

# reality

SEPTEMBER 1986

90 cents



A JOURNAL OF LIBERAL AND RADICAL OPINION

# in this issue . . .

EDITORIALS: 1. THOUGHTS FOR TOMORROW .....	2
2. NGOTSHE .....	3
THE HOUW HOEK CONFERENCE ON LIBERAL VALUES by David Welsh .....	3
MISSION TO SOUTH AFRICA: THE COMMONWEALTH REPORT review by Ralph Lawrence .....	5
POLITICAL CONFLICT AND CIVIL UNREST IN AFRICAN TOWNSHIPS IN NATAL .....	7
THE PORT ELIZABETH DISTURBANCES OF 1920 by Gary Baines .....	12
THE ABOLITION OF INFLUX CONTROL. WHAT NOW? by J.J. Olivier .....	15
PERCEPTIONS OF CHANGE: A REVIEW OF PAUL MALHERBE'S <b>SCENARIO FOR PEACEFUL CHANGE IN SOUTH AFRICA</b> AND JULIE FREDERICKSE'S <b>SOUTH AFRICA: A DIFFERENT KIND OF WAR</b> by Peter M. Stewart .....	20

Cover picture by Mogorosi Motshumi; by permission of **Staffrider** and Ravan Press.

Articles printed in **Reality** do not necessarily reflect the opinion of the Editorial Board

# EDITORIALS

## 1. THOUGHTS FOR TOMORROW

Only two institutions of state have emerged from the State of Emergency with credit, the Parliamentary Opposition and the Courts.

The Progressive Federal Party's consistent condemnation of every aspect of the Emergency, and its country-wide monitoring of its effects, especially the detentions of individuals, seem to us to provide an unchallengeable answer to those whose vision of their post-apartheid Utopia includes a one-party state. The Courts, these past few years, have taken an increasingly strong stand on individual rights where these have come under attack by the State. This has been particularly so during this present Emergency, where time and time again the Courts' interpretation of the regulations has gone against the Government. Some of the judgements have been quite remarkably critical of the authorities.

We hope the strong and independent stand taken on their behalf by the Courts these past weeks will give pause to those opponents of the Government who have been telling us that we should scrap the present judicial system altogether and put our faith in People's Courts. We view that prospect with horror. What chance would there be for any dissident there?

The surest protection for citizens of post-apartheid South Africa against abuse of their rights by the State will be a judicial system which retains the best elements of what we have already, which restores full independence to the Courts, and which introduces a totally impartial system of appointments to magisterial and judicial posts which will mean that there can be no question of their seeming to represent only one segment of one section of our community. □

## 2. NGOTSHE

Ngotshe is one of the most remote and conservative farming districts of Northern Natal. In the 1880s it became part of the New Republic which was set up by the Boers in that area and which was later incorporated into Paul Kruger's South African Republic.

Hardly a promising setting for the development of liberal attitudes one would think, yet on August 8th something quite remarkable happened there. Ten thousand people came together at the small town of Louwsburg to seal a pact protecting the land rights of black farm-workers living on white-owned land. Such a thing has never happened before anywhere in South Africa, where blacks living on white-owned land can be

given three months notice to get off it, even though their families may have been there for generations.

Now, in Ngotshe, things will be different. Mr Tjaart van Rensburg Chairman of the local Farmers Association told the gathering "The pact recognises the rights of blacks in the district . . . We are bound together as neighbours and partners; one cannot be successful without the other." And the Zulu King Goodwill Zwelithini told the crowd "We have come here as Africans – black Africans and white Africans – on the face of Mother Africa, to pioneer a new thing in human relationships."

If such words can be spoken in Ngotshe, all is far from lost. □

---

by David Welsh

## THE HOUW HOEK CONFERENCE ON LIBERAL VALUES

It is quite striking how various groups of South African liberals have independently recognised the urgent need for liberal values to be restated or recharged for the South Africa of the 1980s and beyond. There has been a sense that liberal values were going by default, under the sustained onslaught of both right and left.

Historically, the most forceful attack has come from the right, with liberals being forced to fight battles in defence of shrinking rights. So tough have these battles been that few liberal theorists have had the time or capacity to stand back from the immediate struggle and think out afresh what liberal values mean in a society such as South Africa. From the writings of Alfred Hoernlé in the 1940s there is a long break in systematic liberal philosophising, broken by the publication of the Spro-cas Political Report (written largely by André du Toit) in 1971, but thereafter seemingly lying dormant until the mid-1980s.

Now we have a flourish of activity, both cerebral and practical. Beginning with the delivery of Charles Simkins's seminal restatement of liberalism (the publication of which is anticipated), carrying on with a conference convened by the S.A. Institute of Race Relations and, most recently, the Houw Hoek conference which was organised by Jeffrey Butler, Richard Elphick and myself. In addition there has been the Grahamstown conference in mid-1985, which examined the history of the Liberal Party (whose history, by the way, is beginning to be mangled by the left), and subsequent attempts to establish a Liberal Association.

The Houw Hoek conference was born out of the recognition, shared by many liberals, that liberal values had for too long been taken for granted, both by protagonists and antagonists. Few people, including academics, could articulate a forceful and coherent statement of what liberalism was all about. Moreover, the sustained attack from the left and from the Black Consciousness movement had tended to sap the self-confidence of liberals and to put them on the defensive.

In the English-language, predominantly white universities, the left occupied the high moral ground, if not the support of the university communities at large. The intellectual discourse on South Africa's past and present was dominated by neo-Marxist and Marxist thinking, even if this thinking has become increasingly fragmented.

Our conference sought to achieve three basic aims: first, to review the history of liberals, liberalism and liberal activity in South Africa – partly with a view to rescuing this history from interpretations currently being placed upon it by revisionists, but more importantly because it is a significant history that deserves empathetic analysis. Secondly, we tried to take stock of the critique of liberalism emanating from the left. This was, in general, not undertaken in any combative, 'Marxist-bashing' spirit. As the published papers will show, their tone was sober, analytical and refreshingly free from any sense of wounded **amour propre**. Generally speaking, I would say that most of the liberal scholars took the sensible and balanced view that the

revisionist critique had been valuable, that it had pointed up some weaknesses in traditional liberal analyses, thereby acting as a useful spur to future analysis. Few liberals would deny that the revisionist revolution in historiography has produced insights of immense value, which more eclectic scholars can use, without necessarily embracing the entire historiographical paradigm employed by the revisionists. For example: few liberal scholars would accept the proposition that class is the primary analytical category in South Africa, but nowadays few would dismiss its analytical usefulness quite as cavalierly as before.

A third aim was to breathe new life into, and to restate, liberal values. Here we wrestled with many of the traditional issues like equality, freedom, the Rule of Law, civil rights and so on. For far too long liberals have been inclined to assume that collectively these values were inherently and self-evidently 'a good thing'. One hopes that the published papers by Johan Degenaar, John Dugard, Tony Mathews, Gerald Shaw and Charles Simkins will provide a more substantial basis for continuing to believe that they are 'a good thing'. Perhaps the most interesting aspect of the discussions in this area was the question of 'group rights': do they exist, and should they be entrenched in a Bill of Rights and/or a constitution? Most (but not all) came away convinced that the idea of group rights was a chimera, other than in the case of language and religion, whose protection could in any case be subsumed in a conventional Bill of Rights. This, however, is a debate that has just begun and will undoubtedly continue.

A repeated theme was that liberalism, if it were to be relevant, had to be democratic, even radical. If it could be construed merely as a covert defence of capitalism or an elaborate facade for the perpetuation of inequality then it had no role to play. At the same time, however, most of the economics papers argued that the retention of a market system, modified by what might be termed 'social democratic' interventions, was necessary both in terms of allocative efficiency and incentives, as well as an underpinning of an open society.

On the basis of this conference and other discussions in which I have participated it seems to me highly likely that liberalism has to go the route of social democracy if it is to survive as a significant set of values. It is far too facile to assume that historically liberalism has merely been capitalism's **alter ego** – which conventional Marxist analysis suggests. Liberal values derive

from many sources, not just the aspirations of 'possessive individualists', helpful though they may have been at a certain state of capitalism's development.

Liberalism, it seems to me, is not necessarily or intrinsically related to particular types of economic system. The values it upholds can theoretically be applied to several kinds of economic arrangement: **which** kind is a matter for empirical examination. Thus far the evidence is clear: the set of rights that is at the core of liberalism is consistently upheld **only** in societies that are predominantly market-oriented and protect the rights of private property. (Such societies, incidentally, include the Scandinavian social democracies which are often incorrectly described as 'socialist').

The economic dimension of liberalism remains an open-ended issue. At the very least the Houw Hoek conference showed that there is still scope for debate. The papers by Séan Archer, Norman Bromberger and Ken Hughes, and Jill Nattrass represent a promising and creative start to the process of thinking about the South African economy after apartheid.

Somewhat to the chagrin of the organisers the further the conference proceeded the more gaps we realised we had left. In the light of hindsight we wished we had had a paper on Alfred Hoernlé – currently stigmatized by some on the left as a progenitor of apartheid; we needed a paper on liberal values in education, and so on and so on until the list gets embarrassingly long!

The gaps will be apparent to the critical reader when the book appears next year. But in self-defence we have to say that our conference was, like the other liberal stirrings, a preliminary to a more sustained effort to provide an intellectual basis for liberal values. At a future conference (1988?) we hope to plug some of those gaps.

We also have to be frank and open about the most serious gap of all in our conference, the lack of a strong African presence. I will not weary the reader with a long account of our efforts to fill this gap: the brutal and unpalatable truth is that in the circumstances of South Africa in 1986 liberalism (at least as it is understood) is not an attractive philosophy to the great majority of able, creative and articulate African scholars. I happen to believe that many misconceive what it is all about. I believe that the great majority of blacks actually want a society that is genuinely free, and would resent a post-apartheid government that stifled freedom because it and it alone 'knew' what the people wanted. □

#### EDITORIAL BOARD

**Chairman:** Peter Brown

**Vice-Chairman:** Alan Paton

**Consulting Editors:** T.V.R. Beard, M. Frost

**Members:** F. Antonie, J. Arnott,  
N. Bromberger, M. Dyer, C. Gardner,  
A.S. Mathews, P. Rutsch, J. Unterhalter,  
M.G. Whisson.

