

[Source: African National Congress Manual, in “Report of Commission on National Structures, Constitutional Guidelines and Codes of Conduct”, released at the ANC National Consultative Conference at Kabwe, June 1985; available at <http://www.anc.org.za>]

N.B. As per the disclaimer, neither the ICRC nor the authors can be identified with the opinions expressed in the Cases and Documents. Some cases even come to solutions that clearly violate IHL. They are nevertheless worthy of discussion, if only to raise a challenge to display more humanity in armed conflicts. **Similarly, in some of the texts used in the case studies, the facts may not always be proven;** nevertheless, they have been selected because they highlight interesting IHL issues and are thus published for didactic purposes.

AFRICAN NATIONAL CONGRESS MANUAL

Preamble

Recognising that our army, *Umkhonto we Sizwe*, must define its aims and objects in clear and precise terms, and that the rights and duties of each member should be likewise defined without ambiguity, the Politico-Military Council, acting on behalf of the African National Congress of South Africa, has adopted and hereby decrees this code for the guidance of members in cell positions.

1. *Umkhonto we Sizwe* – a People’s Army

The ANC and its allies created *Umkhonto* as a new and indispensable weapon in the struggle for people’s power. Unlike the armed forces of the racist regime of South Africa, which we have vowed to crush and annihilate, and unlike all other armies of imperialism, *Umkhonto we Sizwe* is a People’s Army organised and dedicated to waging a people’s war for the liberation of our country.

Umkhonto is an army of volunteers. It consists of volunteers drawn from the revolutionary sections of our people. By joining *Umkhonto*, combatants commit themselves to the solemn and noble duty of serving our suffering and dispossessed people in the struggle that will continue for each and all of us until victory or death.

In the words of our founding Manifesto, published on the historic day of 16th December 1961: ‘*Umkhonto we Sizwe* will be at the front line of the people’s defence. It will be the fighting arm of the people against the racist government and its policies of racial oppression. It will be the striking force of the people for liberty, for rights and for their final liberation.’

[...]

2. Political and Military Struggle

Umkhonto we Sizwe is the fighting arm of the ANC and its allies. Our armed struggle is a continuation of our political struggle by means that include armed force. The political leadership has primacy over the military. Our military line derives from our political line. Every commander, commissar, instructor and combatant must therefore be clearly acquainted with the policy with regard to all combat tasks and missions. [...] *Umkhonto* cadres, with arms in hand, are political activists and leaders, as well as warriors. This combination of political and military functions is characteristic of all popular, revolutionary armies especially in the phase of guerrilla warfare.

3. People’s War

Umkhonto is a people’s army fighting a people’s war. We fight to liberate our oppressed and exploited people. We fight for their interests. *Umkhonto* has no mercenaries, no paid soldiers or conscripted troops. [...]

The people support their army by providing it with recruits – their sons and daughters – food, shelter, and information about the enemy. The people open the way for our guerrillas and make the enemy’s path hard. Everyone can become a freedom fighter. The struggle has many fronts and is not confined to trained soldiers alone.

The ANC mobilises the people in support of the revolution through skillful combination of all forms of struggle: violent and non-violent, legal and illegal, strikes and demonstrations, boycotts and non-collaboration, propaganda, education and sabotage. A people’s war is fought by the people with arms and all other forms and methods of struggle. Without the organised support of the people, armed struggle is in danger of being isolated and strangled. The enemy attempts to isolate us by launching campaigns to win the ‘hearts and minds’ of the people – of our people, the oppressed and suffering workers and peasants. To defeat the enemy, we must involve the entire people in the National Democratic Revolution.

[...]

5. Umkhonto insists on a high standard of selfless devotion to the revolution on the part of all its members

They are required at all times to:

- a. behave correctly to the people;
- b. respect their persons and property;
- c. refrain from molesting or interfering with their legitimate activities;
- d. assist them to solve their problems and where possible give material aid in their labour; and
- e. demonstrate high moral qualities in word and deed.

6. Revolutionary Discipline and Consciousness

To defeat the enemy in combat, our soldiers must be disciplined, trained to obey commands promptly, and ready to spring into battle immediately when ordered. Vigilance, alertness and readiness to engage the enemy at a moment's notice are qualities that can develop only out of discipline, proper training and political consciousness.

[...]

Umkhonto soldiers pledge themselves to safeguard the revolution at all times regardless of personal hardships, suffering and danger. A soldier who breaks discipline, disobeys commands or by improper conduct betrays the high moral standards of our army will be punished. Such punishment is necessary to maintain the qualities expected of a people's army. Every attempt is made to correct bad behaviour and rehabilitate members who violate the army's code. But punishment is severe in cases of serious crimes, treachery and criminal neglect endangering the safety of others and the security of the army.

