

(3) Bei Entwicklungshilfe-Projekten ist in der Vergangenheit den Umweltaspekten nicht hinreichend Rechnung getragen worden, teilweise wurden sogar stark umweltschädigende Projekte gefördert.

(4) Bei den Geber-Institutionen hat ein Umdenkprozeß stattgefunden, der eine Verbesserung des Instrumentariums erwarten läßt.

(5) Die personellen und materiellen Voraussetzungen für eine effektive Berücksichtigung der Umweltaspekte bei Entwicklungshilfe-Projekten müssen in den kommenden Jahren erst noch geschaffen werden.

ANMERKUNGEN

¹ BMZ, Umwelt und Entwicklung, Materialien Nr. 77, S. 59.

² Nach U. E. Simonis, Umweltkrise in den Entwicklungsländern, in: Jahrbuch Dritte Welt, Hamburg, München 1984, S. 31 f.

³ F. Vorholz, Gift und Geld für die Armen, in: "Die Zeit" vom 3. 6. 1988, Nr. 23, S. 24.

⁴ OECD, Economic and Ecological Interdependence, Paris 1982, S. 29 ff.

⁵ Vgl. C. S. Pearson, Multinational Corporations, Environment and the Third World Business Matters, Washington 1987, insbesondere S. 124 - 128.

⁶ Th. Hayter, Ch. Watson, Aid Rethoric and Realities, London 1985, S. 164 ff.

⁷ BMZ, Umweltwirkungen von Entwicklungsprojekten, Oktober 1987, S. 7.

⁸ Nach M. M. Hufschmidt u.a., Environment, Natural Systems and Development, Baltimore 1983, S. 174 ff.

⁹ In der Regel werden private Consulting-Unternehmen mit der sog. pre feasibility study beauftragt. Diese Unternehmen haben wenig spezialisiertes Personal und ein erhebliches Interesse an einer optimistischen Darstellung der Entwicklungsmöglichkeiten. Gründliche Prüfungen der Umweltverträglichkeit drohen die Erarbeitung des Projektvorschlages zu verzögern.

¹⁰ Empfehlungen des Rates der OECD zum Thema Umwelt und Entwicklungshilfe, wieder abgedruckt in: BMZ, Umwelt und Entwicklung, Materialien Nr. 77, Bonn, Juni 1987, S. 94.

¹¹ Vgl. BMZ, Umwelt und Entwicklung, a.a.O., S. 27.

¹² GTZ, Natürliche Ressourcen schonend nutzen, Umweltschutz in der technischen Zusammenarbeit, Eschborn 1987, S. 10.

¹³ Vgl. Erläuterungen zur Tabelle, S. 47 f.

¹⁴ J. Lee, R. Goodland, Wirtschaftliche Entwicklung und Umwelt, in: Finanzierung und Entwicklung, Dezember 1986, S. 37.

¹⁵ Weltbank, Jahresbericht 1986, Washington, S. 33.

¹⁶ V. Hartje, Environmental Impact Assessment for Development Projects, in: Zeitschrift für Umweltpolitik, 4/84, S. 491.

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International Defence and Aid Fund for Southern Africa CHILDREN IN SOUTH AFRICA: REPRESSION AND RESISTANCE

The nationwide uprising of 1976 first drew the attention of the outside world to how children in South Africa were becoming targets of a desperate regime. The pattern set then has continued with mounting violence as resistance has increased, become more organised and more openly directed towards ending apartheid and liberating the majority from national oppression.

The last decade has seen children become an integral part of resistance to apartheid. The education they receive and the experience of rising unemployment have confronted them with the realities of apartheid. They form nearly half the oppressed majority of South Africa whose mobilisation against the regime has advanced dramatically during recent years. The building of structures of organised resistance and the involvement of children in struggle have gone hand in hand. When the regime launched a massive repressive operation at the end of 1984 to undo the advances that had been made in order to try to impose plans for reshaping and preserving the apartheid system, student and youth organisations were among its principal targets.

This study focuses on the various forms of repression directed against children in South Africa. In spite of the fierceness and brutality of the regime's attack, young people have continued to resist, determined to play a part in changing the society in which they live. The depth of organisation, the resourcefulness and creativity of the young people of South Africa was dramatically underlined in 1987 when, in spite of over two years of intense repression, a new national youth organisation emerged, larger and more widely spread than any that preceded it. Even though the new organisation, the South African Youth Congress (SAYCO), was effectively banned within a year of its formation, as the final section of the paper makes clear, class boycotts, educational protests and the participation of young people in political protest in an organised way has continued.

Apartheid against the child

Black children carry a multiple burden under apartheid, a system of violent oppression which secures and protects privileges for a minority at the expense of the majority. In addition to what they experience as a part of that majority, the special needs they have as children, enshrined in the United Nations Declaration of the Rights of the Child adopted in 1959, are denied them (South Africa has not yet to signed the Declaration). The denial of political rights to their parents, the systematic

discrimination and economic exploitation of apartheid, and the violence with which it is maintained, provide a situation in which most black children derive little benefit from the formal official recognition of notions of child-care and protection.

Even where the law appears to make provisions for all children, social practice accords them predominantly to white children only. Not only is the protection offered by various laws concerned with children subverted by the realities of apartheid, but some legal safeguards are expressly overridden by the "security laws" and by powers given to police and army. For most black children the law is not a source of protection by part of an oppressive and discriminatory system.

Every aspect of apartheid affects the life of black children. In each respect outlined below the situation of children, the denial to them of basic rights and of their special needs as children, can be seen as direct consequences of the oppression of the black majority.