**RATES** (6 issues - published every two months)

#### ORDINARY SUBSCRIBERS

S.A. R6,00 p.a.

U.K. £4,00 p.a.

U.S.A. \$6,00 p.a.

#### DONOR SUBSCRIBERS

S.A. R25,00 p.a.

U.K. £ 12,00 p.a.

U.S.A. \$20,00 p.a.

REALITY, P.O. Box 1104, Pietermaritzburg 3200 R.S.A.

# MISSION TO SOUTH AFRICA: THE COMMONWEALTH REPORT

## The Findings of the Eminent Persons Group on South Africa

Harmondsworth, Penguin Books for the Commonwealth Secretariat, 1986. 176pp. 2.50 Pounds Sterling.

In October, 1985, the Commonwealth heads of government assembled for their customary biennial summit meeting. On this occasion the setting was Nassau in the Bahamas. Prior to the event it was obvious that proceedings were going to be dominated by discussion on the Commonwealth's policy towards South Africa. Twenty-five years ago Prime Minister Verwoerd was virtually compelled to withdraw South Africa from the Commonwealth because his Nationalist government's racist practices were so abhorred by the former British colonies elsewhere in Africa and in Asia and the Caribbean. Yet the spectre of South Africa still haunted the Commonwealth, so much so that it threatened the very unity of this British club, which prides itself on being able to conduct affairs of state without rancour. In 1977 the Gleneagles Agreement urged Commonwealth members to discourage official sporting links with South Africa. The communiqué issued after the Commonwealth meeting at New Delhi in 1983 stated that apartheid was 'the root cause of repression and violence in South Africa and of instability in the region', but did not propose any new measures against P.W. Botha's government.

By 1985, however, the climate of international opinion had become increasingly less tolerant of apartheid rule. Most Commonwealth heads of government arrived at Nassau determined to ensure that South African obduracy should be countered by the imposition of comprehensive, mandatory economic sanctions. It was equally well known that the British Prime Minister, Mrs Thatcher strongly disagreed with this strategy and believed, by contrast, that Mr Botha should be given as much leeway as possible to encourage his government to dismantle the apartheid system according to its own timetable. Since these opposing views were irreconcilable the most important priority at the Nassau conference was, somehow, to arrive at a formula that could command unanimous consent, thus enabling the Commonwealth to speak with one voice.

The upshot was 'The Commonwealth Accord on Southern Africa', which called on the government in Pretoria to renounce the apartheid system and begin to dismantle it, to end the then existing state of emergency, to release all political prisoners, to unban political movements and, finally, to establish conditions for dialogue, which would be a step in the direction of a non-racial, democratic political order. To initiate the process of dialogue, the Commonwealth decided to appoint a small group of eminent persons to study conditions in South Africa at first hand and to establish a basis for negotiations between the Nationalist government and

its opponents, principally the African National Congress. Substantial progress towards the objectives of the Commonwealth Accord had to be achieved within six months. Failing that, economic sanctions of some kind were likely to be introduced against South Africa.

Mrs Thatcher, far from acknowledging that the spirit of Commonwealth compromise had prevailed in the Bahamas, instead proclaimed a victory for her point of view. Immediately suspicions were aroused among the South African government's more implacable foes: an exercise in 'shuttle diplomacy', they said, was merely a delaying tactic, designed to postpone the onset of sanctions. So the Commonwealth mission, the Eminent Persons Group, made its way to South Africa in early 1986, knowing that doubts about its credibility had to be overcome in order for progress to be made. How successful was the mission to Africa? It turned out to be a mission impossible, with profound consequences for South Africa and for the Commonwealth. The whole story cannot be told here. But to make some sense of the events now unfolding around us in South Africa, the Eminent Persons' Report, **Mission to South Africa**, is essential reading. Its remarkably swift publication is a real boon. Furthermore, unlike most governmental committee reports, especially in this neck of the woods, it is a good read.

Only superannuated politicians were appointed to the EPG. Three, in particular, carried considerable clout. Malcolm Fraser had been Prime Minister of Australia for eight years and fancied himself as a world statesman. General Obasanjo of Nigeria enjoyed the rare accolade for a military ruler of relinquishing his position as head of state and restoring civilian rule. Lord Barber had been Edward Heath's Chancellor of the Exchequer and was now chairman of the Standard Chartered Bank, which has considerable interests in South Africa. In addition, the Bahamas proposed Dame Nita Barrow; India, Sardar Swaran Singh; Canada, Reverend Scott; and Zambia and Zimbabwe, John Malecela, a Tanzanian who is a former government minister. About the only thing they had in common was that they were all English speakers, yet they managed to submit a unanimous report, an astonishing political feat in the circumstances.

The emissaries spent roughly five weeks in Southern Africa, touring the region, collecting information and conducting numerous interviews with persons of all political persuasions. In South Africa they talked to Government ministers, parliamentarians representing all political parties (except the HNP), academics, news-men, students, churchmen, ambassadors, businessmen, trade unionists, community organisers and civil rights campaigners. They conversed in stately buildings, they entered townships, they investigated informal

settlements. Their bleak impressions are recorded in

### **Mission to Africa.**

What will intrigue many readers too, I suspect, is the portrait they draw of Nelson Mandela, so important and yet so shadowy a figure to virtually all South Africans nowadays. They visited him on three occasions. Their assessment? 'He impressed us as an outstandingly able and sincere person whose qualities of leadership were self-evident. We found him unmarked by any trace of bitterness despite his long imprisonment. His over-riding concern was for the welfare of all races in South Africa in a just society; he longed to be allowed to contribute to the process of reconciliation'. Not a demon at all. Actually, rather a wistful elderly man, rueing his country's lost opportunities, but adhering steadfastly to the principles which led to his long imprisonment.

What captivated me most in this document, however, was the saga of the Eminent Persons' discussions with the South African government. In effect, the success of the Commonwealth mission depended on working out ground-rules which would be equally acceptable to both the Nationalist government and the ANC. The parties, the EPG reasoned, would have to agree on the terms of negotiation before negotiations proper could get underway. The exchange of letters between the Commonwealth co-chairmen, Fraser and Obasanjo, and the two Bothas, P.W. and Pik, gives us a rare insight into how the leading lights in Pretoria think and conduct themselves away from the glare of publicity. These letters make sombre reading. Now, with the benefit of hindsight, one can see quite plainly that P.W. Botha resented what he saw as the Commonwealth's intrusion in South African domestic affairs. Nor was there any chance of his government agreeing to bargain with the ANC on equal terms for that would be seen as granting the organisation a legitimacy his Cabinet was not prepared to concede. Furthermore, the EPG believed that for negotiations to get underway both sides would have to suspend violence. The South African government did not accept the premise that it perpetrates violence. Moreover, it demanded that the ANC renounce violence, not merely suspend hostilities temporarily. The State President refused to budge and preferred instead to pander to his domestic constituency by authorising military raids against Zimbabwe, Zambia and Botswana. These took place on 19th May, the same day that the Eminent Persons met the South African Cabinet's Constitutional Committee. Hardly surprisingly, the Commonwealth initiative collapsed instantly. Its prospects of success were always very slim, contrary to what the Report says, but no-one could have foretold how abruptly the process would end. Certainly the Commonwealth could not have been rebuffed in a more humiliating way.

The aftermath proved ironic. The Commonwealth Report left Mrs Thatcher unmoved, as her subsequent interview with Hugo Young in **the Guardian** reveals. And the six months delay only increased the clamour for sanctions. Over half of the nations refused to participate in the Commonwealth Games in protest against the British government's stance. Even Queen Elizabeth, some reports suggested, found herself drawn into the conflict and there were signs of restiveness too among Mrs Thatcher's Conservative parlia-

mentarians who see this issue as a potential liability at the polls in the forthcoming general election. Sir Geoffrey Howe, the British Foreign Secretary, was despatched rapidly to Southern Africa to recoup some damage, but failed comprehensively. As Britain is currently presiding over the European Economic Community, Sir Geoffrey was ostensibly acting on its behalf, which no doubt he was, although Britain's deteriorating relations with the Commonwealth would surely have been foremost in his mind as he flew between Southern African capitals.

The Commonwealth venture was originally mooted as a compromise which would prevent serious divisions from driving its members apart. In the end the tactic failed. When the seven Commonwealth leaders involved met at Marlborough House in early August to consider the Commonwealth's response to the EPG's findings they were unable to decide on a common course of action. Eventually they agreed to disagree on what economic sanctions to adopt against South Africa. Britain proposed a relatively modest package, entailing a voluntary ban on new investments and on the promotion of tourism and said she would cease to import coal, steel, iron and gold coins. The others - Zambia, Zimbabwe, India, Australia, Canada and the Bahamas - opted for sterner measures. They intended to stop importing South African fruit and vegetables, uranium, coal, iron and steel, as well as to halt bank loans to South Africa, to cut air links and to withdraw most consular facilities from South Africa.

As things stand now, the Commonwealth has ended up with the worst of both worlds. Its unity is severely threatened by Mrs Thatcher's stubbornness. And economic sanctions, while they may be instituted for noble motives, can only be effective in practice provided the participants act collectively. So far the Commonwealth has not yet managed to do this with the result that sanctions are likely to be applied unevenly. This, in turn, implies that they will have to be enforced for a long time before they achieve the desired results. While this is happening the South African government will not remain idle. If its past record is any indication, it will retaliate by making life as uncomfortable as possible for the Commonwealth states in Southern Africa.

