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TELNO 164

OF 191055Z JULY 86

INFO PRIORITY LUSAKA, HARARE, UKMIS NEW YORK

INFO ROUTINE JOHANNESBURGE

INFO SAVING CAPETOWN CONSULATE , DURBAN

OUR TELNO 29 TO LUSAKA : SITREP : INTERNAL SITUATION.

SUMMARY.

1. THE RETURN TO BLACK SCHOOLS AND ONE DAY WORK STAY-AWAY ON 14 JULY PASSED WITHOUT SERIOUS INCIDENT AND WITH VARYING DEGREES OF PARTICIPATION. THE GOVERNMENT ARE LIKELY TO CONSIDER THIS AS A SET-BACK FOR THE RADICALS AND FURTHER JUSTIFICATION OF THE STATE OF EMERGENCY. THE LATTER CONTINUES TO BE GENERALLY EFFECTIVE IN PREVENTING SERIOUS DEMONSTRATIONS AND CLASHES, THOUGH THERE WAS A BRIEF CONFRONTATION IN SOWETO. THE LEVEL OF BLACK DEATHS REMAINS SIGNIFICANT. THERE HAS BEEN A PAUSE IN BOMB ATTACKS AGAINST CIVILIANS IN WHITE AREAS.

2. A COURT JUDGEMENT IN NATAL HAS DECLARED CERTAIN LIMITED ASPECTS OF THE EMERGENCY REGULATIONS TO BE INVALID. THIS IS FURTHER WELCOME EVIDENCE OF A GROWING READINESS BY JUDGES TO TAKE A STAND IN DEFENCE OF FUNDAMENTAL FREEDOMS , BUT IT LEAVES MOST OF THE EMERGENCY POWERS INTACT.

DETAIL.

RETURN TO SCHOOLS.

3. ABOUT EIGHTY PERCENT OF BLACK PUPILS RETURNED TO SCHOOLS FOR THE NEW TERM ON 14 JULY. BUT 340,000 STAYED AWAY. ATTENDANCE VARIED ACROSS THE COUNTRY : THE WESTERN CAPE AND PORT ELIZABETH AREA 20 - 50% , TRANSVAAL ABOUT 80% , BUT A LOW TURN OUT IN SOME REEF TOWNSHIPS : NATAL 90% , EXCEPT LAMONTVILLE : FREE STATE 90 - 100%.

4. PUPILS HAVE BEEN GIVEN UNTIL 25 JULY TO RE-REGISTER, AND THE ONUS FOR ENDING SCHOOL UNREST PLACED ON TEACHERS UNDER A NEW CODE OF MEASURES INTRODUCED BY THE DEPARTMENT OF EDUCATION. THE MINISTER , DR VILJOEN, STATED THAT FUNDS WOULD BE TRANSFERRED FROM EDUCATIONAL INSTITUTIONS WHERE UNREST PERSISTED.

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TRADE UNION DAY OF ACTION.

5. COSATU'S CALL FOR A ONE DAY STAY-AWAY FROM WORK ON 14 JULY MET WITH A GENERALLY POOR RESPONSE EXCEPT IN THE EASTERN CAPE. ACCORDING TO THE INDEPENDENT LABOUR MONITORING GROUP ONLY TWENTY FOUR PERCENT OF BLACK WORKERS IN COSATU-ORGANISED FACTORIES ON THE REEF, AND ELEVEN PERCENT IN THE REGION'S RETAIL SECTOR RESPONDED TO THE CALL. PRETORIA AND JOHANNESBURG WERE LARGELY UNAFFECTED. IN THE EASTERN CAPE THOUSANDS INITIALLY REPORTED FOR WORK BUT LEFT SHORTLY AFTERWARDS. GENERAL MOTORS WAS FORCED TO CLOSE ITS PLANT IN PORT ELIZABETH. IN THE INKATHA/UWUSA STRONGHOLDS OF NATAL THE ACTION WAS POORLY SUPPORTED, WITH A FEW WORKERS IN THE DURBAN AREA STAYING AWAY. IN THE WESTERN CAPE THE STAY-AWAY WAS CALLED OFF.

6. THE SPORADIC RESPONSE MAY BE DUE TO THE SEVERE RESTRICTIONS ON UNION ACTIVITY WHICH HAVE MADE COMMUNICATION AND NATION-WIDE COORDINATION DIFFICULT. ARREST OF INDIVIDUAL TRADE UNION OFFICIALS AND GROUPS OF WORKERS CONTINUE. ON THE OTHER HAND, PROBABLY DUE TO PRESSURE FROM EMPLOYERS, THE GOVERNMENT LIFTED FOUR DAYS LATER THE RESTRICTIONS ON INDOOR MEETINGS IN JOHANNESBURG OF TRADE UNIONS AND SOME OTHER ORGANISATIONS WHICH HAD BEEN IMPOSED ON 7 JULY.

