be withdrawn from all communities, and only agreed-upon Nicaraguan military bases will be located in the autonomous territory. Autonomous police and security forces will be established.

The autonomous governing authorities will be involved in all Nicaraguan governmental matters within Yapti Tasba. The Government of Nicaragua will be required to appoint residents of Yapti Tasba to carry out its responsibilities in the autonomous territory.

Article 7

An impartial joint commission of jurists is established to resolve any dispute which might arise about the division of governmental authority between the Government of Nicaragua and the governing authorities of Yapti Tasba.

Article 8

The native languages of the Miskito, Sumo, Rama, Carib (Garifuno) and Creole are recognized as official languages for the conduct of all governmental affairs in the autonomous territory.

Article 9

The Government of Nicaragua will provide economic support for reconstruction, repatriation and resettlement, and economic development through the autonomous governing authorities. The governing authorities will seek international economic support and work towards economic self-sufficiency for Yapti Tasba.

Article 10

To help implement this Treaty, a Joint Peace Commission is established to investigate reports of continuing conflict and to arbitrate and resolve disputes which might contribute to breaches of the peace. Members of [the] international Indian community will serve on this Commission together with Nicaraguans appointed by the Government of Nicaragua and the governing authorities of Yapti Tasba.

Article 11

Representatives of the Indian organizations who are signatories of the Treaty will establish the Provisional Government of the autonomous territory. The Provisional Government will be replaced by governing authorities elected under the constitution of Yapti Tasba.

The Provisional Government will appoint an Interim Military and Security Command to provide security and police forces, an Interim Commission on Human Rights to guard against human rights violations, and an Interim Judicial Commission to uphold the law. Representatives of the Provisional Government will be permitted to visit all prisoners who are residents of the autonomous territory to review their cases and the conditions of their confinement.

Article 12

The Treaty is recognized as part of the supreme law of the Republic of Nicaragua. The Nicaraguan national courts are required to enforce it. The autonomous judicial authorities will have jurisdiction over the people and territory of Yapti Tasba.

Article 13

Human rights recognized under international law will be respected and guaranteed by the Government of Nicaragua and the governing authorities of Yapti Tasba.

Article 14

If necessary, the Government of Nicaragua will amend its constitution and laws to uphold this Treaty.

Article 15

A general amnesty is provided for all individuals who may have been involved in the armed conflict.

Signatories

Invitations to sign the Treaty are extended to representatives of all the Indian Nations and ethnic communities of Yapti Tasba, to the President of the Republic of Nicaragua and to other governmental representatives.

Treaty of Peace between the Republic of Nicaragua and the Indian Nations of Yapti Tasba

The undersigned representatives of the Government of the Republic of Nicaragua and of the Miskito, Sumo and Rama Nations and Peoples of the Atlantic Coast Indian territory known as Yapti Tasba, the autonomous territory, hereby declare an immediate ceasefire and commit their full powers, resources and energies to the restoration of peace and to the establishment of good relations between all Nicaraguan people pursuant to the terms of this solemn and historic Treaty.

Article I

A. The Miskito, Sumo and Rama are Indian Nations and Peoples with the inherent right to determine freely their political status and to pursue freely their economic, social and cultural-

development. Their right to self-determination shall be exercised within the framework of the Nicaraguan State.

B. The Creole and Carib (Garifuno) are ethnic communities who live in harmony with the Indian Peoples in the autonomous territory of Yapti Tasba. They and the Ladinos, part of the Nicaraguan national community, have the right to maintain and develop their own cultures and traditions and to be protected against all forms of discrimination.

C. The Miskito, Sumo and Rama Nations and Peoples have the inalienable right to the land, subsoil, rivers, lagoons, cays, islands, adjacent seas and seabed, fish, wildlife and all natural resources within their traditional territory of Yapti Tasba. The use, possession, benefit and control of these lands, waters and resources shall be governed by the autonomous governing authorities of Yapti Tasba.

D. The Creole, Carib (Garifuno) and Ladino who are lawfully residing within the autonomous territory shall have the right to the use and benefit of lands, waters and resources according to the traditional laws and customs of the people of Yapti Tasba. The individual and communal proprietary rights of all residents and communities of Yapti Tasba, including members of all ethnic groups, shall be respected and protected.

E. The signatories of this Treaty solemnly affirm that it is in the interests of national unity and harmony among all Nicaraguans to guarantee the right of self-determination of Indian Nations and Peoples and the rights of ethnic minorities so that all of the people of Yapti Tasba may freely promote their distinct ways of life and freely develop their lands and resources in a manner consistent with their own laws and customs, within the framework of national unity.

Article II

A. The autonomous territory of Yapti Tasba is hereby established within the Republic of Nicaragua.

B. Yapti Tasba encompasses the traditional territories of the Miskito, Sumo and Rama Nations within the present Nicaraguan State, including the areas within these territories which are now populated by Creole, Carib (Garifuno) and Ladino communities. The boundaries of Yapti Tasba are the following: Beginning at the mouth of the Wangki (Coco River) at the Caribbean it runs up river to the west, following the present border with Honduras, until reaching the community of Yakalpahni in northern Jinotega Province. Continuing from that point south and east in a line towards a hill known as Saslaya located near Siuna. From that point continuing southeast and including the area which is part of the community of Tumarin of Awaltara (Rio Grande) of Matagalpa. Continuing in the same direction to the area of Punta Gorda in the south of Bluefields and including the lands of the Rama. Continuing in an easterly direction to the Caribbean, the boundary line runs along the Carribean Coast to the mouth of the Wangki. Yapti Tasba encompasses all of the lands and waters within these boundaries and the adjacent cays, islands, seas and seabed to which Nicaragua has rights under international law.

C. A joint commission shall be established to survey and recommend the precise official boundaries of Yapti Tasba. The survey report and recommendations shall be consistent with the above described general boundaries and shall be submitted to the Government of Nicaragua and the governing authorities of Yapti Tasba for their consideration and approval. When agreement on precise boundaries is reached, those agreed-upon boundaries shall be recognized as the official boundaries of Yapti Tasba, and an official map shall be printed and distributed to the public.

Article III

A. Yapti Tasba is hereby recognized as a self-governing autonomous territory of the Republic of Nicaragua. Its governing authorities shall be democratically established by the people of Yapti Tasba.

B. The undersigned representatives of the Miskito, Sumo and Rama Nations shall promptly hold an assembly in Yapti Tasba for the purpose of drafting a constitution for the government of the autonomous territory. Democratically selected representatives of all communities of Yapti Tasba shall be invited to participate in that assembly. The assembly shall be conducted according to democratic Indian

principles and shall establish an autonomous government whose authorities and institutions shall adhere to the terms of this Treaty.

C. The constitution of Yapti Tasba approved by the assembly shall be submitted to the people of the autonomous territory for their approval through a popular referendum of all the adults born in Yapti Tasba. The Government of Nicaragua shall recognize the constitution of Yapti Tasba and shall promulgate laws to ensure that the constitution is obeyed by the Government and by all Nicaraguans who are not residents of Yapti Tasba.