Economic and social structures of apartheid

Migrant labour and controls on movement

Intrinsic to apartheid is a network of controls used to direct and control African labour - the pass laws and the legal apparatus of influx control. The system of migrant (or "contract") labour, enforced by these means, has a particularly harsh impact on children. Since 1986, when the pass laws were changed control over the movement of the African population, and where they may live, has been exercised mainly through controls on access to housing. The bantustans continue to act as "labour reservoirs", areas in which the families - in particular the children - of absent workers, the unemployed and the old form much of the population.

Influx control has placed enormous physical and emotional stresses on African children, forcing hundreds of thousands to live in poverty, in fragmented families, and subject to continual insecurity and invasion of their lives by police and officials.

Migrant workers on contract may only be able to visit their children for a short period each year, normally one month. The lifting in 1986 of some of the restrictions on people from the bantustans visiting those working away from home has made little material difference for mine workers and others housed in hostels who cannot provide accommodation for their families.

Children may be left in the bantustans with grandmothers or members of the extended family. It is in households in these areas, where poverty is most acute, that the incidence of malnutrition and illness among children is at its highest.¹

Labour

South African labour law, which until 1979 prevented African workers from joining recognised trade unions and prohibited them from acquiring skills and working in higher paid grades in mining and industry, ensured that wages remained extremely

low. Influx control, the migrant labour system and the risk of forced removal from urban areas ensured that workers were insecure in their jobs and vulnerable to exploitation. The poverty which they and their families have suffered results in disease and death for their children. The system leads to overcrowded housing, inadequate clothing and heating, no money for school fees or recreation. The stress and dangerous working conditions to which parents are subject all too often leads to early death.²

The poverty of black households forces many children into work long before adolescence, in conditions which offer little protection to their safety or interests. On white-owned farms children are often compelled to enter into contract to work for the farm owners for six months of the year as a condition of their parents remaining on the farm. Their pay is derisory, their hours long, the work often totally beyond their strength. Farmers frequently use schools on their farms as labour depots, taking children out of classrooms at harvest or weeding times. Although the government said in 1988 that it would ban the use of children from farm schools for any kind of labour during school hours, there were reports in June this year that the practice was still widespread and that there had not been any convictions of offenders.³ Child labour is not only a rural phenomenon. In urban areas many children are forced by the poverty of their families to work in underpaid "casual" jobs, often interrupting their education for years to help their families.⁴

Health and welfare

Discrimination in social welfare and inadequate provision of resources exacerbates poverty and contributes to the illness and hardship which are widespread among black South African children.

There is no statutory provision for maternity leave or maternity benefit in South African law. In black families where the earnings of a woman are often essential for the survival of the household this results in women returning to work only a couple of weeks after the birth of a child.

Poverty is the great killer of South African children. A recent study of black South African children showed that one in three showed signs of malnutrition.⁵ Other surveys have shown that African and Coloured children were 14 - 15 times more likely to die before the age of five than were white children.⁶ At a meeting held in June this year to mark the 30th anniversary of the UN Declaration of the Rights of the Child, a member of the South African Health Workers Congress cited evidence that while only 14 out of 1,000 white children died before the age of one year, up to 240 out of 1,000 Africans born in rural areas never reached that age.⁷ Malnutrition, gastro-enteritis and pneumonia, all illnesses that result from poverty, remain the major causes of death among black children.⁸

Education

While education has been free and compulsory for white children from the beginning of the century, scant provision has been made for the education of the mass of black children. Until the 1970s the apartheid regime considered that black children should not be educated beyond the level of unskilled workers. Later economic developments and new state strategies concerned with developing a large semi-skilled and skilled black working class resulted in increased spending on education for black children. Compulsory schooling for Coloured and Indian children was introduced, and a phased introduction was started for African children along with a reduction in the fees paid by their parents. Teacher training was improved, and the fees paid by black parents were reduced.

However educational provision remains highly varied. While the number of schools and teachers has increased in non-bantustan urban areas, major inequalities have continued. The latest comprehensive figures for spending on education show that for the period 1986-7 six times more was spent on education for each white child compared with each African child.⁹ According to statistics compiled by the Black Sash in 1988 the teacher : pupil ratio in African schools was 1 : 41 compared to 1 : 16 in white schools.¹⁰ The situation in bantustan areas remains worse, with teacher: pupil ratios as bad as 1 : 150 in some areas. While many more black pupils now finish high school, still greater numbers continue to leave school functionally illiterate, with only four years of basic schooling, or never attend school at all. According to official statistics in 1986, 40-50 percent of the black population was illiterate. In June this year an official of a farm-workers' union estimated that half of African children on white-owned farms received no schooling.¹¹

The apartheid education system, with its inequalities, inadequacies and oppressive character, has been the focal point of organised opposition to apartheid by young people. This continues to be the case as the final section of this paper makes clear.

The framework of repression

The legal framework

The repression directed against children takes place partly within the framework of the apartheid legal system.

Some South African legislation recognises the special needs of children. The Child Care Act prohibits anyone from permitting a child in their care (that is, any one under 18 years of age) to be ill-treated or neglected. It creates an obligation to provide adequate food, clothing and medical care. There is also an obligation to provide care and support. However the Internal Security Act, which allows indefinite detention in solitary confinement, overrides these provisions, as do the emergency regulations imposed under the Public Safety Act of 1953. To this extent those in charge of prisons or police stations in which children are detained are under no legal

requirement to treat the children in their care any differently from the adults. In general the only special provisions are that juveniles (defined in the Prisons Act as people under 21) should be held separately from adults.

For some years now there has been growing evidence that what is done to children behind the locked doors of police stations is in total contradiction to the duties imposed by legislation concerned with the welfare of children. Similarly, although the law contains provision for the protection of children on trial, the provisions are not effective in most cases (see Trials below).