The Commonwealth initiative has failed, and some South Africans may be smug about the outcome. However, the situation is deeply disturbing. If diplomacy fails, there can only be war. And a state of war is already upon us. We occupy a foreign country by force; we attack our neighbours whenever we please; and we have a state of emergency at home. The Commonwealth's **Mission to Africa** reinforced my impression that the present South African Government has turned its back on the world in the belief that it has the will, the policies and the means to monopolise political power indefinitely, no matter what measures the international community takes against the apartheid state. Mr Botha's government seems to be confident that it can triumph by pursuing a dual strategy of refining the apartheid system, while, at the same time, ensuring that its neighbours pose no threat to its overwhelming dominance in the Southern African region. If subsequent events bear this interpretation out, the Commonwealth Report will serve as an important indication of when and why this strategy was adopted. □

# POLITICAL CONFLICT AND CIVIL UNREST IN AFRICAN TOWNSHIPS IN NATAL

(We regret the delay in publishing this article, caused by a section of the Emergency Regulations since successfully challenged in Court – Editorial Board.)

## 1. INTRODUCTION:

The outbreak of large-scale protests in the Vaal Triangle in September 1984 marked the beginnings of unrest and violence in African townships throughout the country. This also ushered in a new dimension in protest action. Protesting masses not only directed their anger at the state and the conventional state apparatus, they also extended the definition of "state apparatus" to include incumbents of local government, the police and businessmen in the townships. In response to the magnitude and scope of the conflict, the government deployed first the police and later the defence force into the riot-torn townships. Predictably, this exacerbated rather than abated the conflict as events subsequent to this move were to demonstrate. To this day (two years from the outbreak) African townships in particular are still experiencing continual unrest and violence.

Table 1 below demonstrates the magnitude of the political conflict as indicated by the number of people killed and detained as well as the extent of damage to property. The figures are by no means exhaustive as compiling statistics in this field is not an easy task. What they are meant to do is to give an indication of the state of unrest in the country, as well as the price that people and the government pay for their efforts to either transform society or to maintain the status quo.

The huge increase in the figures for 1985 indicates the escalation of the conflict, since in 1984 this was localised mainly to the townships in the Vaal Triangle and later the Eastern Cape. The increase in both the intensity and scope of the conflict led to the State President's declaration of the state of emergency on the 21st of July 1985. In spite of this, the confrontation continued as this declaration did not address the root causes of the problem. The conflict increased and engulfed Natal and the Western Cape, including coloured townships. This together with the increased death tolls for 1986 indicates the seriousness of the situation.

## 2. A BRIEF THEORETICAL OVERVIEW:

Studies in social and political conflict reveal that discontent generally turns to protest and possibly violence when the subordinate or dissident group views its discontent as having its source in the existing power relations. This paper will adopt a modified version of Gurr's models (Gurr 70, 1973) and will postulate that the magnitude of political conflict varies with:

- i) the intensity and scope of relative deprivation;
- ii) the belief in the justification and utility of engaging in overt strife; (collective consciousness) and,
- iii) the organisational and mobilisation capacity of the conflict or dissident group.

**TABLE 1**  
**THE MAGNITUDE OF POLITICAL CONFLICT IN SOUTH AFRICA**

	Total	Sept - Dec 1984	1985	Up to 30 April 1986
Killed	1559	149	879	531
Killed by Security Forces* (1.9.85-31.1.86 only)			628	
Detained *	12524	1149	10998	377
Political Trials*	-	-	122	To Feb 1986 31
No. of People in Unrest Trials. 1985 Only*	-	-	25000	-
Incidents of Guerilla Activities	255	44	136	75
Damage to Property	R138 million*	-	-	-
Damage to Private Buildings*	-	68	2787	-
Damage to Government Buildings*	-	20	1153	-
Attacks on Police Homes	807	-	-	-
Police Killed in Unrest*	33	-	16	-
Police Injured in Unrest*	584	-	330	-

Sources: The **Weekly Mail** Unrest Barometer,  
Responses by the Minister of Justice to Questions in Parliament.

\*Figures Incomplete with regard to the above breakdown.

The synergism of the above factors is modified or even suppressed by the power or repressive capacity of the regime. Hence the model could roughly read thus:

$$\text{MPC} = \text{RD} \times \text{JUST} \times \text{OCDG} \times \text{RCR}$$

where: RD = Relative deprivation  
MPC = magnitude of political conflict  
JUST = belief in the justification and utility of engaging in conflict (collective consciousness)  
OCDG = organisational capacity of the dissident group  
RCR = repressive capacity of the regime.

The model is not meant to give mathematical dimensions since the above factors are subjective and, therefore, very difficult to quantify. All that it illustrates is the direction of the relationship between the magnitude of political conflict and its causal factors as well as the "brakes" or "constraints" than can be imposed, on this relationship, by the regime in control. Further, the model allows for sociological factors such as the collective consciousness which influences both relative deprivation and the belief in the justification and utility of engaging in overt strife. The repressive capacity of the regime includes the use of physical coercion as well as the employment of the ideological state apparatus.

Gagiano (1979) introduces further preconditions for protest behaviour:

- i) the discontent should have a local context. He quotes Sears and McConahay who found that riot participants are different from non-participants both in being disaffected in general and (particularly) in being disaffected from local government;
- ii) participants in protest action usually have a history of protest or have been socialised in protest;
- iii) there is generally a crisis in the legitimacy of the government or the group in control.

The above preconditions predispose people to protest behaviour in general. What precipitates specific incidents of protest are definite fuse situations which explode as soon as some stimulus is applied to them.

### 3. CONTEMPORARY PROTEST EXPRESSION:

Contemporary protest expression is both actual and symbolic. The origins are both historical and contemporary. Slogans such as "non-participation in the system" date back to the days of the African National Congress Youth League, and have been adopted by the extra-parliamentary organisations such as the United Democratic Front (U.D.F.) and the National Forum (N.F.). The bearers of the protest language are the civic and youth organisations in the townships, trade unions, the churches, black consciousness and charterist-oriented umbrella bodies. The campaign is not limited to black organisations only: the Black Sash, for example, an organisation of "progressive" white women is a powerful lobby that has intervened on behalf of subordinates at critical moments by making use of the legal and parliamentary processes. Forms of resistance have moved from passive to pro-active strategies, rallies against the new structures in local government, worker stay-aways, school and consumer boycotts. The present wave of resistance has been characterised by the attacks on the

property and lives of incumbents of local government, the police, and, during outbreaks of intense rioting, business properties in the townships. This has prompted the use of the label "black on black" violence, a situation which is partly apparent and partly real. It is apparent where the violence is directed at the "extension of the state apparatus" but real where black organisations vying for control start attacking one another.

### 4. THE CASE OF NATAL

The above picture is an account of the national scene, and sets out the confrontation in four main areas i.e. local government, transport, education, and lately in the labour scene. Although Natal has and still experiences all the manifestations of the protest movement, the duration of large-scale street violence has been relatively shorter than has been the case in the rest of the country. Secondly, the intervention of Inkatha has given the resistance movement in Natal a different colour from what so far has taken place elsewhere, except in Bophuthatswana where close parallels can be drawn. Finally, the delay in rioting in the major townships (almost a year from the time when large-scale rioting took place in the other provinces) calls for analysis.

To explain the case in Natal, two hypotheses have been advanced:

- i) that the presence of a strong political mobilisation movement, i.e. Inkatha, exerts a moderating influence in Natal politics, and that it is this moderating force which restrains Natal Africans from engaging in large-scale conflict as is the case in other provinces in South Africa. This is the view espoused by the government, Inkatha and some liberal quarters, particularly the liberal press;
- ii) that the relative calm in Natal is not a function of any ideological influences, but is rather a product of different material conditions. These material conditions not only account for the relative decrease in specific fuse situations, but have also facilitated the development of a third force in the conflict thus dissipating the energy of the protesting group between two powerful forces – the state and Inkatha.

The analysis which follows will seek to explore the above hypotheses within the context of the developments in Natal between September 1984 and the beginning of May 1986, with special emphasis on the period, August 1985, to May 1986 which witnessed an increase in both the intensity and scale of the conflict. The analysis is preceded by a brief look into the material conditions in Natal since the author attributes the existence of this relatively powerful third force to the same conditions.

### METHODOLOGY:

In order to isolate those variables which account for the peculiarities in Natal the following course is necessary:

- i) draw up a profile of Natal's major townships and from this establish the material conditions which account for the differences between Natal and the rest of the provinces;
- ii) document the course and manifestations in Natal and compare this with the developments elsewhere in the country.

The following sources of data proved to be invaluable:

- i) taking clippings from Natal newspapers i.e. daily, bi-weekly and weekly publications;

- ii) setting up a network of research assistants at strategic points. Their function was to document and report on any episodes of conflict within their areas as well as to verify and clarify press reports;
- iii) collecting eye witness accounts of reportings made in the press and other sources.
- iv) liaising with organisations which play a significant role in the regulation of the conflict in the area.

The method yielded material which forms the basis of this paper. Hence, while the paper does not purport to offer conclusive explanations of the conflict in the region, it provides an exploration into an intricate subject and offers a tentative analysis which could form the basis for further debate.

#### 4.1 A Profile of Natal's Major Townships:

The major townships in Natal, i.e. Umlazi, KwaMashu, Madadeni, Osizweni and Esikhawini fall within the KwaZulu administration. The most immediate sources of irritation and deprivation or "fuse" factors are relatively remote. For instance:

- i) the monthly rent is R12,70 including service charges. This is in sharp contrast compared to an average of R45,00 in the townships which fall under the Natalia Development Board;
- ii) there is relatively more security of tenure as residents can either buy or build their houses on a deed of grant basis. In 1985, 89 percent of the houses in KwaMashu and 70 percent in Umlazi were owned by the residents;
- iii) irritations arising from the enforcement of influx control regulations have always been missing as the townships are not in designated urban areas. This means that the notorious "black jacks" or police did not have to carry out their nightly raids into houses to evict "illegals";
- iv) because of the relative security of tenure, "middle class" suburbs have sprung up in the townships thus contributing to a relatively stable political culture;
- v) the low rents, relative security of tenure, and the fact that township councillors can offer limited rewards such as trading licences and building sites have minimised the stigma of "puppets of the system". While township councillors do not enjoy any measure of legitimacy, it would be incorrect to say that they are significantly illegitimate in the eyes of the populations in the townships.