Article IV

A. The powers of the Government of Nicaragua over the peoples, land, waters and resources of Yapti Tasba shall be strictly limited to those powers that are expressly agreed upon in this Treaty or that may be delegated to the Government in subsequent agreements between the Government and the governing authorities of Yapti Tasba. All other governmental powers are reserved and held by the people of Yapti Tasba, to be exercised through their autonomous governing authorities according to the constitution and laws of Yapti Tasba.

B. The governing authorities of Yapti Tasba shall have all governmental powers and authority over land tenure, natural resources, agriculture, fishing and hunting, the environment, education, civil and criminal offenses, judicial courts, housing, taxation, security, religious institutions, political parties, labor unions and labor relations, commerce and economic development, social services, cultural affairs, the press and other news media, communications, airports and transportation, inheritance, and all other matters to the extent they are not expressly delegated.

Article V

A. The use, occupation, development and ownership of the land, subsoil, rivers, lagoons, cays, islands, adjacent seas, seabed, fish wildlife, and all natural resources of Yapti Tasba shall be governed by the autonomous governing authorities of Yapti Tasba. Individual and communal property rights recognized under the traditional laws and customs of the people of Yapti Tasba shall be respected and protected by the autonomous governing authorities.

B. The Government of Nicaragua shall make no claim to any proprietary right to the land, subsoil, rivers, lagoons, cays, islands, adjacent seas, seabed, fish, wildlife and natural resources of Yapti Tasba, and it shall, through the laws of Nicaragua, prevent its citizens and institutions from making or enforcing any such claim. It shall be unlawful for any person who is a non-resident of Yapti Tasba and for any institution or organization acting without express prior approval of the autonomous governing authorities, to make any claim or to authorize or accept the transfer of any right to the lands, waters or resources of Yapti Tasba, and any such unlawful transfer shall be void under the law.

C. Proprietary rights to lands, waters or resources of the autonomous territory may be transferred either to lawful residents of Yapti Tasba or to institutions authorized by the autonomous governing authorities to receive such transfers.

D. The autonomous governing authorities may acquire proprietary rights only for public purposes, and fair compensation shall always be provided.

Article VI

A. The Government of Nicaragua shall have powers and responsibilities over the military defense of Yapti Tasba against external military aggression, provided:

1. The armed forces of the Republic of Nicaragua which operate in the autonomous territory shall be under a military command established by agreement of the Government of Nicaragua and the autonomous governing authorities of Yapti Tasba. The appointment of military and security officials and the military command structure for all Nicaraguan armed forces operating in the autonomous territory shall be pursuant to this Treaty.
2. The Government of Nicaragua shall immediately remove all of its armed forces from the communities of Yapti Tasba and shall concentrate them in bases near Bilwi (Puerto Cabezas), Bluefields, and Rosita and in no more than five military posts on the international border of

Yapti Tasba. The location of all these bases shall be approved by the autonomous governing authorities. No other military or security installation shall be established or maintained within the autonomous territory without the express consent of the autonomous governing authorities.

3. All members of the armed forces of the Republic of Nicaragua operating in the autonomous territory shall be residents of Yapti Tasba, with the exception of those appointments for which the autonomous governing authorities agree that there are no qualified resident candidates available.
4. There shall be no conscription of residents of Yapti Tasba into the armed forces of the Republic of Nicaragua without the express consent of the autonomous governing authorities.
5. The governing authorities of Yapti Tasba shall have the authority to maintain autonomous police and security forces, for the self-defense of the communities, enforcement of the law, and the maintenance of order. These autonomous forces shall coordinate with the armed forces of the Republic of Nicaragua for the defense of Yapti Tasba and of the country if necessary.

B. The Government of Nicaragua shall have powers and responsibilities to control foreign relations, provided: The governing authorities of Yapti Tasba shall have competence to enter into international agreements concerning political, economic, cultural, social, humanitarian and human rights matters. The autonomous governing authorities shall consult with the Government of Nicaragua about all such matters.

C. The Government of Nicaragua shall have powers and responsibilities to control customs and international borders, provided:

1. The right of residents of Yapti Tasba to travel freely across the Wangki (Coco River) border to carry out traditional activities and to maintain family ties shall be guaranteed and protected.
2. Control over fishing and turtling in the adjacent seas of Yapti Tasba shall be under the jurisdiction of the autonomous governing authorities.
3. All officials appointed by the Government of Nicaragua to work on customs and border matters in Yapti Tasba shall be appointed exclusively from lists of qualified resident candidates prepared by the governing authorities of Yapti Tasba, with the exception of those appointments for which the autonomous governing authorities agree that there are no qualified resident candidates available.

D. The Government of Nicaragua shall have powers and responsibilities to control Nicaraguan citizenship and immigration, provided:

1. The Miskito, Sumo and Rama peoples shall each have exclusive authority to control and regulate membership in their respective nations.
2. Residency within the territory of Yapti Tasba shall be under the exclusive jurisdiction of the autonomous governing authorities.
3. Control and regulation of voting rolls, elections and referendums within Yapti Tasba shall be under the exclusive jurisdiction of the autonomous governing authorities.

E. The Government of Nicaragua shall have powers and responsibilities to control currency and the postal system, provided: All governmental officials appointed by the Government of Nicaragua to work on currency and postal matters in Yapti Tasba shall be appointed from lists of qualified resident candidates prepared by the governing authorities of Yapti Tasba, with the exception of those appointments for which the autonomous governing authorities agree that there are no qualified resident candidates available.

F. The Nicaraguan national courts shall have jurisdiction over civil and criminal cases concerning the exercise of delegated national powers within Yapti Tasba, provided:

1. Authority to adjudicate all other civil and criminal cases and disputes shall be held by the Councils and Assemblies of Elders, Courts of Yapti Tasba, or such other judicial authorities that the constitution and laws of the autonomous territory may establish.
2. The court trials of all civil and criminal cases concerning the violation of Nicaraguan national laws shall be held in national courts established in the autonomous territory.
3. All judicial officials and court personnel appointed by the Government of Nicaragua to work in the autonomous territory shall be appointed from lists of qualified resident candidates prepared

by the governing authorities of Yapti Tasba, with the exception of those appointments for which the autonomous governing authorities agree that there are no qualified resident candidates available.

Article VII

Any dispute which may arise over the division of powers between the Government of Nicaragua and the governing authorities of Yapti Tasba shall be resolved by a special joint commission comprised of the following members:

1. Two judges appointed by the chief judge of the Supreme Court of Nicaragua.
2. Two judges appointed by the chief judicial authority of Yapti Tasba.
3. Two persons appointed by the President of Nicaragua.
4. Two persons appointed by the Wihta Tara, the chief executive of Yapti Tasba.
5. Two respected lawyers or jurists from the international community outside Nicaragua.