The protection of children has been further undermined by the indemnity granted under the emergency regulations to members of the police, army and prisons service in relation to any actions taken in the course of implementing the emergency powers, unless it can be proved that they were not acting "in good faith". One measure of their violence is that in spite of this legal protection they had to pay out 3.45 million rands during the year 1987/8 in compensation to their civilian victims, four times what they had to pay in the previous year.¹²

Apart from express legal exceptions to the statutory protection of children, the strength of the police and army, and their virtual immunity from control by the courts gives them immense power to inflict violence on children. The cloak of secrecy which hides their actions from the public under the State of Emergency enhances that power. Monitoring groups have amassed a vast catalogue of evidence of violence against those who resist, and even against those whose homes may happen to be in an area of armed action by the agents of the regime.

Secrecy and terror

Censorship and controls on access to detainees and prisoners and to the scenes of police action have always made it difficult to obtain evidence of police violence.

Information about people detained under the Internal Security Act or similar laws in force in bantustans is severely restricted. The emergency powers have made the task even more difficult. No-one has a right to information about people detained under the emergency regulations, about the conditions of their detention or even about their release, unless an official authorises it. The Police Act has sections which result in severe penalties for publishing even the slightest inaccuracy, even when done in good faith.

Isolation has made it even more difficult to monitor police conducts in rural areas. In the period since 1984 all these factors have combined to build a massive wall of secrecy around the actions of the police and army as they use their powers to arrest, detain, control movement, ban meetings and even kill people, with indemnity from prosecution or civil action. It has only been through the readiness of those who have been attacked by the forces of "law and order" to expose what has been done to them at risk of reprisal and often at the cost of re-living intensely traumatic experiences, that the situation has become even partially known.

When monitoring groups have published documents about violence against children, the apartheid regime denies their truth, refuses to comment, or promises

to investigate. Sometimes it even complains of unfairness in subjecting the police publicly to "serious allegations". In August 1987, just before the international conference in Harare on the repression of children in South Africa, the Minister of Law and Order warned the Detainees Parent Support Committee (DPSC) to "refrain" from what he called "its continuous attempts to vilify the security forces and the South African government". In February 1988 two monitoring groups, the DPSC and the Detainees' Support Committee, were amongst 17 anti-apartheid organisations which were restricted under the emergency regulations from carrying on any activities. In another attempt to discredit the monitoring groups, in February this year a report by the South African Law Commission was published which said that the rights of children in custody were adequately protected by law - however the report did not deal at all with the situation of children detained under statutes or emergency regulations allowing detention without trial.¹³

While the perpetrator of attacks on two people involved in television documentaries exposing violence against children have not been identified, the attacks have increased the threatening climate surrounding such work. In January 1988, 19-year-old Sicelo Godfrey Dhlomo, a member of the Soweto Students Congress and a volunteer worker with the DPSC, was found dead near his home in Soweto shot in the head. He had been interrogated five days before by the Security Branch about interview he had given to overseas television networks on his experience of six months detention between June and November 1986. The showing of *Suffer the children* on British Television in June 1988 was followed by an attack by an unknown gunman on Veliswa Mhlawuli, a journalist who had appeared in the film - she lost the sight of one eye as a result.

With all the restrictions and pressures that exist, and with the very serious consequences awaiting people who try to expose the violence of the agents of the apartheid regime, those who take the step do so only when they are confident of the truth of what they are saying. The consistency and the frequency of the reports, the wealth of detail and the sheer number of cases makes the evidence overwhelming and compelling.

In June 1986, after several reports had been published by monitoring groups, the DPSC concluded in a report of its own:

"At first hearing these kinds of reports it would seem that the police and other security forces are involved in random acts of violence. However, when these reports are all taken together what is most clear is the way in which such incidents add up to form a systematic campaign of terror against children and, indeed, against all township residents. It would seem that this campaign is intended to strike fear into the hearts of all township people, thereby breaking the spirit of unity and resistance that has developed and continues to grow in South Africa."

Judicial repression

The police and army have carried out most of these acts of violence against children using wide powers conferred on them by law. The same legal system that

authorises their actions also authorises the trial and punishment by whipping or imprisonment of many of their victims. For reasons that will be evident from what follows, it is reported that many black children do not regard the judicial system in a different light from the penal system or the police and army. For them police, army, courts and prisons are part of a single repressive system.¹⁴

Torture

The treatment of young people in the custody of the police or army is consistent with the general character of the apartheid regime's repressive actions - violent and brutal. Those who are in the physical power of the police and army and hidden by the veil of secrecy, experience in a particularly direct form the violence of apartheid. Violence is used by the agents of an oppressive minority regime to terrorise, to sow division and suspicion, to try to degrade, to extract information and to extort statements which can be used in the courts to send them or others to prison. The evidence has accumulated over the years.

Reports by monitoring groups on the 1985 and 1986 States of Emergency led the United Nations Commission for Human Rights to conclude in February 1987 that human rights violations, including torture and assault by the police, had reached an unprecedented level in South Africa and that children were the victims of the some of the worst abuses.¹⁵

In spite of censorship, incidents revealed in court cases indicate that the pattern of violence against children in custody continues. Examples include the following.

- In July 1988 statements were made to lawyers by 17 Soweto pupils, describing in detail violence, torture and abuse experienced by them while in detention. The violence inflicted on them included having bags put over their heads and pulled tightly round their necks, electric shock treatment all over their bodies, prodding with rods, assault and threats to kill their parents.¹⁶

- In affidavits made to lawyers in October 1988, a group of young people told of their detention and torture near Pinetown in Natal. Two boys of 15 and two of 16, were held for 36 hours in a dog cage with a 20-year-old youth. During their detention they were taken out at night and assaulted and tortured.¹⁷

- In October 1988 seven youths were detained by troops in the St. Wendolin's area of Natal and an assaulted. In affidavits made later five of them - aged between 16 and 19 - described how armed soldiers had forced some of them to lie on their backs, then stood on their stomachs and beat them all over their bodies while they interrogated them. The interrogators also put a live snake around the neck of one of the boys aged 16.¹⁸