INCIDENTS.

7. THE BUREAU OF INFORMATION STATED THAT THE LEVEL OF VIOLENT INCIDENTS CONTINUED TO DROP AND HAD NOW DECREASED BY SEVENTY SEVEN PERCENT FROM THE LEVEL OF THE FIRST WEEK AFTER THE STATE OF EMERGENCY. SOWETO, THE EAST RAND AND THE EASTERN CAPE WERE THE AREAS WHERE MOST INCIDENTS OCCURRED. ALTHOUGH THIS OFFICIAL ACCOUNT PROBABLY UNDER-ESTIMATES THE VIOLENCE, THE OVERALL LEVEL DOES APPEAR TO REMAIN LOWER THAN BEFORE THE STATE OF EMERGENCY. HOWEVER, UNREST DEATHS CONTINUE AND PROBABLY AT ABOUT THE SAME LEVEL AS BEFORE THE EMERGENCY.

8. ACCORDING TO OFFICIAL FIGURES 32 SUSPECTED ANC OPERATIVES HAVE BEEN KILLED IN SHOOTOUTS WITH THE POLICE SINCE THE EMERGENCY BEGAN. AT LEAST 14 OTHERS HAVE BEEN CAPTURED. THESE SUCCESSES FOR THE POLICE ARE SAID TO INCLUDE SOME OF THE PERPETRATORS OF RECENT BOMBINGS IN WHITE AREAS.

DETENTIONS.

9. THE DETAINEES PARENTS SUPPORT COMMITTEE ESTIMATE THAT ABOUT 5,000 PEOPLE MAY HAVE BEEN DETAINED IN THE EMERGENCY'S FIRST THREE WEEKS. THE ACTUAL FIGURE MAY BE SOMEWHAT HIGHER. SOME RELEASES HAVE BEEN MADE, BUT THEY ARE PROBABLY AT LEAST BALANCED BY NEW ARRESTS.



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## EMERGENCY REGULATIONS.

10. THE NATAL SUPREME COURT ON 16 JULY PRONOUNCED CERTAIN SECTIONS OF THE EMERGENCY REGULATIONS INVALID, BUT OTHERWISE UPHELD THE LEGALITY OF THE STATE OF EMERGENCY. THE COURT REJECTED AN ARGUMENT BY THE METAL AND ALLIED WORKERS' UNION (MAWU) THAT THE EMERGENCY WAS ILLEGAL ON PROCEDURAL GROUNDS, BUT STATED THAT ONLY ONE OF SIX CLAUSES DEFINING A SUBVERSIVE STATEMENT WAS SUFFICIENTLY PRECISE TO BE CONSIDERED LAWFUL. THE TERMS IN THE OTHERS WERE TOO BROAD TO BE CLEARLY UNDERSTANDABLE. THE COURT ALSO DECLARED THAT THE STATE PRESIDENT HAD ACTED BEYOND HIS POWERS IN BANNING DETAINEES' ACCESS TO LAWYERS.

11. THE JTDGEMENT APPEARS TO APPLY ONLY IN NATAL AND THE APPEAL COURT MIGHT HAVE TO CLARIFY THE POSITION. THE BULK OF THE EMERGENCY REGULATIONS REMAIN IN FULL FORCE. THE GOVERNMENT IS CONSIDERING THE NATAL JUDGEMENT, BUT THERE IS NO SIGN THAT IT WILL LEAD TO AN EARLY LIFTING OF THE STATE OF EMERGENCY.

## REFORM PROGRAMME.

12. THE REPORT OF THE PRESIDENT'S COUNCIL ON THE GROUP AREAS AND SEPARATE AMENITIES ACTS (OUR TUR PARA 13) IS NOW NOT EXPECTED UNTIL AT LEAST OCTOBER. MEANWHILE THE GOVERNMENT HAVE RESCINDED A SMALL NUMBER OF REGULATIONS UNDER THE FORMER ACT.

## IMMEDIATE OUTLOOK.

13. THE GENERAL UNEASY CALM ENFORCED BY THE STATE OF EMERGENCY SEEMS LIKELY TO BE MAINTAINED. HOWEVER, TROUBLE COULD STILL BREAK OUT IN THE BLACK SCHOOLS. ISOLATED GUERILLA BOMB ATTACKS IN WHITE AREAS COULD BE RESUMED AT ANY TIME .

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