#### 4.2 Local Politics and the Broadly-based Mass Mobilisation Movements:

None of the broadly-based organisations or fronts such as the United Democratic Front, the National Forum and Inkatha has been directly involved in the council elections in the townships. However, in the Natal townships candidates have largely campaigned on an Inkatha ticket. Further, the organic links between Inkatha and the KwaZulu Legislative Assembly have, in practice, meant that Inkatha is super-imposed on the KwaZulu administration. Since protests are largely in the spheres of education and local government (both of which fall under the control of the KwaZulu administration), confrontations in these areas have become confrontations with Inkatha. Thus, besides ideological differences which have become more pronounced as the unrest develops, structural conditions pre-dispose the polarisation where

Inkatha is forced to take an opposing position to the protesting masses.

#### 4.3 August 1985

August '85 signifies the beginnings of large scale rioting in Durban, a situation unequalled since Cato Manor in 1959. The rioting was a sequel to the assassination of a human rights lawyer, Victoria Mxenge. The following course of events illustrates both the nature and scope of the developments during the week-long unrest:

- i) firstly, commercial vehicles were looted and burnt, P.U.T.Co buses were stoned and burnt;
- ii) young people stood at cross roads and barricaded the streets with old cars, burning tyres, stones and other available objects;
- iii) young people also stopped people from going to work, with the exception of nurses in uniform;
- iv) administration offices, including those of the KwaZulu administration and the post office at Umlazi, were burnt down;
- v) houses and property belonging to "informers" were burnt down;

This was the order of events between Monday the 5th and Wednesday the 7th of August. Up to this point one could clearly discern a political motive in the rioting.

Later developments were coloured by a mixture of both political and criminal elements:

- i) firstly, bottle stores and shops declared to be owned by corporations, whites or Indians, with Africans operating them as fronts, were looted and burnt;
- ii) shops belonging to African traders declared as unco-operative in community and welfare activities were looted and burnt;
- iii) finally, there was general looting and burning of shops, butcheries, tea rooms and other trading amenities.

The above events marked the final stages of rioting and by then the unrest was on its third day, Friday. (Monday and Tuesday had been relatively calm save for the few incidents of looting of vehicles.) A combined police and Inkatha operation apparently brought the large-scale rioting to an end.

As stated earlier, these developments occurred against a background of relative calm and quiet in the region. Since that disastrous week the province has never been the same as the following accounts will demonstrate. While intense rioting was brief, the material and psychological destruction was to last for a long time, thus contradicting allegations that the experience had produced any masters of the situation in Natal. The causes of the rioting lay beyond the ambit of either the police or Inkatha as the two forces whose intervention had apparently brought the rioting to an end. In the long run, events were to prove that the war had produced no winners.

#### 4.3.1 Problems in Education

During the week-long unrest in Durban, the youth played a major role in the streets. Subsequent to this there were numerous clashes between the youth and the police on the one hand and the youth and vigilantes on the other. The banning of the Congress of South African Students exacerbated rather than abated the conflict. The period between August and the end of September was characterised either by disrupted schooling or no schooling at all in the secondary and high schools in Durban. Problems also spread to the townships around Pietermaritzburg. By

mid-September the Chesterville Students' Representative Council issued a pamphlet alleging that 19 pupils from Chesterville, 45 from Lamontville, 25 from Clermont, 54 from KwaMasha and 38 from Umlazi had been detained by the police.

The detention of students led to further demonstrations and further arrests. By the end of the year the conflict in education led to the boycott of examinations by students in Lamontville and Chesterville. Although examinations were conducted in the schools falling within the KwaZulu Department of Education and Culture, the results were a clear reflection of the extent of the damage due to the unrest. Only 26 percent of the candidates who sat for the Junior Certificate examinations gained the promotional mark of 40 percent.

#### 4.3.1.1 The Soweto Parents Crisis Committee

At a conference convened by the Soweto Parents Crisis Committee at the University of the Witwatersrand in December 1985 and attended by delegates from all over the country, it was decided to advance the cause in education beyond boycotts. The slogan "liberation first, education later" was developed to "education for people's power". The conference thus resolved that all pupils should return to school on the 25th January 1986 and that the government be given three months in which to meet among other, the following demands:

- i) to unban the Congress of South African Students (C.O.S.A.S.)
- ii) to provide free textbooks and stationery
- iii) to recognise the formation of students' representative councils in all schools.

The conference further urged parents to refrain from becoming members of the school committees and to refuse paying school fees. Finally a National Education Crisis Committee was formed to monitor the progress and report back in three months time.

In January 1986 the Minister of National Education announced that the Department of Education and Training would provide free books and stationery in all schools which fall within its ambit. The Departments of Education in the National states were given grants to effect the same changes in their schools. KwaZulu received R5,7 million. This was to shape the conflict in the schools, a development which lasted until the proclamation of the state of emergency in June 1986. By then a number of people had been killed and many houses razed to the ground. In KwaMasha, 14 people died within two weeks in clashes between students and Inkatha-led vigilantes. Besides the killings the schools crisis had far-reaching consequences as the period January to April was marked by disrupted or no schooling at all in the senior schools in KwaMasha, Clermont, Lamontville, Chesterville and a few schools in Umlazi and in the Pietermaritzburg regions.

The Second National Education Crisis Committee held in Durban at the end of March 1986 emphasised an alternative 'people's education' programme, and to this end resolved that pupils return to classes and called for the opening of those schools which were closed. The attack on the Conference delegates, allegedly by Inkatha-led amabutho, further aggravated the already tense relationships between Inkatha and students in the townships and much of what followed in KwaMasha

cannot be divorced from this. Hence by May 1986, the majority of senior schools in Durban and two in Pietermaritzburg had practically had very little, if any, schooling at all – almost the entire school term was lost.

#### 4.3.2. Transport

The conflict in transport had two sources:

- i) the periodic increases in bus fares: and
- ii) the role played by P.U.T.Co in transporting vigilantes through the townships of KwaMasha and Umlazi.

A new dimension developed when the P.U.T.Co bus drivers blamed taxi-men for the continual stoning of P.U.T.Co buses by the township youth. Further, cleavages arose between hostel residents, especially in Kranskloof near Clermont and the youth on the one side and between the former and taximen on the other over the stoning of Durban municipal buses in Clermont. Between August 1985 and May 1986, 1054 P.U.T.Co buses were damaged while 14 (both P.U.T.Co and D.T.M.B. buses) were completely destroyed.

The condemnation of the stoning of buses by the National Education Crisis Committee in Durban seemed to have had an effect as very few buses were stoned or burnt after this.

#### 4.3.3. The Vigilantes And Amabutho

The period since August 1985 has ushered in a new phenomenon in the conflict in Natal, that of the vigilantes and amabutho. Two factors account for this development:

- i) the criminalisation of all forms of protest behaviour by the state and the state-controlled media and in the process redefining the protestor as a criminal;
- ii) the organic links between Inkatha and the KwaZulu administration.

During the week-long unrest in Durban, many shops, butcheries, bottlestores and other businesses as well as township offices were either looted or burned down. This facilitated a coalition of interests between township councillors, local members of the KwaZulu Legislative Assembly and some businessmen, all of whom had Inkatha as a common base. From this base, they organised vigilantes or amabutho who were set on "eliminating" the "criminals" as the protesting youth were called, and, indeed, there had been a criminal element in the August rioting. Further, the communication between the protesters and the community was weak, fragmented and at times confused. The stoning of buses without prior warning to the commuters not to use them alienated the masses, and further gave an opportunity to the mass media to depict the unrest as senseless violence.

The entry of the vigilantes (e.g. the A-Team) and amabutho into the scene further complicated both the nature and direction of political conflict in Natal. Today the Government and the media speak of "black on black" violence yet this is more apparent than real. Reports from the various Crisis Committees and the nature of interdicts against identifiable perpetrators of this violence do indicate that this cannot be divorced from the political base which both facilitates and shapes the violence. Allegations that the state, through the police, is not immune from this violence do very little to convince the world of its black-on-blackness. However, more destruction and conflict has emanated from this than from any other source in the present turmoil. The conflict was further aggravated by

the struggle on the shop floor when U.W.U.S.A., an Inkatha-linked union, came into being in May 1986. Ideological differences between U.W.U.S.A. and C.O.S.A.T.U. have led to physical confrontations between the two unions, and in the process both amabutho and Inkatha have had their images tarnished. For instance:

- i) In Newcastle, 10 C.O.S.A.T.U. officials alleged that they were being harassed by KwaZulu police and that houses belonging to some of them were attacked by amabutho. They positively identified the "mayor" of Madadeni as one of the attackers. (City Press, 6.4.86)
- ii) Numerous allegations of attack by amabutho organised or led by Inkatha officials have been made by members of C.O.S.A.T.U. Some of these have culminated in interdicts restraining these officials from interfering with the lives and property of the C.O.S.-A.T.U. unionists.

There have been several interdicts against Inkatha officials restraining them from interfering with the property and lives of persons in the extra-parliamentary resistance movement and members of C.O.S.A.T.U. On the other hand, two such interdicts have been issued against the opposition, one against an individual and one against members of C.O.S.A.T.U.

### 5. An Appraisal of the Hypothesis

Up to the time when rioting broke out in the major townships in Durban, claims especially from the government and some liberal quarters were that Natal had been quiet because of the strong moderating influence of Inkatha. The evidence submitted in this paper is that;

- i) violence has not only erupted in Natal as elsewhere, it has also been incremental like in all other regions;
- ii) the strong alleged links between the vigilantes and Inkatha suggest that the influence has been more at the level of force than ideology.

The nature and course of black politics in Natal must, therefore, be sought elsewhere.