Inevitably, widespread and systematic violence against those in custody has resulted in death. At least ten people between 14 and 20 years old have died in police custody since 1984 after being arrested in political circumstances.¹⁹

The experience of helping children coming out of detention has generated deep concern over the effects of torture on the victims, not only during the experience itself but its longterm aftermath. Many professional and welfare bodies have expressed

their concern. One group in Johannesburg reported that in nearly 90 per cent of cases there was evidence to support allegations of mistreatment. A high percentage showed signs of post-traumatic stress syndrome, familiar in the treatment of torture victims. These people experience again the trauma, hyperalertness and the disturbance of sleep, memory and concentration experienced during torture as well as panic attacks.²⁰

Detention

There are a number of laws in South Africa that allow the police - and in some cases the army - to hold people in custody without trial. All of these laws apply to children as well as adults, and legislation concerned with children's welfare is overridden by some of these laws. Not only have these laws been used to keep children incarcerated for periods of up to three years, but they have provided the conditions which have allowed violence and torture to be inflicted on large numbers of children.

According to the government's figures, the number of juveniles detained under "security laws" between 1977 and 1981 was over 700.²¹ As the scale of open resistance to apartheid increased from 1983 onwards, particularly with widespread and sustained school boycotts, large numbers of children were detained - there appear to be no accurate figures or estimates initially, partly because of the difficulty of monitoring the increasingly frequent use of Section 50 of the Internal Security Act to effect mass detentions in particular areas.

With the declaration of the State of Emergency in July 1985, covering part of the country, large numbers of children were detained along with thousands of adults. The government refused to give detailed information, and during the more extensive State of Emergency in force since June 1986 it has refused to give any more information than the Public Safety Act has required (the names of people held for 30 days or more). Nevertheless a network of monitoring groups covering most areas of the country has provided enough information for an assessment of what the regime has been doing. It was soon apparent that it was engaged in a major and, as a minister described it, "relentless" attack on democratic legal organisations which had been established since 1976 - a network of many hundreds of community, youth, women's, religious, labour and other organisations. Young people had been engaged in a protracted struggle over apartheid education and had been a part of the process of establishing legal structures of resistance more and more clearly committed to the ending of the apartheid system and aligned with the struggle for national liberation. The officers and members of youth, student and pupil organisations therefore formed a large part of those detained, as well as anyone participating in the campaigns and protests organised by them.

By August 1985, when the Congress of South African Students (COSAS) was banned, over 500 members or officers of the organisation had been detained under the emergency regulations. COSAS, founded in 1979 in the wake of the repression which followed the Soweto uprising, was a national organisation of school pupils.

When the emergency was lifted for a few months in March 1986, the government revealed that of the 7,700 people detained during the emergency, 2,016 had been under 16, and 3,681 aged 20 or under. During the current phase of the state of emergency, starting in June 1986, monitoring organisations estimate that between 9,000 and 10,000 children (that is people 18 years or under), have been held under emergency regulations (out of an estimated total of 22,500).²²

Some of the children detained under the emergency regulations were held for over two years - one example was a young boy from Tembisa, detained when he was 15 years old in July 1986 and still in detention in February this year.²³

Restriction of individuals and organisations

As emergency detentions decreased in 1988, a new instrument of repression was brought to bear - many released detainees were subjected to restrictions under the emergency regulations on their activities and movements. By June this year there were estimated to be in the region of 1,000 people who were prohibited from a range of activities which typically included participation in organisations to which they belonged and addressing more than 10 people. These restrictions, in force until such time as the emergency was lifted, generally required those affected to be in their homes from dusk to dawn and to report to police stations at least once a day. Amongst the detainees who were restricted on release, according to the Human Rights Commission, were at least 39 people who had been 18 years old or younger when they were detained. Almost all were active in youth, pupil or student organisations.

This action was coupled with restrictions on the organisations themselves - out of 32 anti-apartheid organisations which during 1988 were restricted until the end of the State of Emergency from engaging in any activities whatsoever, seven were youth or pupil and student organisations. Apart from SAYCO they included the Cape Youth Congress, the Soweto Youth Congress and the Port Elizabeth Youth Congress.²⁴

Trial

Detention may be a preliminary to trial, but in fact only a small proportion of people detained either under the permanent "security" laws or under the emergency regulations is ever brought to court on any charge. But there are tens of thousands of other people, including children, who are brought to court because of their opposition to apartheid.

The law is one of the main instruments by which the minority rulers of South Africa keep themselves in power and deny the majority their basic rights. Since the 1950s an increasingly powerful apparatus of so-called "security laws" has been created, giving the police powers to ban organisations, detain people, restrict people, impose censorship. The courts have been given the power to imprison activists and organisers for their opposition to apartheid.

The common law, however, has also always been a means of repression, particularly directed against mass action and protest. Provisions against "public violence", "damage to property", "incitement", "riotous assembly" (later made a statutory offence) and "arson", as well as "murder", have been used to licence the arrest, trial and imprisonment of all who have been involved in mass action and community resistance. These charges have been used against those taking part in attacks on the institutions of the apartheid state or in attacks on those who have collaborated in the enforcement and maintenance of apartheid.

This is a form of mass repression whose scale has seldom been publicly perceived at the time - those affected are generally not well-known leaders, and their appearance in numerous scattered courts across the country on what the press tends to regard as "minor" charges appears to awaken little press interest. It has generally only been after the event, when the government supplies annual statistics, that the extent of what has happened becomes evident. Despite the tendency to describe these trials as minor, the outcome in political cases frequently involves long prison sentences - even death sentences when charges of murder have been brought in connection with the deaths of collaborators or policemen. As explained below, there is also evidence that the process of arrest and trial is itself used as a form of punishment, regardless of the outcome.