Upon ratification of this Treaty, the President of Nicaragua and the Wihta Tara of Yapti Tasba shall immediately prepare a list of qualified, impartial lawyers or jurists who might be called upon to participate in the special joint commission should a dispute about division of powers arise. Invitations to serve on the commission shall be made by agreement of the President and the Wihta Tara.

Article VIII

The native languages of the Miskito, Sumo, Rama, Carib (Garifuno) and Creole shall be recognized as official languages for the conduct of all governmental affairs in Yapti Tasba.

Article IX

A. The Government of Nicaragua makes a solemn commitment to dedicate necessary economic and logistical resources for the reconstruction of the autonomous territory and for the repatriation and resettlement of all the people of Yapti Tasba who have been displaced. The Government of Nicaragua shall support efforts by the autonomous governing authorities to secure international economic assistance for these humanitarian activities and for the economic development of Yapti Tasba.

B. The Government of Nicaragua shall guarantee economic and logistical resources which are necessary to establish and maintain the autonomous governing authorities and institutions of Yapti Tasba. The autonomous governing authorities shall make good faith efforts to seek international economic assistance and to achieve economic self-sufficiency.

C. As soon as Yapti Tasba becomes economically self-sufficient, the autonomous governing authorities and the Government of Nicaragua shall negotiate a new agreement to provide compensation to the Government of Nicaragua for national governmental services provided thereafter under Article VI.

Article X

A. A Joint Peace Commission shall immediately be established to encourage and facilitate the cessation of all armed conflict in Yapti Tasba. The Commission shall have seven members: two appointed by the Government of Nicaragua, two appointed by the provisional governing authorities of Yapti Tasba, and two selected from the international Indian community by agreement of the President of Nicaragua and the head of the Provisional Government of Yapti Tasba. The President of the Commission, the seventh member, shall be the unanimous choice of the six appointed members.

B. The Commission shall monitor and investigate all reports of armed hostilities which may be in violation of this Treaty, shall consult regularly with the governing authorities of Nicaragua and Yapti Tasba, and shall try to arbitrate and resolve any disputes which are found to contribute to breaches of the peace. The Commission shall cease to function only by agreement of the Government of Nicaragua and the autonomous governing authorities.

Article XI

A. The representatives of Nicaraguan Indian organizations who are signatories to this treaty shall constitute the Provisional Government of Yapti Tasba. They shall immediately establish interim

governmental institutions, name the Wihta Tara (chief executive) and other officers, organize and call for a[n] assembly for the purpose of drafting a constitution for the autonomous government, and take all steps necessary to enforce and implement this Treaty.

B. The Provisional Government of Yapti Tasba shall establish the Interim Military and Security Command, which shall organize provisional security and police forces for the autonomous territory under the command of the Provisional Government. The Interim Military and Security Command shall be provided free and complete access to all military bases and security facilities in the autonomous territory and shall begin regular meetings with senior Nicaraguan military and security officials responsible for the Atlantic Coast region.

C. The Provisional Government of Yapti Tasba shall establish the Interim Commission on Human Rights, which shall investigate allegations of human rights abuses in the autonomous territory and report its findings to the Provisional Government and the public.

D. The Provisional Government of Yapti Tasba shall establish the Interim Judicial Commission, which shall ensure that the rule of law is upheld and that due process is provided to all who may be accused of crimes or other wrongdoing during the interim period before the establishment of constitutional governing authorities.

E. The Provisional Government of Yapti Tasba shall appoint members of its Military and Security Command, Judicial Commission, Human Rights Commission, and administrative staff who shall be guaranteed free and complete access to all prisons and all detention facilities throughout Nicaragua for the purpose of reviewing the legal status and conditions of confinement of all prisoners and detainees who are residents of Yapti Tasba.

Article XII

This Treaty is part of the supreme law of the Republic of Nicaragua. It shall be enforceable in all Nicaraguan courts of competent jurisdiction. The autonomous governing authorities shall have juridicial personality to bring disputes in the Nicaraguan national courts, but they may not be sued in those courts without their express consent. The constitution and laws of Yapti Tasba shall determine whether the autonomous governing authorities will enjoy immunity from suit in the courts of Yapti Tasba. The autonomous governing authorities, including the autonomous judicial authorities, shall have jurisdiction over the autonomous territory and over all persons within the borders of Yapti Tasba.

Article XIII

The governing authorities of Yapti Tasba and the Government of Nicaragua shall respect and guarantee the full enjoyment of human rights recognized by the United Nations Charter, the Universal Declaration of Human Rights, the International Covenant on Political and Civil Rights, the International Covenant on Economic, Cultural and Social Rights, the American Declaration of the Rights and Duties of Man, the American Convention on Human Rights, the United Nations Declaration on the Elimination of All Forms of Racial Discrimination, the Convention on the Prevention and Punishment of the Crime of Genocide, and the Convention Against Torture.

Article XIV

The Government of Nicaragua shall if necessary amend its constitution and laws to ensure the complete implementation and enforcement of this Treaty and the constitution of Yapti Tasba.

Article XV

The Government of Nicaragua and the governing authorities of Yapti Tasba shall provide full and complete amnesty to individuals who participated in the armed conflict which this Treaty ends. Every reasonable effort shall be made to reintegrate all persons into peaceful, productive activities. Amnesty for individuals who may be accused of crimes against humanity shall first be reviewed by the Joint Peace Commission established in Article X. Decisions by the Commission to grant amnesty shall be final. Commission decisions not to grant amnesty shall be referred for trial to a special court composed of an equal number of judges from the courts of Yapti Tasba and Nicaragua. This special court shall be established, if needed, by agreement of the President of Nicaragua and the Wihta Tara of Yapti Tasba.

Signatories

Signatories of this Treaty will include representatives of all the Indian Nations and ethnic communities of Yapti Tasba, the President of the Republic of Nicaragua and other appropriate governmental representatives.

IV. Documents on Palestine:

IV:A

Communiqué of the Plenary Meeting of the Non-aligned Countries on the Question of Palestine, New York, 8 December 1986.*

1. An urgent meeting of Non-Aligned Countries was held in New York on Monday, 8 December 1986, to consider the current tragic developments in the Israeli occupied Palestinian and other Arab territories, including Jerusalem, and the serious situation in and around the Palestinian refugee camps in Lebanon.

2. The meeting heard a statement by the representative of the Palestine Liberation Organization in this regard, with specific reference to the recent Zionist atrocities at Ramallah and at Bir Zeit University, which have also since been perpetrated all over the occupied territories.

3. The meeting condemned Zionist Israel for its cold-blooded murder of innocent and defenceless students at Bir Zeit University and for its acts of brutality against the civilian population in and around Ramallah and Bir Zeit and other occupied territories. It further condemned Zionist Israel for its repeated aggression against the Palestinian refugee camps in southern Lebanon. The meeting noted that these acts of State terrorism constituted one aspect of the "iron fist" policy that the occupying Power, Israel, is already implementing in occupied Palestinian and other Arab territories.