Our procedure and rules are well defined, precise and to the point. Military orders are issued with a definite purpose and must be obeyed. It is the duty and responsibility of every soldier to know and understand the army's code of conduct, to recognise his military commanders, to be clear about his own duties, and to carry out orders immediately and without question. Orders must be obeyed cheerfully, promptly and exactly. A soldier who does not understand an order has a right to have it explained. He must know when to raise problems, to whom he must report, and how to obtain clarification. He must not, in any circumstances, refuse to obey a command or argue over the execution of an order.

Outright disobedience and failure to obey an order promptly may have serious consequences. A soldier who thinks that he has been given a wrong order must obey it first and if need be complain afterwards to his commander. Our commanding officers, commissars, instructors and others who are entrusted with responsibility to lead must be above reproach. They are to be a shining example of modesty, sound moral behaviour, correct attitudes towards all members, respectful and helpful to every member of the army, regardless of his position. Commanders and Political Commissars occupy a central role in *Umkhonto*. Without them disorder can result. They are the principal target of the enemy and must be given maximum protection. *Umkhonto* is engaged in guerrilla warfare, against a powerful and remorseless enemy which resorts to torture, banditry and terrorism.

[...]

General Regulations

- 1. All army units shall preserve and safeguard political and military and organisational information relating to the army's security and well-being.**

The wilful or negligent disclosure of classified information to unauthorised persons, and the unauthorised acquisition and/or retention of secrets and classified documents shall be an offence.

- 2. All combatants must defend the ANC and be loyal to it, the army and the revolution.**

The following acts or omissions shall be an offence:

1. Disloyalty or deception designed or likely to give assistance to the enemy.
2. Rebellion or revolt against the army command or part of it or attempts to commit such an act of rebellion or revolt.
3. Conduct which causes despondence, spreads a spirit of defeatism, or undermines morale in any member or section of the army.
4. Cowardly conduct in the face of the enemy.
5. Wilful disobedience or refusal of orders properly given by a commander.
6. Desertion from the army.

- 3. All combatants shall act in such a manner that the people will put their trust in the army, recognise it as their protector, and accept the liberation movement as their legitimate and authentic representative.**

The following acts or omissions shall be an offence:

1. Conduct that weakens the people's trust, confidence and faith in the ANC and *Umkhonto*.

2. Theft from a comrade or the people, looting of property, or other forcible seizure of goods.
3. Abuse of authority and/or power.
4. Cruelty inflicted on a member of the army or public.
5. Assaults, rape, disorderly conduct, the use of insulting and/or obscene language, bullying and intimidation, whether against a comrade or member of the public.
6. Shameful conduct likely to disgrace the ANC army or the offender, or bring them into disrepute, or provoke indignation and contempt against them, such as violating the rights and dignity of the opposite sex, whether in operational or base areas.
7. Unjustifiable homicide.
8. Ill-treatment of prisoners of war or persons in custody.

4. All combatants shall protect the leadership and property of the ANC and Umkhonto

The following acts or omissions shall be an offence:

1. Failure to protect commanders and commissars against assault or attacks.
2. Wilful negligent destruction, neglect or misuse of the property and/or funds of the ANC and army.
3. Failure to submit and hand over to the commanding authority property seized or acquired during military operations.
4. Negligence in handling, using or storing and loss of weapons.

5. All combatants are required to have the permission of a competent authority to travel, move from one place to another or leave a camp, base or residence to which they are assigned.

The following acts or omissions shall be an offence:

1. Absence without permission.
2. Escaping or attempting to escape from the custody of a competent authority.

[...]

8. Punishment

All members of the ANC and combatants are required to respect the terms of the Geneva Convention on the Treatment of Prisoners of War in line with the formal acceptance by the ANC of these terms in 1981. Any violation of these terms shall be an offence. [...]

The following punishments may be ordered for offences under the regulations according to the gravity of the offence and the circumstances under which it was committed:

1. Reprimand or rebuke administered in private or public.
2. Suspension from duty for a specified period.
3. Fatigue and drills.
4. Restriction with hard labour for a specified period determined by tribunal.
5. Demotion from a position of responsibility.
6. Restriction in a rehabilitation centre.
7. Dishonourable discharge.
8. Solitary confinement for a period determined by tribunal.
9. The maximum penalty.
10. Any other penalty not included herein but appearing in the schedule of penalties for grave or serious crimes and violations.

Rules and Regulations Covering the Handling of Weapons and Explosives of our Movement

Introduction

[...]

In the interests of our revolution the following rules and regulations will be strictly enforced:

[...]

1. Unauthorised possession and use of weapons is strictly prohibited.
2. It is strictly forbidden to point a weapon, loaded or otherwise, at any person other than our enemy.
3. It is a serious offence to abandon without proper cause, lose, misuse, neglect or damage weapons, ammunition and explosives.

[...]

1. All weapons, ammunition and explosives must be handled by authorised persons and must be totally concealed in public except during combat marches in our training camps and schools and where permission is granted to have weapons for the defence of ANC personnel and property.

[...]

1. 10. The use of war materials for emergency purposes has to be reported to the appropriate authority.

[...]

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