During periods of mass protests, such as the early 1960s, this kind of political trial has been used on a massive scale. In the three years after the Soweto uprising of 1976 over 75,000 people were charged with such offences, 44,000 of them being convicted. Over 12,000 of those charged during these three years were juveniles - 8,000 of the juveniles were convicted.²⁵

The period since September 1984 has been comparable to these two earlier periods of mass repression. On the basis of partial official figures and estimates by human rights groups, from September 1984 to the end of 1986 around 40,000 people were arrested on charges arising out of their participation in protest and mass action - 14,000 at least were juveniles.

In giving these figures it must be stressed that they are sure to prove an underestimate. Figures for the "independent" bantustans are not included, and during this period violent mass repression occurred in the Transkei, Ciskei, Venda and Bophuthatswana bantustans - the number of arrests on charges of this kind in those areas would also be measured in thousands, and in each area there were substantial numbers of children involved. Further, there is little indication of how the police arrived at their categorisation of offences. The Minister of Law and Order attempted to convey the impression that many of the arrests were "criminal" as opposed to "political". How many of the 236,000 juveniles held awaiting-trial in police stations - according to official figures - during the four years from 1983 to 1987 were held in connection with political protest, it is not possible to say beyond accepting the police figure as a minimum.

When children are arrested on charges of this kind the protection of the Child Care Act is minimal, and, as noted below, may work to their disadvantage. The Criminal Procedure Act requires that trials of people over seven and under 18 be heard in Juvenile Courts. (Children under seven cannot be held responsible for criminal

conduct under South African law.) In fact these are ordinary criminal courts with only the following differences - trials are held *in camera*; defendants may be assisted by their parents or guardians; and there are sentencing alternatives not available in the adult courts (probation, placement in the custody of a suitable person, and reform school or temporarily a "place of safety" or place of detention).

Courts are only obliged to inform the parent or guardian of a child's arrest and subsequent court appearance where they are known to be in the same magisterial district as the court and are traceable without delay. It is therefore legally possible for a child, as young as seven, to be arrested, held, tried, convicted and sentenced without his or her parents' knowledge. In response to the Law Commission's report in February 1989, in which it was stated that children were protected by a right to be represented in court, a representative of the Free the Children Alliance referred to research which showed that such protection was not effective and that "the vast majority of juveniles are accused, held in prison cells, tried and sentenced (or sometimes discharged) without any adult appearing on their behalf".²⁶ A study on the subject concluded that: "The discretion of the courts and police, practical difficulties in the implementation of alternative welfare sentences, the technical complexity and inadequate provisions of the law itself, cause the Criminal Procedure Act to offer little real protection to children in the criminal justice system."²⁷

Further, in the context of political repression, holding a trial *in camera* is less a protection for children than a means of isolating them from the community, and diminishes media interest. And the total inadequacy of alternative places of detention to accommodate the numbers involved means long periods of detention in police cells for many.

Some light on what children charged of such offences go through has come from occasional press reports and from reports by monitoring groups on the courts in their areas.

In a report, representative of others, the Black Sash in the Western Cape described the treatment of such cases arising from the protests of 1985 as "punishment by process".²⁸ The article documented the process from arrest to the completion of trials. In the cases monitored 42 percent of the accused were juveniles, and only 13 percent of the adults and 17 percent of the juveniles were convicted. In common with other groups the Black Sash concluded that:

"What is clear from these figures is that very large numbers of innocent people are arrested in random fashion and charged on flimsy evidence that cannot stand up in court. They are thus made to endure a protracted period of punishment by process with little hope of redress."

While the majority of cases may not end in conviction, where they do, the result may be heavy sentences of several years for young people.

Imprisonment

In terms of the Child Care Act, no child under the age of 18 should be imprisoned. However juveniles convicted of offences under the "security laws" and some other

offences are excluded from these provisions of the Children's Act. There are in fact many children under 18 convicted under other laws in prison. In terms of the Prisons Act definition of juveniles (under 21), the number of juveniles serving prison sentences is in the thousands.

Since 1986 steps have been taken to establish special prisons for children in response to the large number of young people being imprisoned in connection with mass protests. One was converted from a long-established prison at Leeuwkop between Johannesburg and Pretoria, and held 700 juveniles during 1988.²⁹ It was reported in August 1987 that a special "maximum security hostel" for detained children was to be built in the Eastern Cape.³⁰

The total juvenile population in prison is large, and consists of a number of groups. In 1986 there were 2,280 infants (under seven) admitted to prison with their convicted mothers or born in prison. The latest available figures in August this year were for the end of 1987, when there were 2,700 people aged 15 to 19 years old in prison awaiting trial and 4,700 people of the same age in prison as convicted prisoners.³¹ Of the sentenced prisoners 623 were 17 years old or younger.³²

The latest in-depth report on the jailing of children, compiled by two doctors who in 1986 visited prisons in the Cape Province, deepened the concern which already existed about the jailing of children. They found the children - ranging in age from 10 to 20 years, many of them being held on charges of public violence - in overcrowded conditions. Cells containing 30 to 40 people had one toilet and one urinal. The juveniles were given the same diet as adults, which, the doctors said, was inadequate as juveniles had food requirements that were greater than those of adults. They also noted that the mealtimes were totally unsuitable for children, with the last meal of the day between 2.30 pm and 4.30 pm, a routine they described as "quite unacceptable for unsentenced prisoners who are locked up 23 hours a day".³³

The number of political prisoners among the juveniles is unclear as the authorities have not supplied sufficient information. When the authorities respond to challenges concerning political prisoners, they refer to people whom they describe as having been convicted of "serious crimes against the security of the state" - out of 308 people in this category serving sentences in January 1988, none apparently was a juvenile. However there are many more people serving sentences for the common law offences described above (see *Trials*). The only indication of the extent of the imprisonment of juveniles in the repression of resistance at the moment must be gleaned from press reports of trials. As noted above press reports are extremely uneven and provide a very incomplete picture of the use of the courts as instruments of repression. Nevertheless a partial survey of press reports revealed that out of a total of 840 people known to be currently in prison after conviction in cases arising out of political activities, 180 were under the age of 21 when on trial - of that number 43 had been under 18 during their trials.