4. The meeting held Israel responsible for the acts of aggression committed by the settlers against the inhabitants of Jerusalem, such as the burning of houses and attacking defenceless people. In this context the meeting reaffirmed the decisions of the Harare Summit Conference and the General Assembly and Security Council resolutions concerning Jerusalem.

5. The meeting reiterated the Non-Aligned Movement's call upon the United Nations urgently to take effective steps, including the imposition of the sanctions stipulated in Chapter VII of the Charter of the United Nations, against Israel with the view to enforcing immediate and total withdrawal and ending the Israeli occupation of all the Palestinian territory as well as other Arab territories, including the city of Al-Quds (Jerusalem), occupied by Israel since 1967.

6. The meeting expressed grave concern and profound anguish at the escalation of fighting, which had resulted in heavy casualties and destruction in and around the Palestinian refugee camps of Shatila and Burj el-Barajneh, as well as camps in southern Lebanon, which has brought untold sufferings to the civilian population. The continued fighting and destruction have added to the sufferings of the Palestinians as well as of the Lebanese people.

7. The meeting reiterated the call for an immediate cease-fire and appealed to all concerned and to influential parties to exercise the utmost restraint and to make all efforts to bring to an end the present violence. The meeting urged all concerned to facilitate the provision of prompt medical care and attention to the sick and wounded.

8. The meeting reiterated its grave concern at the situation in the Palestinian refugee camps in the areas of armed conflict resulting from the Israeli invasion and occupation of Lebanese territories. The

* Document No. A/42/79-S/18569.

meeting further reiterated the need to provide guarantees to protect the safety of the Palestinian refugees and called upon the Secretary-General to provide guarantees for such protection in implementation of Security Council resolution 518 (1982) and in compliance with the responsibilities of the United Nations.

9. The meeting stressed that the conflict and the violence in the region will continue as long as the Palestinian people are prevented from exercising their inalienable rights in their independent homeland. The meeting called for a just, lasting and comprehensive solution of the problem of the Middle East, the core of which is the Palestinian problem. The meeting urged the early establishment of the preparatory committee for the International Peace Conference on the Middle East under the auspices of the United Nations in conformity with relevant resolutions of the United Nations and stressed the primary responsibility of the Security Council in this regard. It called on all parties concerned to co-operate in the search for a peaceful solution.

10. The meeting reiterated its solidarity with and its firm support for the Palestinian people led by their sole and legitimate representative, the Palestine Liberation Organization (PLO), in their struggle against Zionist occupation, and appealed to all members of the Non-Aligned Movement as well as the international community to give additional support for this legitimate struggle.

IV:B
European Economic Community Foreign Ministers' Declaration on the Middle East, Brussels, 23 February 1987.

1. The member States of the European Community have particularly important political, historical, geographical, economic, religious, cultural and human links with the countries and peoples of the Middle East. They cannot therefore adopt a passive attitude towards a region which is so close to them nor remain indifferent to the grave problems besetting it. The repercussions of these problems affect the Twelve in many ways.

2. At the present time, tension and conflict in the Near and Middle East are continuing and worsening. The civilian population is suffering more and more without any prospect of peace. The Twelve would like to reiterate their profound conviction that the search for peace in the Near and Middle East remains a fundamental objective. They are profoundly concerned at the absence of progress in finding a solution to the Israeli-Arab conflict.

3. Consequently, they have a direct interest in the search for negotiated solutions to bring just, global and lasting peace to the region and good relations between neighbours, and to allow the economic, social and cultural development which has been too long neglected. They have stated the principles on which solutions should be based on several occasions, in particular in their Venice declaration.

4. Accordingly, the Twelve would like to state that they are in favour of an international peace conference to be held under the auspices of the United Nations with the participation of the parties concerned and of any party able to make a direct and positive contribution to the restoration and maintenance of peace and to the region's economic and social development. The Twelve believe this conference should provide a suitable framework for the necessary negotiations between the parties directly concerned.

5. For their part, the Twelve would be prepared to play their part with respect to such a conference and will endeavour to make an active contribution, both through the President-in-Office and individually, to bringing the positions of the parties concerned closer to one another with a view to such a conference being convened. In the meantime, the Twelve request the parties concerned to avoid any action likely to worsen the situation or complicate and delay the search for peace.

6. Without prejudging future political solutions, the Twelve wish to see an improvement in the living conditions of the inhabitants of the occupied territories, particularly regarding their economical,

social, cultural and administrative affairs. The Community has already decided to grant aid to the Palestinian population of the occupied territories and to allow certain products from those territories preferential access to the Community market.

IV:C
Resolution of the Commission on Human Rights Forty-third Session on the Situation in Occupied Palestine, Geneva, 19 February 1987 (Excerpt).*

Bearing in mind the reports and recommendations of the Committee on the Exercise of the Inalienable Rights of the Palestinian people,

Emphasizing once more the right of the Palestinian people to self-determination in accordance with the Charter of the United Nations and the relevant United Nations resolutions, and expressing its grave concern that Israel continues to prevent the Palestinian people by force from enjoying their inalienable rights, in particular their right to self-determination, in defiance of the principles of international law, United Nations resolutions and the will of the international community,

Expressing its grave concern that no just solution has been achieved to the problem of Palestine, which constitutes the core of the Arab-Israeli conflict,

Reiterating its grave concern at the military, economic and political support given by some States to Israel which encourages and strengthens policies pursued by Israel based on aggression, expansion and continued occupation of Palestinian and other Arab territories,

Recalling Israel's brutal practices and crimes of genocide against the Palestinian people, and its acts of physical liquidation aimed at eliminating the question of Palestine and hindering the exercise by the Palestinian people of their right to self-determination, as exhibited in the Sabra and Shatila massacres in September 1982,

1. *Reaffirms* the inalienable right of the Palestinian people to self-determination without external interference and the establishment of their independent and sovereign State on their national soil in accordance with the Charter of the United Nations and General Assembly resolutions;

2. *Reaffirms* the inalienable right of the Palestinians to return to their homeland Palestine and their property, from which they have been uprooted by force;

3. *Affirms* the right of the Palestinian people to regain their rights by all means in accordance with the purposes and principles of the Charter of the United Nations and with relevant United Nations resolutions;

4. *Reaffirms* the right of the Palestine Liberation Organization, in its capacity as the sole legitimate representative of the Palestinian people, to full participation in all efforts and international conferences concerning the question of Palestine and the future of the Palestinian people;

5. *Reaffirms its support* for the call to convene an international peace conference on the Middle East, in accordance with the provisions of General Assembly resolution 38/58 C and other relevant General Assembly resolutions, and appeals to all States to make further constructive efforts towards the convening of such a conference;

6. *Expresses again its deep regret* at the negative attitude of some States, which is hindering the convening of the international peace conference, and calls upon these States to reconsider their attitude towards the question of peace in the Middle East;

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* See *Official Records of the Economic and Social Council, 1987, Supplement No. 5* (E/1987/18) Chapter II, section A—*Ed.*