The second hypothesis sought an explanation in the "unique" material conditions in Natal. The argument was that not only do these material conditions account for the relatively few specific fuse situations, they also facilitate the development of a third force in the configuration i.e. Inkatha. Hence the conflict has been between the mass of protesters and the state on one side and the protesters and Inkatha on the other. This has tended to dissipate the energy of the protesters and it is on this second explanation that the analysis should focus.

### 5.1 The Model of Political Conflict – A Critique

In discussing the nature and course of political conflict in Natal's African townships, the model provided in the beginning of this paper merits a closer analysis. A brief analysis of the four elements in the model follows.

#### 5.1.1 Relative Deprivation:

Although the empirical evidence espoused in this paper does suggest the presence of factors which contribute to relative deprivation in education, transport and to a lesser extent in local government, the absence of specific fuse situations, especially in local government is a dampening factor. Only townships which fall under the Natalia Development Board experience acute discontent in all the three areas, i.e. education, transport and local government.

#### 5.1.2 Collective Consciousness:

Since collective consciousness arises out of material and ideological conditions, the absence of uniform material conditions in the townships affects this attribute as well. In terms of the administrative authority, African townships in Natal can be roughly divided into three categories:

- i) those which fall within the KwaZulu administration,
- ii) those administered by the Natalia Development Board,
- iii) shanty towns or informal settlements.

The unevenness of conditions in these categories has contributed to a fragmented social consciousness. The relatively better off in the townships within the KwaZulu administration are relatively less radicalised, those in the Natalia Development Board townships are relatively politicised whilst the marginalised residents in shanty towns become easy tools in the political ball game depending on whatever group holds out the best promises.

Structurally, the close links between Inkatha and the KwaZulu administration have made the former a strong resource base. The KwaZulu administration controls the majority of the townships in Natal and can effectively mediate in the lives of the people residing in shanty towns. This becomes a source of power for Inkatha and enables it to "distribute" resources no matter how limited this "distribution" is. This has given Inkatha a strong organisational base since it can temper its ideological message with material items. On the contrary, extra-establishment organisations such as the United Democratic Front and the National Forum can only thrive on the discontent of the people since they have no material benefits as a source of power. Conscientisation of the people in Natal thus stems from two structurally diverse forces, the intra-establishment and extra-establishment groups, and is further complicated by the material gains that each makes from its structural position. The ideological state apparatus has not been idle in condemning all forms of protest and thus criminalising protest action as well as the protestor. This has had a tremendous effect on the willingness of the residents to embark upon protest action.

#### 5.1.3 Organisational Ability of the Discontented:

The existence of the two camps described above does not imply differences in discontent among residents in either camp. What it indicates is that the expression of discontent differs in line with the ideological leanings in the camps. This in turn affects the organisational capacity of the discontented and consequently the thrust of protest action. Protest and confrontation emanate mainly from students and youth groupings who, in turn, mobilise the residents. Inkatha is also a strong mobilising force, especially given its structural position which places it in favourable light from the state. Given the psychological instinct of self preservation which induces fear on the part of humans to engage in "dangerous" ventures, protest-oriented organisations face an arduous task in mobilising the masses. The organisational capacity of "dissident" groupings is therefore tremendously constrained, especially where they have to contend with an opposing group from within the townships.

#### 5.1.4 The Repressive Capacity of the Regime:

The South African state has at its disposal an armoury of strategies to contain opposition and challenge to its

hegemony. Adam 1971 lists three important areas where the state employs its "power" to contain dissidence.

- i) symbolic alternatives manifested in the apartheid utopia;
- ii) effective police control;
- iii) economic integration and improvement in living standards of blacks.

In containing the magnitude of political conflict in the townships, the state has selectively employed the above three conditions to the detriment of the "dissidents". In Natal, the employment of brutal police force has been tempered with the activities of the amabutho or vigilantes thus rendering the police ostensibly distant from the conflict. The state-controlled media have diligently echoed the theme of "black on black" violence and constantly lambasted the "agitators" and "trouble-makers" for their role. It is now common knowledge in the townships that amabutho or vigilantes enjoy immunity from the police. This serves two purposes.

- i) the state can stand at a distance and escape international condemnation for "brutally oppressing black people";
- ii) divisions among black people weaken their thrust on the state and dissipate the strength of the resistance.

In instances where the threat becomes imminent, the state does not hesitate to move in the police and the army to "restore law and order". Even here, the state is careful to emphasise "at the request of the communities themselves", where "community" refers to the councillors, support notwithstanding.

## 6. CONCLUSION

In conclusion it might be argued that both the material and ideological conditions which exist in Natal's African townships also exist in townships in the other provinces. This is true, but what is missing in the other provinces is the presence of a strong counter-revolutionary organisational base with a populist appeal. Inkatha is more than a homeland party whose function is the mobilisation of voters for local elections. Inkatha's appeal is that it has its own ideology and a material base with a stake in the system. In the present context Inkatha offers the alternative to going into the streets and getting shot – that this alternative "change through peaceful means" is no more than a slogan does not matter. The atmosphere in the townships is charged with slogans from both sides. Admittedly, the politics of "resistance" has yielded some "visible fruits": the very process of reform that the country is going through is ample proof of that. □

by Gary Baines

# THE PORT ELIZABETH DISTURBANCES OF 1920



The scene at the Baakens St. Police Station.

(Police College Library)

There exists a long tradition of black resistance to white domination. Odendaal has argued for a line of continuity between tribal or primary resistance, early constitutional protest politics, African nationalism and (might one add?), the Black consciousness movement. The strategies of resistance have assumed various forms but in seeking to protect their interests against white domination, their aims have been the same. Thus, by adopting a constitutional approach and seeking accommodation within the colonial systems, early African political organisations in the Eastern Cape were

merely displaying a different form of resistance.<sup>1</sup> However, the related development of worker resistance and the emergence of black trade unionism in the Eastern Cape – as part of this tradition – has still to be chronicled.

It would appear that the earliest instance of worker mobilisation was a strike by Mfengu beach labourers at Port Elizabeth in 1846 – possibly the first in South Africa's history.<sup>2</sup> Moreover, between 1854 and 1897 there were a further 17 strikes in the Eastern Cape.<sup>3</sup> Despite the relatively high incidence of strike action in the second half of the nineteenth century, the mobilisation of workers was not necessarily based on class interests. The bargaining power of the Mfengu beach labourers, for example, was initially due to a shortage of labour and, after the influx of labour into the Colony following the Cattle Killing of 1857, on the deliberate exclusion of other groups. Thus the Mfengu, who had been co-opted into white settler society, sought to deny the Khoi and Xhosa entry into labour markets which they monopolised.<sup>4</sup> This preference for neutralising competition to the principle of collective bargaining does not suggest 'proto-unionism' amongst the black working classes in the Eastern Cape. In fact, the writer has found no evidence of working class organisation until the First World War years.

The Port Elizabeth Industrial and Commercial Amalga-

mated Coloured and Native Workers' Union emerged as an independent organisation but, by 1920, had forged links with the Industrial and Commercial Workers' Union of Africa (ICU). The formation of the national union suggests the development of worker consciousness amongst an increasingly industrialised proletariat. The Port Elizabeth branch claimed a membership of 4 000 (probably excessive) comprising mainly unskilled labour and, according to the Schweizer Commission, "the natives who have not actually joined the Union are, nevertheless, in sympathy with its work and influenced by its decisions".<sup>5</sup> While there were clearly divisions within the ranks of the Union, it was generally acknowledged that the President, Samuel Masabalala, was a popular leader. However, to the authorities and the press this demagogue was the archetypal 'boy' who had been led astray by the pernicious doctrines of International Socialism.<sup>6</sup> While there can be little doubt that Masabalala was influenced by Kadalie's efforts in Cape Town and the example of white worker militancy, the distressing socio-economic conditions of Port Elizabeth's working classes explain his support.

The transformation of Port Elizabeth from an entrepot into a commercial industrial centre made for a stable workforce as the demand for labour in the manufacturing industries did not fluctuate markedly. However, certain employers preferred to employ migrant labourers because they were found to be 'more docile and unsophisticated' and because they were less skilled and could be paid lower wages.<sup>7</sup> With drought compounding the problem, access to land in the underdeveloped reserves could no longer guarantee an alternative means of subsistence to an increasing number of migrant labourers. Patterns of migration thus gave way to an increasingly urbanised African population with all its concomitant problems. The pre-requisites of an effective trade union movement had seemingly arisen for there existed "a body of life-long wage-earners, free to sell their labour, wholly dependent on wages without prospects of becoming independent producers and aware of the benefits of collective bargaining".<sup>8</sup> But the bargaining power of the emergent proletariat was offset by a surfeit of unskilled labour in Port Elizabeth. As employers, therefore, had the 'whiphand', only wholesale mobilisation of the workforce could result in demands being acceded to.

The working classes had been adversely affected by the spiralling cost of living during the war years. Wages had not kept pace with the rate of inflation and, in real terms, the buying power of the pound (£SA) was down on the pre-war period. In 1914 the minimum wage for unskilled black labour was 2/6 a day and by the end of the War these rates had increased to only 3/-. By contrast, during the same period, "the percentage increase in the cost of foodstuffs and other necessities ordinarily consumed and used by the natives was 105%".<sup>9</sup> Employers justified wage levels on the grounds that a new minimum wage – which would entail 'across the board' increases – would necessitate the retrenchment of a percentage of the workforce in the prevailing economic climate.<sup>10</sup> Given the intractable attitude of employers, Masabalala's Union began to campaign for wage increases.

In January 1920 the Union demanded a minimum wage of 10/- per day. This was regarded as unrealistic by

employers and an increase of 6d. – regarded as an interim measure by the Union – was accepted. Negotiations continued but only on the employers' terms and with a delegation of their choice. The exclusion of Masabalala from the proceedings amounted to a snub which made the resolution of wage demands between the employers and the Union increasingly unlikely. Accordingly, an offer of 4/6 per day made by employers in early October was rejected in favour of a showdown with employers until the original demands had been met. Agitation for a general strike gathered momentum and at a mass meeting in Korsten on 17 October, Masabalala announced that a strike would be called on 3 November. This course of action was agreed to despite opposition by some of the committee who pointed out that there were insufficient funds to support strike action. At this juncture the authorities decided to intervene in order to prevent the strike by arresting Masabalala and, inadvertently, provoked a greater crisis.