One case, the subject of a recent appeal, highlighted the vulnerability of children in prison and illustrated the nature of political trials in which children appear. Lungile Bacela was 16 years old in 1985 when three women, suspected of having caused the death of a young activist, were killed by a crowd of residents in the Eastern Cape

town of Stutterheim. Bacela and nine others were convicted of murder and other offences in September 1987. Bacela was sentenced to 14 years imprisonment for murder, three men were sentenced to death, and the other six received prison sentences of varying lengths. After a year in prison Bacela wrote to his parents saying that he was depressed and being badly treated. In September 1988 he was found hanged in his cell. In April this year, seven months after his suicide, the Appeal Court ruled that Bacela and the nine others, including the three sentenced to death, had been wrongfully convicted. It ruled that the state's evidence on which the conviction depended was so thoroughly unreliable that the trial court should have rejected it in totality. Neither at the time of his trial and conviction nor during his imprisonment was Bacela's identity publicly known as he was under 18 years of age. News of his death only became public when the outcome of the appeal was reported.³⁴

Armed force

While the judicial system provides a facade of legality for repression, ultimately the apartheid regime maintains itself in power by armed force. Control of the population, arrests, detentions and torture take place in the context of the deployment of a massive armed force. In "normal" times the heavily armed South African Police hold the line, but each period of mass challenge to the regime has seen a deployment of the army on an increasing scale. During the last decade the regime has also established further repressive forces, simultaneously bringing the whole of the coercive apparatus of apartheid more directly under military control. The prolonged State of Emergency has brought about a convergence of police and military functions and a situation of virtual martial law, and the increasing use against opponents of violence by organised groups outside the official state forces, but linked to them.

Since 1976 the regime has expanded its armed force in two ways. It has greatly increased the size of the South African Police (SAP) and the army (SADF), and the most recent budget indicates that it will continue to do so - compared with the previous year the budget for 1989-90 showed an increase of 22 percent in military expenditure and 30 per cent on the police. But other forces have also been established, directly or indirectly. The presence of regular armed forces in the townships and rural residential areas is to be reduced, but other forces are taking their place. In addition to the regular forces of the SAP there are now Municipal Police (incorporated into the SAP during 1989), Special Constables, Bantustan police and "unofficial" organised armed bands ("vigilantes") which are also attached to the lower levels of the state (councils and bantustans). Through the agency of the regime's National Security Management system and its Joint Management Centres which link its military, police and political structures at every level, these various forces form a single repressive force.

Just as children have suffered detention, arrest, trial and imprisonment, so too have they been the targets of the guns of the armed forces of apartheid.

Death and injury

With each upsurge of mass popular resistance the everyday violence of apartheid increases drastically, as in 1976-7, 1981-2 and since September 1984.

The figures given earlier (see *"Framework of Repression"*) give an indication, however inadequate, of the lethal character of this violence, and of the extent to which it affects children. The detailed evidence collected by monitoring groups makes clear that those killed have seldom been involved in actions posing any threat to the heavily armed police - examples generally involve allegations of demonstrations and stone-throwing and frequently less than that. There have been frequent reports of children shot or wounded in the back or side, indicating that they were moving away from the police who shot them. For example, a report which appeared in the South African Medical Journal in 1986 said that of the 93 people who died of gunshot wounds during "unrest" in Cape Town, most (55 per cent) were shot on the back of the body (11 of the 93 were under 15 years old).

This was consistent with an earlier report by the Catholic Bishops Conference concerning the conduct of the police in townships between August and November 1984 which referred to frequent cases of "reckless or wanton violence" including "indiscriminate use of firearms and teargas, assault and beatings and damage to property" by police. Those killed or injured, according to the report, included people shot by the police in their own homes or yards, as well as people simply in the street in areas where police were patrolling or carrying out operations.

The shooting of children during the State of Emergency, according to the Detainees Parent Support Committee, has followed two patterns. In some instances children were shot at very purposefully, especially if they were known to be active in organisations opposed to apartheid. On the other hand some children were victims of apparently random or careless fire by the armed forces. Amongst these latter cases, most of which involved children between 14 and 18, were: a nine-year old playing in the yard of his home with friends; children at funeral vigils; children at school or on the way to school; and children on the way to shops.

The police persistently denied the accuracy of such reports, but suppressed accounts other than their own. The unreliability of police accounts has been repeatedly demonstrated. It was underlined by the agreement of the police to pay large sums of money in compensation to people wounded when police opened fire on a funeral march in Uitenhage in March 1985, killing 20 people. At the time police claimed they were acting in self-defence - their subsequent agreement to pay R 1.3 million acknowledged the falsity of those claims.

Recent court cases have recalled earlier incidents of police shooting of children, while further incidents have demonstrated that the patterns of police violence described above, continue. Below are just a few examples.

- In August this year a private prosecution for murder was initiated by the families of children killed by police in what has become known as the "Trojan Horse" incident. An 11-year-old boy, a 16-year-old boy and a youth aged 21 were killed, and 11 others injured, in October 1985 when police, hidden in wooden crates on the back of a lorry fired on them after they allegedly threw stones at the truck. Although an inquest

found policemen responsible for the deaths of the three, the state refused to prosecute them.³⁵

- In February 1988 a four-year-old girl, Roseline Cloete, and 13-year-old Michael Julies were shot and killed, and 14 people were injured by police at Kakamas in the Northern Cape. The police said they were dispersing a stone-throwing crowd, but witnesses, including an independent Member of Parliament who visited the scene, said there was no evidence of stones having been thrown.³⁶

- In March this year a 12-year-old boy was killed and an 18-year-old wounded when police opened fire on a crowd in Upington in the Northern Cape. Witnesses said the policemen, who alleged that they were being stoned, were drunk.³⁷

Police action in the Western Cape during September this year brought yet more examples of the shooting of children.