7. *Strongly condemns* Israel for its continued occupation of the Palestinian and other Arab territories, which violates the Charter of the United Nations, the principles of international law and the relevant resolutions of the Security Council, the General Assembly and the Commission on Human Rights and constitutes the major obstacle hindering the exercise of the right to self-determination by the Palestinian people;

8. *Strongly condemns* Israel for its non-compliance with the relevant resolutions of the Security Council, the General Assembly and the Commission on Human Rights;

9. *Calls upon* Israel to comply with its obligations under the Charter of the United Nations and withdraw from the Palestinian and Arab territories which it has occupied since 1967;

10. *Urges* all States, United Nations organs, specialized agencies and other international organizations to extend their support and assistance to the Palestinian people through their representative, the Palestine Liberation Organization, in their struggle to restore their rights in accordance with the Charter of the United Nations and with relevant United Nations resolutions;

11. *Requests* the Secretary-General to make available to the Commission on Human Rights, prior to the convening of its forty-fourth session, all information pertaining to the implementation of the present resolution;

12. *Requests* the Secretary-General to transmit this resolution to the Government of Israel with a view to its implementation and to report thereon at its forty-fourth session;

13. *Decides* to place on the provisional agenda of its forty-fourth session as a matter of high priority the item entitled "The right of peoples to self-determination and its application to peoples under colonial or alien domination or foreign occupation" and to consider, in the context of this item, the situation in occupied Palestine.

IV:D
Final Political Resolutions of the Palestine National Council, Eighteenth Session, Algiers, 20–26 April 1987 (Excerpts).

Based on the Charter of the Palestine National Council (PNC) and the commitment to PNC resolutions, we affirm the following principles as a basis for national Palestinian action within the framework of the Palestine Liberation Organization (PLO), the sole legitimate representative of the Palestinian Arab people.

On the Palestinian Level:

(1) Upholding the inalienable national rights of the Palestinian Arab people to return, to self-determination and to the establishment of the independent state on the national Palestinian soil with Jerusalem as its capital, and to the commitment to the PLO's Political Programme, which aims to achieve these rights;

(2) Adhering to the PLO as the sole legitimate representative of the Palestinian people and rejecting delegation of powers, deputation and sharing in Palestinian representation, as well as rejecting and resisting any alternatives to the PLO;

(3) Adhering to the PLO's independence and rejecting guardianship, containment, annexation and interference in its internal affairs and the setting up of an alternative to it;

(4) Continuing the struggle in all its forms, military, popular and political, to achieve our national aims and to liberate the Palestinian and Arab land from Israeli occupation; and confronting the aggressive schemes of the Zionist-imperialist alliance in our region, in particular the American-Israeli strategic alliance—and this [i]s a genuine expression of the national liberation movement of our people, which is hostile to imperialism, colonialism and Zionism;

(5) Continuing to reject Security Council Resolution 242, and to consider it as an unsuitable basis for solving the Palestinian cause because it deals with the Palestinian question as one of refugees and ignores the inalienable national rights of the Palestinian people;

(6) Rejecting and resisting all the solutions and projects which aim at liquidating our Palestinian cause, among which are the Camp David Accords, the Reagan Plan, the self-autonomy plan and the [Jordanian] condominium scheme in all their forms;

(7) Adhering to the Arab Summit Resolutions relevant to the question of Palestine, especially the 1974 Rabat Summit Resolutions, and considering the Arab Peace Plan endorsed by the 1982 Fez Summit and reaffirmed in the 1985 Extraordinary Summit in Casablanca, as a basis for Arab action on the international level for finding a solution to the Palestinian question and for regaining the occupied Arab territ s;

The PNC, taking into consideration the United Nations Resolutions 38/58 C and 43/41 rega .ng the convening of the international conference for peace in the Middle East, as well as United Nations Resolutions relevant to the question of Palestine, supports the holding of the international conference within the framework of the U.N. and under its auspices, and with the participation of the Permanent Member States of the Security Council and the parties of the region concerned in the conflict including the PLO, on an equal footing with the other parties, and stresses the necessity for the international conference to have full mandatory powers. The PNC also supports the formation of the preparatory committee and calls for its quick establishment and convening. The PNC [affirms] in this regard the resolutions of the Fifth Islamic Summit held in Kuwait, the 8th Non-aligned Summit in Harare and its Coordination Committee, and the Conference of the Organization of African Unity in Addis Ababa, which support the convening of the international conference, the preparatory committee and the current efforts being made towards convening this conference;

(9) [The PNC affirms the principle of] Consolidating the unity of all national forces and institutions inside the occupied homeland under the leadership of the PLO, and promoting all forms of joint action among these forces in the struggle against the Zionist enemy, the Israeli iron fist policy, the self-autonomy scheme, the [Jordanian] condominium scheme and the so-called development plans, and against the normalization of the *de facto* occupation, as well as their struggle against interference which aims at creating alternatives to the PLO, including the appointment of municipal and village councils; and the steadfastness of our people represented by its national forces and institutions;

(10) Consolidating unity of action to organize our refugee camps in Lebanon, to defend their existence and strengthen the unity of our people therein under the leadership of the PLO; adhering moreover to the rights of our people in Lebanon to residency, work, freedom of movement and of political and social work, and rejecting the attempts which aim at displacing and disarming our people; stressing [the people's] right to fight against the Zionist enemy and to protect itself and to defend its camps in accordance with the Cairo Agreement and its annexes, which formalize relations between the PLO and the Republic of Lebanon.

[We affirm the principle of] participating with our Lebanese brothers and their national forces in resisting the Israeli occupation in Lebanon;

(11) Working to protect, care for and look after the affairs of our people in all its places of existence and asserting its rights to residency, freedom of movement, work, education, health care and security in accordance with the Arab League Resolutions and the International Declaration of Human Rights; the safeguarding of the freedom of political work as an embodiment of the brotherly Arab and pan-Arab affiliation and strengthening our people's unity with its Arab brothers. . . .