Masabalala was arrested on the morning of Saturday 23 October on charges of incitement to public violence stemming from an alleged assault on Dr W.B. Rubusana at the Korsten meeting. He was taken to the Baakens Street Police Station where he was held in custody. Shortly after one o'clock a delegation from the Union requested the release of Masabalala on bail but was refused by the District Commandant of Police acting on the advice of the Acting Magistrate. During the course of the afternoon further representation for Masabalala's release also proved unsuccessful and an ultimatum was issued demanding his release by 17.15, failing which, it was threatened to effect the same by force.

By late afternoon a crowd consisting of Masabalala's supporters and by-standers and numbering a few hundred had gathered outside the Police Station. After five o'clock a section of the crowd became increasingly demonstrative and pressed hard upon the policemen who had taken up positions on the steps to the entrance of the station. Two futile attempts – one by mounted charge and the other by the use of a fire hose – were made to disperse the crowd but only served to incite its hostility. Meanwhile, the barricaded Police Station had been reinforced by a number of Railway Police and civilian volunteers who were armed with rifles and had taken up positions on the balcony of the station. Shortly hereafter firing erupted and the casualties caused by the shootings numbered 23 dead (20 Blacks, 3 Whites) and more than 50 injured.

News of the shootings spread panic and fear amongst Port Elizabeth's white population as a 'black peril' scare of some magnitude took hold. During the course of the night sporadic attempts at arson and sabotage were made on a petrol storage depot and a power station which seemed to bear out the fears of whites. The tense situation was fuelled by rumours (suddenly recounted) that Blacks had threatened the lives of white employers. Port Elizabeth's white population took steps to defend itself with armed vigilantes, mainly ex-servicemen, augmenting police patrols. Fear of repercussions from the shootings also seemed to grip the black population as a considerable exodus from Port Elizabeth occurred. Masabalala was removed to Grahams-town in the belief that this would help defuse the situation. By the following Monday calm had returned

to Port Elizabeth and the **EP Herald** editorial (25. 10. 1920) defended the actions of the Police by asserting that "had the Police not taken the extreme steps they did, Port Elizabeth would, in all probability, have had a far greater and more terrible tragedy to mourn and deplore".

The same newspaper was able to report the following day that it had 'proof' that the first shots were fired from the crowd and that, by implication, the Police had only acted in self-defence or under extreme provocation. Police testimony given before the inquest held during the week served to reinforce the opinion that the Police actions could be justified. This issue revolved around two key questions: What had precipitated the shootings? (or more simply, Who had fired the first shot?) and, What was the duration of the firing? The findings of the Commission of Enquiry which held its sittings 'in camera' in December, proved both controversial and equivocal. On the one hand, it condemned the "behaviour of the natives in assembling in force before the Police Station with the avowed determination of forcibly effecting the release of Masabalala" and, on the other hand, it censured the Police Inspector for refusing bail and not maintaining discipline amongst the volunteers on the balcony of the Police Station. The Commission stated that it had been unable to determine with any accuracy whether the first shots had been fired from the crowd, the balcony or the steps. While it was common cause that many in the crowd had been armed with kieres and certain other weapons, no conclusive evidence was forthcoming that any Blacks had had firearms in their possession. Furthermore, its conclusion that "all the firing which took place after the mob broke away was directed against fugitives; that it was unnecessary, indiscriminate, and moreover brutal in its callousness, resulting in a terrible toll of killed and wounded without any sufficient reason or justification" was a strongly worded indictment of Police actions.<sup>11</sup>

Public attention focused on the moral and legal implications of Police actions and tended to lose sight of the underlying causes of the disturbances. This was reflected in government circles by the debate as to whether the Commission of Enquiry should concern itself solely with the shootings or examine the socio-economic conditions of Port Elizabeth's black population as well. The arrest of Masabalala had reflected the position of the authorities that the unrest could be ascribed to agitation. This point of view was also reflected in the press and by the employers of labour in Port Elizabeth. A typical statement in the **EP Herald** (25. 10. 1920) stated that, "... native men ... in the warmth of their partisanship and simplicity have allowed themselves to be led astray by men of better education and stronger personality ... who, by inflammatory utterances and evil counsel excited the minds of their followers and incited them to lawless acts". Similarly, a statement issued by the Port Elizabeth chamber of Commerce in the same vein expressed the "hope that all irresponsible agitation will promptly and severely be dealt with" (**P.E. Advertiser**, 10. 11. 1920). Moreover, the government itself impugned the credibility of the Commission's findings by allowing the publication of Police statements exonerating themselves to be appended to the Report tabled in January

1921 (AN. 582 – 1921). The Commissioners, in turn, attacked this "extraordinary procedure which cannot be otherwise construed than a reflection upon the impartiality of the members of the commission".<sup>12</sup> While the Commission's findings provoked justifications from certain quarters and recrimination from others, the government was no nearer a solution to the problem of Port Elizabeth's working classes.

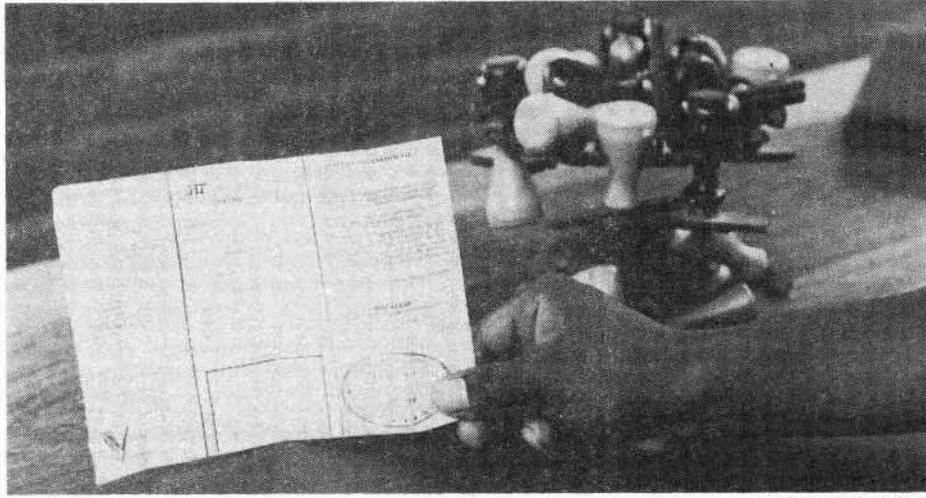
At the second national conference of the ICU held in Cape Town in July 1921 the delegates called upon the Smuts government to allow workers to commemorate 23 October as a national holiday. The request went unheeded and the events of that day are all but forgotten (even as far as historians are concerned). Were it not for the limitations of the popular memory 23 October would probably be accorded the same recognition as 21 March and 16 June as milestones in the liberation struggle. In retrospect, the loss of life on that occasion might seem to pale into insignificance in the light of the staggering death toll in the present unrest. But it is precisely this perspective which imbues such a historical precedent with particular relevance. With greater hindsight and objectivity than Clements Kadalie, it is difficult to concur with his view of the significance of the Port Elizabeth disturbances that "with blood the ICU was set on its way to work for the amelioration of African labour".<sup>13</sup> □

#### REFERENCES:

This article is based on research for a M.A. Thesis (Rhodes University) but does not purport to provide more than a superficial analysis of the events described herein. However, it does have the benefit of insights gained from previously 'untapped' archival material, interviews, etc. Only two published accounts provide more than the usual fleeting reference to the Port Elizabeth 'disturbances'. These are **The Industrial and Commercial Workers' Union of South Africa** (Oxford, 1978) by Peter Wickins and an article by Robin Bloch in **Africa Perspective**, No. 19 (1981) entitled 'The high cost of living: The Port Elizabeth "Disturbances" of October 1920'. Unfortunately, both these accounts rely entirely on published records such as government papers, newspapers and other secondary sources.

1. See in particular, Andre Odendaal's unpublished Ph.D. Thesis (Cambridge, 1984) **African Political Mobilisation in the Eastern Cape 1880-1910**.
2. E.J. Inggs, 'Mfengu Beach Labour and Port Elizabeth Harbour Development 1835-1870', p. 1. A paper presented to the **Economic History Society of Southern Africa Conference, June 1986, Rhodes University, Grahamstown**.
3. Alan Mabin, 'Strikes in the Cape Colony 1854-1899', **University of the Witwatersrand, African Studies Seminar**, 1983, p. 35.
4. See Inggs, op. cit., and Moyer, R.A., 'A history of the Mfengu of the Eastern Cape 1815-65' (unpublished PhD Thesis, London University, 1976), pp 287-305.
5. Report of the Commissioners appointed to enquire into the causes of, and occurrences at, the Native disturbances at Port Elizabeth on 23rd October, 1920, and the general economic conditions as they effect the Coloured and Native population (AN. 143-1921). Its chairman was C.A. Schweizer and its other members Dr A. Abdurahman and Dr A.W. Roberts of Lovedale.
6. Bloch, op cit, p. 47. See report in **The Star**, 27. 10. 1920 which was repeated in the **EP Herald** of 30. 10. 1920. However, three days later the **EP Herald** apologised for having published incorrect information about Masabalala (2. 11. 1920).
7. U.G. 22 – 1932: Report of the Native Economic Commission 1930-32, para. 545, 547, 556.
8. Webster, E(ed) **Essays in Southern African Labour History** (Johannesburg, 1978), p. 112.
9. Schweizer Commission Report (AN. 143 – 1921), p. 2.
10. See, for example, the text of a speech by the Chairman of the Port Elizabeth Chamber of Commerce, **P.E. Advertiser**, 10. 11. 1920.
11. This paragraph based on the Schweizer Commission Report, pp. 8,9.
12. Letter addressed to the Acting Prime Minister by the Members of the Commission appointed to enquire into the Native Riots at Port Elizabeth on the 23rd October 1920 (AN. 656 – 1921), p. 1.
13. Kadalie, C., **My Life and the ICU** edited by Stanley Trapido (London, 1970), p. 52.