"Martial law" and emergency rule

Whenever popular resistance has reached a level beyond the capacity of the heavily armed police to contain it, the army has been mobilised. In 1981 the Defence Act was altered to allow SADF units to be mobility for the "suppression of internal disorder" and for tasks hitherto primarily the responsibility of the police. At the end of 1984 troops moved into the townships when popular opposition swept aside the township councils which the regime had established so that collaborators could administer the black population and take Pretoria out of the front line.

Since then tens of thousands of troops and police have been used to enforce emergency regulations and to assert the regime's control over black residential areas. In 1985, 30,000 National Servicemen were deployed in townships - subsequent figures have not been disclosed. This major deployment of police and troops together with the powers given to them under the emergency regulations and the secrecy with which censorship surrounds their activities have created a situation not far removed from martial law.

The emergency regulations give the police and army extremely wide powers, with virtually no legally enforceable limits, and with no distinction between adults or minors. The police and army (described in the regulations as "security forces") are empowered to make arrests without warrant; detain people for an initial period of 30 days; interrogate detainees; search property and confiscate items; and forcibly remove anyone from a particular area. In addition the Commissioners of Police can issue regulations which prohibit any activities they define, including the holding of meetings by specific organisations.

Any member of the police or army can use these emergency powers whenever they are of the opinion that it is "necessary for the maintenance of public order or the safety of the public, or for the termination of the state of emergency". This power to decide what use of force is legally correct is underwritten by an indemnity regulation - no civil or criminal proceedings can be taken against them in connection with "any act in good faith" carried out in terms of the regulations - and any court must presume until the contrary is proved that the act was done in good faith.

These powers have been still further enhanced by emergency restrictions on the dissemination of information about police and army actions - these restrictions banned all reports on the conduct of the "security forces".

Armed with these powers and protected by secrecy the police and army acted ruthlessly to try to impose control. From police stations, army bases and "temporary" camps set up near residential areas, police and troops in armoured vehicles have patrolled the streets, breaking up demonstrations or gatherings, firing teargas and rubber bullets or live ammunition, detaining and interrogating people and maintaining a show of force. Children have been foremost amongst their victims, especially during school boycotts.

Children involved in resistance in educational institutions have experienced extensive deployment of "security forces" against them. Special emergency regulation have been issued controlling their movements during school hours, and prohibiting the study or teaching of anything but the official syllabus. To break class boycotts troops or police have roamed the streets in armoured vehicles, picking up and intimidating children suspected of boycotting school. In other areas and at other times they have acted to prevent schools being used for meetings or being reopened, by surrounding them and preventing pupils and teachers from entering.

In mid-1986 army and police units were despatched in force to schools to prevent the implementation of "people's education" - an alternative curriculum to the official apartheid one - and to stop the re-opened schools from being used for mobilising activities. Armoured vehicles were stationed at school gates or on playing fields and troops attempted to check pupils' Identity Cards. There were reports of troops patrolling school corridors, entering classrooms to detain students or even monitoring lessons to ensure that teachers were not deviating from the official syllabus. The presence of troops in schools was still an issue over which pupils were taking protest action during 1989.

"Internal refugees"

Much of the violence against children over the last three years has come from the extra-legal armed forces attached to the apartheid state, the so-called "vigilantes". The most publicised case is that of the forces linked to Inkatha in the KwaZulu bantustan. But such groups have proliferated and they exist in many areas. Their campaign of violence and terror, which began to attract attention during 1985, has assumed increasingly serious proportions. As the number of people killed by the regular forces has decreased, victims of the extra-legal forces have increased. Although presented by the regime as "black-on-black violence", in an attempt to present the official state forces as playing a peacekeeping role, the victims of the violence are largely trade unionists and members of the broad democratic forces opposed to apartheid.³⁸

These groups frequently direct their violence against the youth organisations and children who have expressed in action their opposition to apartheid. The most vulnerable children are those whose imprisonment, detention or requirement to

report daily to a police station has identified them as opponents of apartheid. In December last year the director of a special unit set up in 1986 by the Johannesburg Child Welfare Society in response to the needs of children spoke of the problems of such young people. She said that a child's trauma does not end with their release, and that in some ways it may begin then. They may feel unable to go home for fear of being picked up again by the police or vigilantes. The DPSC named these children "internal refugees", and said that there "were literally thousands of released children too scared to go home".³⁹

Their fears are amplified by the number of young people assassinated or attacked. The examples below exemplify what is involved.

- In May this year a 16-year-old boy - who wanted to remain anonymous for fear of reprisals - spoke to a newspaper of his two years of fear since he was trapped under a pile of bodies killed by vigilantes in a massacre in Natal. He said: "I have dreamt my death many times. But in the dream there is no blood. The blood is in our waking hours when the armed groups creep through the dark to burn our houses and kill us." He is one of an estimated 20,000 displaced people in the area.⁴⁰

- In November last year community organisations in Tumahole, Northern Orange Free State, brought an urgent court application to restrain the police from harming members of the community after two leading members of the Tumahole Youth Congress were shot dead by council police.⁴¹

- In May this year 19-year-old Pamela Majodina, former president of the Students' Representative Council of a Soweto High School, was attacked by unidentified armed men on her way home from reporting to the police as required by her restriction order.⁴²

- In July this year it was reported that more than 2,000 people from KwaMgwagwa, about 20 kms from Pietermaritzburg, have fled the violence emanating from groups attached to Inkatha. Many of them are members of the Mveleni Youth Congress, two of whose members aged 18 were abducted and murdered in October 1987.⁴³

Resistance

In spite of all the repressive violence that is directed against them, young people in South Africa have continued to act as an organised part of the popular opposition to apartheid. Their action has been focused on issues surrounding education, but it has been within the broad framework of resistance and commitment to the creation of a non-racial democratic South Africa.