On the International Level:

(1) Strengthening of the alliance with world liberation movements;

(2) Cooperating closely with the Islamic, African and non-aligned states and activating the work of the PLO in these areas, in order to consolidate relations with these states and gain more support for the Palestinian struggle therein;

(3) Consolidating militant relations with the Socialist states, in the forefront of which is the Soviet Union and the People's Republic of China;

(4) Supporting the struggle against imperialism and racism and for their national liberation, especially in the south and southwest of the African continent and Central and South America, and condemning the aggressive alliance existing between the two racist regimes in Tel Aviv and South Africa against the Arab nation and the African peoples; and standing firmly on the side of the African Front Line States in their struggle against the racist regime of Pretoria, as well as standing firmly with the peoples of South Africa and Namibia;

(5) Acting with all means on the international arena to expose the Zionist racism and its practices in our occupied homeland. This position has been reaffirmed by the historic resolution of the United Nations, number 3379 of 1975, [determining] that Zionism is a form of racism; and working to foil the Zionist-imperialist campaign to rescind this Resolution;

(6) Developing the positive stands towards our cause in Western European circles, Japan, Australia and Canada, and strengthening relations with the democratic and progressive forces in capitalist countries, which support our inalienable national rights;

(7) Participating in the struggle of the peoples of the world for world peace, international détente and for a halt to the arms race and to prevent the danger of a nuclear war, supporting the Soviet initiatives in this regard and exposing the dangers of Israeli nuclear armaments and nuclear cooperation with South Africa, [both] to the region and world peace; and acting in international fora to safeguard a Middle East free from nuclear weapons;

(8) Developing relations with the Israeli democratic forces which support the Palestinian people's struggle against occupation and Israeli expansion and which support our people's inalienable national rights, including its right to return, to self-determination and to establish its independent state, and which recognise the PLO as the sole legitimate representative of the Palestinian people. Condemning all the Zionist attempts, supported by U.S. imperialism, to compel Jewish citizens from different countries to emigrate to occupied Palestine, and calling upon all noble forces to confront these wild propaganda campaigns and their harmful effects;

(9) The PNC, in its 18th Session, values the efforts exerted by the U.N. Committee on the Exercise of the Inalienable Rights of the Palestinian People in cooperation with the various U.N. bodies, especially in the field of organizing international seminars and press conferences aiming at enlightening world public opinion and presenting it with facts and aims of the Palestinian people's struggle and to make [the world] conscious about it. The PNC hails the efforts of the non-governmental organizations of the world in supporting the Palestinian people's struggle for its inalienable rights in Palestine.

EAFORD Activities

In this section, Without Prejudice *offers a summary of recent educational and informational activities of the International Organization for the Elimination of All Forms of Racial Discrimination on the issue of racism and racial discrimination, and records its contributions toward the promotion of international law and the work of the United Nations which seek to combat racism and its effects.*

Cooperation with United Nations Bodies and Agencies

The International Organization for the Elimination of All Forms of Racial Discrimination (EAFORD) has maintained contact with and cooperated in United Nations activities, including UNESCO, the Commission on Human Rights, and seminars and conferences organized by U.N. agencies on the following:

(a) Circulated UNESCO publication *Facts and Figures about UNESCO* and UNESCO's *Declaration on Race and Racial Prejudice;*

(b) Participated in UNESCO conferences, such as the conference concerning the preparation of the report of the Director General on the world situation in the fields covered by the Declaration on Race and Racial Prejudice (1978), Lisbon, 14–17 June 1982;

(c) Appealed on behalf of UNESCO, Ethiopia, Great Britian and Yemen Arab Republic;

(d) Invited UNESCO to participate in conferences sponsored by EAFORD (third seminar on race relations);

(e) Provided UNESCO with copies of EAFORD mailing labels "Media Contact List," information on race and racial prejudice and provided UNESCO with EAFORD publications;

(f) Submitted nomination of Randall Robinson for UNESCO Prize for Peace Education in recognition for his leadership role as Executive Director of TransAfrica, Washington, DC, the national informational/educational organization in the United States dedicated to advancing understanding of African and Caribbean affairs within the black community, among national leaders and the public at large;

(g) Complied with request of United Nations Assistant Secretary-General on Human Rights for comments on a teaching guide on human rights;

(h) Responded to UNESCO request for nominations for the bi-annual Baghdad Prize for Arab Culture (1987). NGOs were encouraged to nominate one candidate from an Arab country, as well as one candidate from a non-Arab country. EAFORD submitted its nomination of French Professor Maxime Rodinson, as the non-Arab nominee for his scholarship in Arab history and culture, which is enhanced by his work to combat cultural chauvinism. EAFORD nominated Palestinian teacher and activist Salih Baransi as the candidate from an Arab country, in particular for his heroic contributions as Director of the Centre for Arab Heritage, Taybeh, which, inspired by Mr. Baransi, is dedicated to the preservation of Arab heritage in the areas occupied by Israel since 1948.

Association with Other Non-governmental Organizations

EAFORD had been engaged in a number of activities with other non-governmental organizations and is a full member of:

(a) NGO Committee on Human Rights, based in Geneva;

(b) NGO Sub-Commission on Racism, Racial Discrimination and *Apartheid*, based in Geneva;

(c) The President of EAFORD also serves as a member of the bureau of the Arab Lawyers Union and the Federation of Arab Jurists, both with Consultative Status with the U.N.

EAFORD has also contributed to anti-discrimination efforts in North America by participating with other NGOs in:

(a) The NGO process on the question of Palestine through the United Nations Division for Palestinian Rights;

(b) The Information Collective of organizations concerned with Palestinian rights;

(c) Efforts to support the Comprehensive Anti-Apartheid Act [U.S. Public Law 99-440];

(d) The "20 Years of Occupation Committee," commemorating the anniversary of the occupation of the West Bank and Gaza in 1967 and other anniversaries of "The Year of Palestine" and calling for an international peace conference on the Middle East;

(e) The Committee for Justice [to stop the McCarran Act deportations];

(f) Support for Nation Conference of Palestinian Women, Palestinian Human Rights Campaign, Washington, 26–28 March 1987;

(g) Continued support for, and cooperation with, the American Jewish Alternatives to Zionism (AJAZ) and the Mouvement Québecois pour combattre le racisme.

Conferences, Seminars and Symposia

EAFORD has participated in the following:

1. Colloquium on Racism in Québec, Montréal, 25-28 May, 1979;

2. World Conference in Solidarity with the Arab People and Their Central Issue: Palestine, Lisbon, 2-6 November 1979;

3. Seminar on Peace and Palestinian Rights (Organized by the Canada-Palestine Committee), Ottowa, 24-25 November 1979;

4. The International Committee against *Apartheid*, Racism and Colonialism in Southern Africa, Stockholm, 11-13 April, 1980;

5. NGO Action Conference for Sanctions against South Africa, Geneva, 30 June to 3 July 1980;

6. NGO Conference on Transnational Corporations and the New International Development Strategy, Geneva, 7-9 July 1980;

7. UNESCO International Conference in Solidarity with the Struggle of the People of Namibia, Paris, 11-13 September 1980;

8. Symposium on Ethnic Groups and Racism (Co-sponsored by EAFORD and Universidade de Brasilia), Brasilia, 26-27 February 1981;

9. United Nations Conference on New and Renewable Sources of Energy, Nairobi, 10-21 August, 1981;.

10. United Nations International NGO Conference on Indigenous Peoples and the Land, Geneva, 15-18 September 1981;

11. International Seminar on the Legal Aspects of the Israeli Attack on the Iraqi Nuclear Reactor, Baghdad, 27-29 November 1981;

12. Seminar on Recourse Procedures and Other Forms of Protection Available to Victims of Racial Discrimination and Activities to be Taken on the National and Regional Levels, Managua, 14-22 December 1981;