# THE ABOLITION OF INFLUX CONTROL: WHAT NOW?



Picture by Joe Alfors

One of the most important pieces of legislation ever passed by Parliament was the Abolition of Influx Control Act, 1986. In one fell swoop the immense legislative apparatus governing the entry of Blacks into urban areas, their presence and employment therein and their removal therefrom was removed from the Statute Book, thereby heralding a new era regarding the presence of Blacks in urban concentrations. However, fears have been expressed that other forms of legislative control (like e.g. the laws on squatting, on slums, on trespassing etc.) will now be employed to achieve in essence the same kind of control over the movement and residence of Blacks; and that as far as citizens of the TBVC countries are concerned nothing has in fact changed.

In this article I shall contend that the "abolition of influx control" by the above-mentioned Act goes far beyond merely affecting "influx control" in its conventional meaning, and constitutes in fact a part-manifestation of a fundamental change, or reversal, in overall policy vis-a-vis Blacks which has been taking place over the last approximately eight years.

In order to justify such a profound statement, I shall have to deal with the general background of the policy followed in regard to Blacks over the last 65-70 years.

## HISTORICAL BACKGROUND

The imposition of White control over Black communities – very often after protracted military conflicts – placed Blacks in an inferior political position within the constitutional framework of the country. Except to some extent in the Cape Colony, they were subjected to a large number of restraints and restrictions, in the areas of political rights, settlement, freedom of move-

ment, employment, rights to land etc. This was especially the case with the movement of Blacks into the urban areas as these arose as a result of the economic development in the Country. This policy was pursued for the best part of 70 years after the Union of South Africa was formed in 1910; only since 1978 have we seen a fundamental change in direction.

It is obviously impossible to describe in this article the plethora of laws and regulations that came into force in those 70 years to control the movement, settlement, employment, residence, political rights, etc. of Blacks.

The report of the Stallard Commission in 1922 led directly to the Natives (Urban Areas) Act of 1923, which introduced the first country-wide control over the movement of Blacks into and their residence and employment in urban areas. Even before this time there were three other measures which had profound implications for the future development of the country and of government policy, viz. The Native Labour Regulation Act of 1911, the Mines and Works Act of 1911 and the Natives Land Act of 1913. The first-mentioned two Acts provided for the recruitment of Blacks for employment particularly on the mines and also restricted their access to skilled categories of employment in the mining industry.

The Act of 1913 (giving legislative content to the policy followed before 1910) created the so-called (Native) Reserves for the exclusive occupation of Blacks, and prohibited Blacks from obtaining any rights to land outside these areas (and non-Blacks from acquiring any rights to land within these areas). In 1936 another 7.25 morgen of land (to be bought by the SA Development Trust) were added to this, giving a total of approx. 18 million morgen, or roughly 13% of the area of the then existing South Africa, thus set aside for the ex-

clusive use of Blacks. It took almost fifty years before the Act was fully implemented.

The setting aside of this land had tremendous politically-ideological implications. It gave rise to the concept of two separate South Africas: a "White" South Africa, in which the interests, rights and privileges of the Whites would reign supreme, with the Blacks in a subsidiary position and tolerated mainly as temporary "sojourners", particularly in the urban complexes; and a "Black" South Africa where Black interests were supposed to be regarded as paramount, and in which Black political and economic development was to take place. With the rejection by the Verwoerd-government of the main recommendations of the Tomlinson commission, very little economic development took place (the Government has since tried to remedy this by means of its decentralization policy); politically, the policy resulted in the creation of the four "independent" TBVC countries and of another six so-called "national states", with a large degree of governmental autonomy. The theory underlying the apartheid-policy was that Black political aspirations must be satisfied in and through these separate Black "homelands", and that it was consequently justified to deny them political rights in "White" South Africa. In terms of this policy it was therefore perfectly understandable that when these four "independent" states were created, Black South Africans who by definition were regarded as citizens of those countries were automatically deprived of their South African citizenship. It was stated categorically that the policy was to lead to a situation where there would, finally, be no Black South African citizens. The increasing ideological emphasis placed on the concept of territorial and political separation brought in its wake the compulsory removal of millions of Blacks from so-called "Black spots" to the "Black" areas (sanctioned and enforced by Parliamentary decree and legal provisions as in section 5 of the Black Administration Act of 1927); and steps, at great cost to the taxpayer and in terms of human misery, to effect "consolidation" of the various "homelands" so as to lay the territorial foundations for eventual "independence" of each of these. The failure of this policy, as far as its end-objective is concerned, was admitted (grudgingly at first) when it became evident that effective "consolidation" would be beyond the financial means of the country and when most of the remaining homeland-governments made it clear that they will under no circumstances consider opting for independence.

In the meantime one law after another was passed to stem the flow of Blacks to the "White" urban areas, to effect control over their residence and employment in such areas and to restrict their rights and opportunities therein (bearing in mind that the Acts of 1913 and 1936, referred to above, were not applicable in urban areas). The Act of 1923 was followed, amongst others, by measures such as the Pass Proclamation of 1934 (compelling Blacks in Transvaal and the O.F.S. to carry passes), Act No. 46 of 1937 (prohibiting Blacks from acquiring ownership rights in urban areas, and providing for the compulsory removal of Blacks who had been introduced into urban areas contrary to law and of those who were "redundant") and the Black (Urban Areas) Consolidation Act of 1945, which consolidated the then existing legislation affecting Blacks in urban

areas, and which (amended from time to time) was destined to remain the main instrument of control for the next more than 40 years. With the implementation of Verwoerdian apartheid, the policy regarding Blacks in urban areas mirrored the concept of territorial and political separation. All conceivable legislative and administrative steps were taken to prevent, or at least restrict as much as was possible, the influx of particularly Black families into urban areas; their business and trading opportunities in these areas were severely curtailed; also property and occupancy rights; the provision of housing for families fell far behind the minimum required (especially in the Western Cape, which was regarded by the Government as a "White-Coloured preference area"); it was stated policy that institutions catering for Blacks should as far as possible be situated in the homelands (e.g. universities, high schools, old age institutions etc.); until the beginning of the 80's the granting of effective municipal rights to Blacks in their own townships was avoided (as the granting of such rights was interpreted as being contrary to the temporary nature of their residence there); all Blacks, except those exempted in terms of section 10(1) (a), (b) or (c) of (the now repealed) Act 25 of 1945, had to have a permit if they wanted to stay in an urban area for longer than 72 hours; no such Black could enter into an employment contract, and no employer could employ such Black, without official authorisation; Blacks were debarred from doing certain kinds of work; no person could introduce a Black into an urban area without permission; the main instrument of control was the so-called reference book (issued in terms of the Abolition of Passes and Co-ordination of Documents Act (sic!)), which contained all the references regarding the holder's right to be in the urban area, to be employed by his employer etc. and which had to be produced on demand (non-production being a criminal offence); provision existed for the forcible removal of Blacks who were convicted of being unlawfully in an urban area or who were regarded as "idle" or "disorderly"; the Prohibition of Interdicts Act made it impossible for a Black to ask for an interdict to stay the execution of a removal order, even if such order was unlawful. Over the years, literally millions of Blacks were convicted and jailed in terms of the legislation. A huge and separate administrative apparatus, in the form of the Development (Administration) Boards, aided by the Police and the State Department handling Black Affairs, was created to give effect to the policy.

In the labour field, Blacks were debarred from participating in the recognized trade union structure and from using the ordinary industrial relations machinery, as they were excluded from the definition of "employee". Instead a separate system of work committees and regional committees was set up for Black workers.

Despite all the efforts, all the laws, all the officials, all the prosecutions and convictions, the policy proved a dismal failure. The urban Black population increased by leaps and bounds, as a result of economic push and pull factors. The economic interdependence of Black and non-Black became more and more pronounced as time went on. The inhumanity and unreality of the system became more and more pronounced. Political opposition by Blacks, often taking the form of violent reaction and rejection, became an almost common-

place occurrence in South African life. International condemnation mounted. It became obvious that the policy, and the ideological foundations which gave rise to it, were no longer tenable or practicable. The rational voices calling for the acceptance of the inevitability of Black urbanisation became overpowering and irresistible.

The fundamental question was: would the political authorities, the National Party Government in power, have the insight, the courage, the guts to reject a policy which for decades had been the basis of their approach in White-Black relations, which they have exploited successfully for such a long time for party-political purposes and which had kept them comfortably and indisputably in power for more than 30 years? Would they be prepared even to consider a turn-about, a reversal of concepts and principles which had assumed the character of holy cows amongst the electoral masses which had supported them through all these years? Where and when in the history of the modern western world had a government, a political party, secure in its position, ever considered a complete volte face in terms of fundamental principles and concepts? And if it were to, what was the price it would have to pay?

Despite the many differences I still have with the Government of Mr P.W. Botha, despite the many shortcomings I perceive in their present approach to the future political dispensation in this my beloved land, despite my basic rejection of some of the principles which, at the moment, are regarded as non-negotiable by him and his Government, I cannot close my eyes to the changes effected by this Government over the last seven to eight years.

### **FUNDAMENTAL CHANGES**

I cannot in this analysis deal with all the changes that have come about in Government policy over the last decade; I shall refer only to those which I believe have some bearing on the substance of this article. (That many more changes have to come about is self-evident, if South Africa is to have peace and stability; a new political dispensation, and the repeal of the Group Areas Act, the Population Registration Act and the Separate Amenities Act are some of those which come to mind.)