The effective banning of SAYCO in February 1988 and sustained repression did not prevent frequent, if sporadic, protest action in schools, colleges and universities. The range of issues over which there were protests was wide, but during 1988 was mainly concerned with repressive action by the police, government and education authorities. Arrests and detention of pupils, the presence of police and the SADF in schools, restrictive conditions for student registration, and the disciplining and transfer of teachers who had expressed support for student actions were among the most common causes of class boycotts. There were also class boycotts in October

1988 in support of the boycott of the municipal elections.⁴⁴

When, in February this year, detainees resorted to hunger strikes in order to draw attention to their situation, there were children among the hunger-strikers. By that time some had spent almost three years in detention. On their release many, as noted above, were placed under orders restricting their activities and movements.

At the beginning of this year educational protests focussed on moves by the government to assert greater control over schools and in particular to enforce tightened procedures for the expulsion and admission of pupils to schools. There were reports that pupils known to be politically active, in particular ex-detainees, were being excluded from schools in some areas.⁴⁵

By June a resurgence in activity amongst school pupils reflected grievances over a range of issues. There were protests over the detention of politically active students and conditions in schools, including a severe shortage of classroom space, books and other facilities. There were also demands for the withdrawal of the army from school premises.⁴⁶ When the regime attempted to justify the renewal of the national State of Emergency, for the fourth time in succession one of the factors it cited was the extent of resistance in schools.⁴⁷

This activity by school pupils was part of a generally heightened state of open resistance as there developed a campaign of mass defiance of the State of Emergency and apartheid laws. In August, when the restricted anti-apartheid organisations defied the prohibitions on them, SAYCO and other pupil and youth organisations were amongst them.⁴⁸

Throughout August, as the date for elections to the segregated parliament approached, defiance of State of Emergency regulations and of apartheid laws spread throughout the country, along with mobilisation for a boycott of the elections. As this happened the police acted with increasing violence. In accordance with patterns established over previous years, children were detained without trial under emergency regulations, or else arrested and brought to court on charges such as public violence or illegal gathering.⁴⁹

On the day of the elections, 6 September, the police became even more violent. According to monitoring groups and community leaders they killed at least 20 people in the Western Cape alone. Although the police denied this a Cape Town lawyer said that he had verified at least 29 killed and 100 injured. Mothers testified to the killing of their children. Sixteen-year-old Yvette Otto had walked across the street to visit a friend. When she came out a policeman walked up to her and shot her in the chest at point-blank range, killing her. Patrick Miller aged 13 was shot in the head and killed as he walked to the shops. A five-year-old was shot in the head by men in a passing car. A three-year-old girl standing in a doorway with her mother was injured when she was hit in the face by birdshot. A community health worker described helping about 50 children for injuries caused by shotgun and rubber bullets, as well as teargas.⁵⁰

These attacks on children reflected the extent of their courage in taking part in demonstrations and protests, aware of the dangers they faced from a police force whose readiness to inflict violence had been demonstrated throughout much of their lifetime. On the day before the election and on election day itself, according to the Congress of South African Trade Unions, a million children boycotted classes in joint

protest with upwards of two million workers who stayed away from work.⁵¹ By this action they underlined their understanding, expressed in the programmes of their pupil, student and youth organisations, that an end to the apartheid system is a prerequisite to making fundamental changes in the lives of black children in South Africa.

NOTES

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³¹ *Focus on political repression* 77, p. 8; *Summary of World Broadcasts*, British Broadcasting Corporation, London 22. 3. 88.

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CREATING A SUPRANATIONAL CURRENCY

An Interview with Prof. Robert Triffin

Q: In your paper "Reform of the international Monetary System" as in many other writings you suggest that "paper exchange standard" anchored on US-dollar should be replaced by international standard based on reserves deposited with the IMF. Could you please in a few words explain the reasons for that statement?

A: The main reason for this is that the countries in surplus whichever they are accumulate their reserves primarily in dollars since this is the main instrument for keeping international reserves. That means that any country in surplus sends its money investments to the country which is already the richest in the world and the least in need for foreign capital for its own development.

This is of course the opposite of what is constantly repeated in the pious resolutions of the United Nations, i.e. that the rich countries like the United States should devote at least one percent of their GNP to helping the acceleration of development in the countries which are poor and more short of capital. If that principle were observed the United States should export each year about 40 billions of capital or even more to the rest of the world. But instead of exporting 40 billion dollars of capital they import at the moment a little more than a 150 billion net imports of capital. That means that every family, every household in the United States receives from poor countries about 2300 dollars per year which is an amount about equal to the total income on which 3.5 billion of people in the Third World must starve to death.

This is obviously the worst scandal that could be imagined. And this will continue as long as countries accumulate their reserves in a national currency, because they always take what is supposed to be the strongest currency. And because the situation in the United States is so precarious at the moment there is some switch from the dollar to other currencies and that could also create financial problems. But the basic thing is that the reserves accumulated by the countries in surplus should be primarily used to help development and this would require some substitution of the national currency of the United States or Germany or Japan by the truly international reserves with the Fund. And that could be done.

Don't forget that a large amount of all this money that goes to the United States is put into still increasing further the overrearmament race which is lethal to the world and totally unnecessary since with one percent of their present nuclear arsenal the United States or Russia could annihilate each other already. Why do they have to be able to annihilate exterminate the other country more than hundred times? To annihilate it once is already too much.

Q: Thank you. And do you believe that the IMF has enough strength and power to bear this responsibility?