13. Thirty-eighth session of the Commission on Human Rights, Geneva, 1 February–12 March 1982;

14. International Conference on Disarmament, Geneva, 31 March–2 April 1982;

15. Seminar on "National, Local and Regional Arrangements for the Promotion and Protection of Human Rights in the Asian Region," Colombo, 21 June–2 July 1982;

16. Symposium on Racism, Athens, 15 February 1982;

17. International Seminar on "The History of Resistance against Occupation, Oppression and *Apartheid* in South Africa," Paris, 29 March–2 April, 1982;

18. Conference on "Solidarity with the People of Palestine, South Africa and Namibia," Tripoli, 1982;

19. United Nations Seminar on Violations of Human Rights in the Palestinian and Other Arab Territories Occupied by Israel, Geneva, 29 November to 3 December 1982;

20. United Nations Seminar on the Question of Palestine, Dakar, 9–13 August 1982;

21. First World Congress on Human Rights, San José, Costa Rica, 6–12 December 1982;

22. Thirty-ninth session of the Commission on Human Rights, Geneva, 31 January–11 March 1983;

23. Public Debate on Racism, Zionism and Anti-semitism, Montréal, 16 June 1983;

24. United Nations Seminar on the Experiences of Different Countries in the Implementation of International Standards on Human Rights, Geneva, 20 June to 1 July 1983;

25. Second World Conference to Combat Racism and Racial Discrimination, Geneva, 30 July 10 13 August 1983;

26. UNESCO Conference on Palestine, Paris, 16-27 August 1983;

27. United Nations Conference on Palestine, Geneva, 29 August to 7 September 1983;

28. Graduate seminar on peace for the Middle East, Bradford University, 15 December 1983;

29. NGO Consultation on the World Disarmament Campaign and the Prevention of Nuclear War, Geneva, 26-28 September 1983.

30. United Nations High Commissioner for Refugees seminar, "Asylum and Refugee Law in the Arab Countries," 15–20 January 1984;

31. Fortieth session of the Commission on Human Rights, Geneva, 6 February–16 March 1984;

32. Quaker Peace and Service Seminar, "The Palestinians in London," 10 March 1984;

33. Symposium on Colonized Peoples and National Rights, Three Cases of Territorial Dispossession: the Amerindians, the Palestinians and the Blacks of South Africa, Toronto, 6-7 April 1984; Montréal, 13-14 April, 1984;

34. Seminar on Jerusalem, University of Geneva, 17–20 May 1984;

35. United Nations North American Regional NGO Symposium on the Question of Palestine, New York, June 1984;

36. Conference of Arab Solidarity with the Struggle for Liberation in South Africa, organized by the United Nations Centre against *Apartheid* and the League of Arab States, 7–10 August 1984;

37. Brussels Tribunal on [United States President] Reagan's Foreign Policy, Brussels, 22 August 1984;

38. United Nations International NGO Symposium on the Question of Palestine, Geneva, September 1984;

39. International Conference for the Defense of Palestinian and Lebanese Prisoners and Missing Persons, Paris, October 1984;

40. Meeting of the United Nations High Commissioner for Refugees, Geneva, 8 October 1984;

41. United Nations NGO Special Committee on Human Rights in Geneva, October 1984;

42. United Nations Sub-Commission on Racism, Racial Discrimination, *Apartheid* and Decolonization, Geneva, 10 October 1984;

43. Congress of the International Association of Democratic Lawyers, Athens, 15–22 October 1984;

44. Meeting of the Preparatory Committee of the Second World Congress on Human Rights, Paris, 25–28 October 1984;

45. Commission on Human Rights, 4 February 1985;

46. Sub-Commission on the Rights of Minorities, 4 February 1985;

47. Sub-Committee on Racism, Geneva, 7 February 1985;

48. Special NGO Commission on Human Rights, Geneva, 8 February 1985;

49. Meeting on the European Convention on Human Rights, Vienna, 16–19 March 1985;

50. Quaker Seminar on Peace in the Middle East, Newcastle, England, 23 March 1985;

51. United Nations North American Regional NGO Symposium on the Question of Palestine, New York, June 1985;

52. United Nations International NGO Conference on the Question of Palestine, 9–12 September 1985;

53. United Nations Seminar on Community Relations Commissions, Geneva, 13 September 1985;

54. NGO Conference in Celebration of the Victory over Nazism, Paris, 9–12 September 1985;

55. NGO Conference on the anniversary of the European Human Rights Convention (for recommendations to the European Council of Ministers), Vienna, 1986;

56. United Nations North American NGO Symposium on the Question of Palestine, New York, June 1986;

57. United Nations European Regional NGO Symposium on the Question of Palestine, Vienna, July 1986;

58. Seminar on Human Rights in the United Nations, Geneva, 8-10 September 1986;

59. Congressional Black Caucus [United States Congress] Annual Conference, Washington, October 1986;

60. American-Arab Anti-Discrimination Committee National Conference, Washington, 2–5 April 1987;

61. United Nations North American Regional NGO Symposium on the Question of Palestine, New York, 24–26 June 1986;

62. European NGO Meeting on the Question of Palestine, Geneva, 3–4 September 1987;

63. Meeting on Health Situation and Needs in Lebanon, West Bank and the Gaza Strip, Geneva, 5 September 1987;

64. International NGO Symposium on the Question of Palestine, Geneva, 7–9 September 1987.

EAFORD has co-sponsored the following:

(a) EAFORD/AJAZ Conference for Peace and Understanding, "Judaism or Zionism: What Difference for the Middle East?", Washington, D.C., 6–7 May 1983;

(b) EAFORD/Mouvement Québecois pour combattre le racisme—Mobile seminars on "Colonized Peoples' National Rights," London, Toronto, Hamilton, Ottawa and Montréal, 6–15 April 1984.

*Support for Research, Publications**

In order to create greater involvement in the work of EAFORD and to diversity the sources of written contributions, EAFORD has commissioned papers from, as well as given support to, authors whose work has been accepted for publication. Since 1985, at least five titles have appeared or are in production which bear full acknowledgement of EAFORD's assistance:

1. *Judaism or Zionism: What Difference for the Middle East?* proceedings of the Washington Symposium, co-sponsored by EAFORD and the American Jewish Alternatives to Zionism (AJAZ);
2. *Israel: An Apartheid State* by Dr. Uri Davis (London: Zed, 1987);
3. *Through the Hebrew Looking Glass: Arab Stereotypes in Children's Literature* by Dr. Fouzi El-Asmar (Vermont: Amana; London: Zed, 1986);
4. *The Political Economy of U.S. Foreign Policy toward South Africa* by Dr. Kevin Danaher;
5. *Garrison State: Israel's Role in U.S. Global Strategy* by Steve Goldfield.

International Awards and Fellowships

EAFORD has established the International Award for the Promotion of Human Understanding as an annual award in recognition of outstanding published works. This award has been given to Prof. Edward W. Said of Columbia University (New York) for his book *Orientalism;* to Prof. Roberto Cardoso de Oliviera of the University of Brasilia for his publication on the rights of indigenous peoples in Brazil, *A Sociologia do Brasil Indigena;* to Sylvie Vincent and Bernard Arcand of Laval University (Québec) for their study of the image of the Amerindian in Québec textbooks, *L'Image de L'Amerindian dans les Manuels Scolaires de Québec;* and to former United States Congressman Paul Findley for his book, *They Dare to Speak Out.*

EAFORD established and has awarded the Fayez Sayegh Award to assist students preparing studies on questions of racism and racial discrimination. Scholars receiving EAFORD study grants include the following:

1. Adonia Mahleka (Zimbabwe): toward doctoral dissertation on "The Development of Colonial Capitalist Exploitation and Racial Discrimination in Rhodesia/Zimbabwe" (University of Leeds), 1979;
2. Horace Campbell (Jamaica): post-doctoral fellowship for study of "The Impact of Colonialism on State Structures in Africa: [The] Case of East Africa" (University of Sussex), 1979;
3. Fouzi El-Asmar (Palestine): toward doctoral dissertation on "The Image of the Arab in Israeli-Hebrew Children's Stories" (University of Bradford), 1979;
4. Stephen F. Burgess (USA): toward doctoral dissertation on "Pan-Africanism in Azania (South Africa)" (Institure of Social Studies, The Hague), 1980;
5. Paul Neron (USA): toward doctoral dissertation on "The Role of the Jewish National Fund in the Foundation of the State of Israel," 1982;

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* See also List of EAFORD Publications, this issue.

6. Joost Hilterman (The Netherlands): toward research investigating "The Emergence of a Racially Segregated Labour Force in Palestine" and "The Newest Cycle of Repression and Resistance in the West Bank and Gaza," 1984;

7. John F. Egan (USA): toward research surveying "The Quality of Life of Palestinians in the West Bank, Gaza [District] and Israel" (University of Chicago), 1985.

KUWAIT UNIVERSITY

Kuwait University invites applications for the posts of Professors, Assistant Professors (Associate Professors) and Lectures (Assistant Professors) for the academic year 1988/89 tenable September 1st, 1988 in the following disciplines:

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Arabic Grammar

Department of English Language & Literature:
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Department of History:
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Department of Psychology:
Psychology of learning and cognitive processes, psychological statistics with emphasis on computer, experimental, social, developmental, clinical, research methods in behavioral sciences.

Department of Sociology & Social Work:
Human behavior in social & environment, practice theory and methods, field work, linguistic anthropology, social psychology, complex organization, criminology, research methods, statistics.

FACULTY OF EDUCATION: Arabic Medium

Department of Curriculum Instruction:
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Department of Foundations of Education:
Professor and Asst. Prof. (Assoc. Prof.) Kindergarten, Elementary Education, Foundations of Education.

Department of Educational Psychology:
Professor & Asst. Prof. (Assoc. Prof.) Child development, Educational Psychology (learning).

Department of Educational Administration:
Professor & Asst. Prof. (Assoc. Prof.) Educational Administration and Supervision.

FACULTY OF COMMERCE, ECONOMICS & POLITICAL SCIENCE: Arabic Medium

Department of Accounting & Auditing:
Financial Accounting, Cost & Accounting, Managerial Accounting. Auditing, Accounting Information Systems.

Department of Business Administration:
Production and Operations Management. Finance, Banking Management, Marketing, OB, OT & HRM, Policy & Strategy.

Department of Economics & Statistics:
(Lecturer or Asst. Prof.) National Income Accounts, Economics, Population Economic History, Quantitative Economics, Transportation Economics.

Department of Insurance & Statistics:
Insurance, Computer Science & Information Systems.

Department of Public Administration:
Public Administration, Public Financial Administration, Public Policy, Organization Theory & Behavior, Comparative and International Administration, Quantitative Methods in Public Administration, Public Personnel Administration. The applicant should be fluent in English and have the ability to teach and research in it. Applications must have sufficient experience teaching Public Administration at the graduate level and in supervising students. Arabic is desirable but not required. English required.

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Kuwait University
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Monographs:

1. **PACIFIC BRIDGES: The New Immigration from Asia and the Pacific Islands** *edited by James T. Fawcett and Benjamin V. Carino*
   1987. Pp. 489. $17.50 (cloth); $12.95 (paper).
2. **PEOPLE IN UPHEAVAL** *edited by Scott M. Morgan and Elizabeth Colson*
   1987. Pp. 228. $17.50 (cloth); $12.95 (paper).
3. **CARIBBEAN LIFE IN NEW YORK CITY: Sociocultural Dimensions** *edited by Constance R. Sutton and Elsa M. Chaney*
   1987. Pp. 250. $17.50 (cloth); $12.95 (paper).
4. **THE ADJUSTMENT EXPERIENCE OF CHINESE IMMIGRANT CHILDREN IN NEW YORK CITY** *by Betty Lee Sung*
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5. **A DIRECTORY OF INTERNATIONAL MIGRATION STUDY CENTERS, RESEARCH PROGRAMS, AND LIBRARY RESOURCES** *compiled by D. Zimmerman, O. Della Cava and N. Avrin*
   1987. Pp. 300. $35.00 (paper).
6. **IN DEFENSE OF THE ALIEN, VOLUME X: Proceedings on the 1987 National Legal Conference on Immigration and Refugee Policy** *edited by Lydio F. Tomasi*
   1987. Pp. 250. $14.95 (cloth).
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   1987. Pp. 67. $9.95 (paper).

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Israel and South Africa: The Progression of a Relationship. Stevens, Richard P. and Abdelwahab M. Elmessiri. Forward by John Henrik Clarke. (New Brunswick, NJ: North American, 1977.) 226 pages, including 114 pp. of documentation. Index to p. 228. $6.95, paper.

Zionism & Racism. EAFORD. Proceedings of the International Symposium 1976. (London: International Organization for the Elimination of All Forms of Racial Discrimination, 1977.) ix & 238 pages. Appendix to p. 250. $3.95, paper.

Treatment of Palestinians in Israeli-Occupied West Bank and Gaza. National Lawyers Guild. Report of the National Lawyers Guild (USA) 1977 Middle East Delegation. (New York: National Lawyers Guild, 1978.) xvi & 121 pages. Appendices to p. 241. $2.95, paper.

Witness of War Crimes in Lebanon. Nordic Commission. Testimony given to the Nordic Commission, Oslo, October 1982. (London: EAFORD and Ithaca Press, 1983.) xviii & 146 pages. $2.95, paper.

Judaism or Zionism: What Difference for the Middle East? EAFORD and American Jewish Alternatives to Zionism (AJAZ). (London: Zed Press, 1986.) x & 277 pages. Index to p. 285. $12.95, paper.

EAFORD Papers

5 *Dossier: Le Racisme au Quebec*, The Québec Movement to Combat Racism. $1.50
7 *La relation et les relations entre Israël et l'Afrique du Sud*, Elizabeth Mathiot. $1.00
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EAFORD (USA)
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