The Wiehahn and Riekert reports paved the way for some of the fundamental changes which were brought about in these last few years. In terms of amendments to the Labour Relations Act in 1979, all forms of discrimination between Black and non-Black workers were eliminated in the field of labour; and the job reservation provisions under the previous legislation were repealed (as a matter of fact, today there is only one form of "job reservation" over, the one i.r.o. mines and works; the Government has indicated that it wants to repeal also this provision, the inhibiting factor being the strong opposition experienced from the White Mineworkers Union).

This was followed in 1978 by changes in the Urban Areas Act to allow for the introduction of a 99-year leasehold system for Blacks in urban areas, thereby finally admitting the permanence of the urban Black population. This was further emphasized by a White

Paper on Urbanization brought out in 1986 in which it was clearly stated that the Government accepts the inevitability of Black urbanisation, and which set a new urbanisation strategy. The White paper also enumerated the various legislative measures that the Government intends to have repealed to give effect to this strategy; this was in fact done in the Abolition of Influx Control Act passed by Parliament this year (discussed in more detail below).

As I indicated earlier, it would, to my mind, be a mistake to see the Abolition of Influx Control Act, important as it is, in isolation; its significance and impact must be seen against the background of the important changes in Government policy that have come about over the last few years, some of them only this year. Of these I wish to draw the attention to the following:

1. The administration of Black Affairs in the so-called White area (excluding Black Education and Land Matters) has been transferred to the Dept. of Constitutional Development and Planning; in other words, to a new Minister and a different corps of public officials.
  2. In 1982 provision was made for the granting of extensive municipal powers and functions to Blacks in urban areas in the Black Local Authorities Act, further improved by amending legislation in 1986. (The fact that in some communities these bodies have proved to be unacceptable does not detract from the principle that legal provision for their creation symbolises the nature of the fundamental change in government policy).
  3. The Government has stated categorically that it will no longer pursue a policy of forced removals. (see hereafter).
  4. Restrictions on Black business undertakings in Black townships have been removed. In most urban areas the central business districts have now been declared open to all races.
  5. The Government has stated clearly that it accepts that the political aspirations of Black South Africans cannot adequately be met through the existing political channels in the national states and the TBVC countries and that a new constitution for South Africa has to be negotiated, such constitution providing for participation of all population groups in the country. It has thereby acknowledged that the present constitution as contained in the RSA Constitution Act of 1983 and providing for the tricameral Parliament is inadequate and cannot be maintained in its present form. Despite various attempts made in the past, the Government has, however, not succeeded in getting a sufficient number of credible Blacks to involve themselves in such a process of negotiation with the Government. Time will show whether its latest attempt, the proposed statutory National Council (the draft Bill was published for comment some time ago) will fare any better. There seems to be a strong assumption that, apart from other steps which the Government should take, the release of Mr Nelson Mandela is a prerequisite.
- It cannot, however, be disputed that this acknowledgement by the Government and its willingness to negotiate a new constitution (and not create one unilaterally as happened in the case of the present Constitution) represent a marked deviation of policy.

The Government has also stated clearly that, although it will not compel any of the national states to take independence, it is still committed to the ideal.

6. In line with promises made by the State President, the Restoration of South African Citizenship Act, 1986, provided for the restoration of South African citizenship to those Blacks permanently resident in South Africa who lost their SA citizenship when the TBVC countries became independent. In this way about 1 750 000 Blacks will regain their SA citizenship.

The Official Opposition strongly urged the Government to extend SA citizenship also to those Blacks living permanently in the TBVC countries, thereby creating a dual citizenship in respect of them (as is the case with "citizens" of the national states). It has become apparent that in the light of the repeal of other legislation (as e.g. the various influx control laws) it will be impossible to treat those people as "aliens". As the situation stands at the moment, these TBVC citizens will be subject to forms of control that have now, in fact, been repealed in respect of South African Blacks. The imposition of such control, I believe, will be unworkable and impractical.

It is understood that discussions with the Governments of those four states are being held to resolve this issue.

However, there can be no doubt that the restoration of citizenship as described above constitutes a major reversal of policy.

And disappointing as it may be that the TBVC citizens are at this stage to be treated as "aliens", this cannot detract from the fact that for millions of Black South Africans the repeal of these laws has brought freedoms and rights that they have not experienced in all their lifetime.

7. Important also are the changes reflected in the Identification Act, 1986. This Act provides for the issue of a uniform identity document to all South Africans irrespective of race or colour; it repeals the Blacks (Abolition of Passes and Co-ordination of Documents) Act of 1952 (which I referred to earlier) and thereby abolishes the Reference Book system which, as I indicated above, was the main instrument of control over Blacks. It is also interesting that, although in the Population Register people will still be classified according to the various racial/ethnic categories as set out in the relevant Act, the new identity document will carry no reference to the individual's race or colour.

9. A significant departure from past policy is also contained in the Black Communities Development Act, 1986. The Act provides for the acquisition by Blacks of freehold (ownership) rights in Black townships (in addition to the 99-year leasehold system mentioned above), for the conversion of a 99-year leasehold to freehold, for the creation of so-called development areas and for the granting of ownership rights in such areas i.a. to township developers and to employers (for disposal to or occupation by Blacks in their employ), and to the transfer of property owned by the (now defunct) Development Boards to the Black Local Authorities established within their areas (thereby making such Local Authorities major landowners and providing them with a rational tax base). This is obviously

one of the steps taken by the Government in the implementation of its urbanisation strategy.

10. In terms of Proclamations issued under the Group Areas Act restrictions were imposed on the employment of people in certain categories of employment (e.g. managers) if such people were to be members of a group different to the group for which the group area had been proclaimed. These Proclamations have been repealed.

11. The Abolition of Development Bodies Act, 1986, provides for the abolition of, amongst others, the Development Boards (previously known as the Administration Boards). These bodies have been the main instruments for the application of the various influx control laws and other measures controlling the lives of Blacks in urban and peri-urban areas. With the abolition of the influx control laws and other legislation controlling the lives of Blacks in urban areas, these bodies (most of them intensely disliked by many Blacks) have in fact become redundant.

#### **THE ABOLITION OF INFLUX CONTROL ACT 1986**

The following are the most important provisions and implications of the Act:

1. By repealing most of the provisions of section 5 of the Black Administration Act of 1927, it has removed the statutory power of the Government to effect the forcible removal of Black communities and individuals (i.e. outside urban areas). It thus provides tangible evidence of the Government's stated intention to cease forcible removals. (Whether it has not, or will not, on occasion use other methods to achieve such removal is another matter; but the legislative machinery it used in the past is now no longer available.)

2. It repeals Chapter 4 of the Development Trust and Land Act 1936, thereby effectively ending control over the residence and employment of Blacks on White farms.

3. It repeals the entire Blacks (Urban Areas) Consolidation Act 1945 (or what was left of it). As indicated above, this Act has been the principal instrument for the control of Blacks in urban areas and contained the provisions relating to "influx control", but in actual fact went much wider than merely influx control. The following are some of the implications of the repeal:

(a) It removes the legislative distinction between those Blacks who had section 10 rights (and who were consequently "exempted" from some of the more onerous control provisions of the Act) and other Blacks who were not so exempted; in essence the division amounted to a differentiation between those Blacks regarded as permanently urbanised (by definition) and others.

(b) The requirement that no Black person (unless he was "exempted" in terms of section 10 of the Act) may be in an urban area for more than 72 hours without official permission has been scrapped. In other words there are at the moment no legislative provisions prohibiting Blacks from coming to such areas; in this sense, Blacks now have the same freedom of movement as other persons. Consequently, the provision in the Act that Blacks who remain "unlawfully" in the urban area could be compulsorily removed, has also disappeared.

(c) The requirement that no Black (unless "exempted") could enter into employment has been removed.

(d) The requirement that no employer may employ an "unexempted" Black without official authorisation no longer applies.

(e) The prohibition on the "introduction" of Blacks into urban areas has been removed.

(f) The requirement that a Black person could at any time be required to produce proof that he is either "exempted" or has the necessary permission to be in the area or to be employed has now disappeared, inter alia because of the scrapping of the reference book system.

(g) The curfew system (providing for proclamations prohibiting Blacks from being in the urban area outside a Black township between the stated hours at night time) has been scrapped.

(h) The provisions for the forcible removal of "idle" and "disorderly" Blacks from urban areas have been removed from the statute book.

(i) Section 9 of the Act empowered the Minister to prohibit a person from running a school or other educational institution or place of entertainment or church mainly for the benefit of Blacks outside a Black township; section 9 also contained the infamous "church clause", in terms of which the Minister could forbid the attendance of Blacks at any church or other religious service outside a Black township if such attendance would constitute a "nuisance" to residents in the vicinity of those premises or in such area or if he regarded as undesirable that Blacks should be present in such numbers on such premises. These provisions have also been repealed.

(Space does not allow me to discuss in detail the full effect of the repeal of Act 25/45.)

4. The Blacks (Prohibition of Interdicts) Act, 1956, has been repealed, thereby restoring a fundamental common law right.

5. The Contributions in respect of Black Labour Act, 1972, (providing for the compulsory payment by employers of levies based upon their employment of Blacks) has been repealed.

6. Procl. R74 of 1968, containing the Black Labour Regulations, has been repealed.

7. Section 3C of the Prevention of Illegal Squatting Act, 1951, has been repealed. Under this provision the Minister could issue a notice prohibiting employers in a specified area from introducing and employing any worker without a certificate from the relevant local authority that proper accommodation is available for such employee.

The above details give some indication of the wide ramifications flowing from the Abolition of Influx Control Act. It is obvious that they go very much further than merely abolishing the influx control provisions.

#### **APPLICATION OF THE PROVISIONS RELATING TO SQUATTING, SLUMS AND TRESPASSING.**

Fears have been expressed that, while it is conceded that the Abolition of Influx Control Act did repeal many of the obnoxious provisions relating to "influx control", the Government will use other measures to indirectly

achieve the same results as were achieved by means of these repealed provisions; in other words, that other measures will be utilised to prevent freedom of movement and Black urbanisation. Critics voicing these fears refer to the recommendations in the President's Council report on urbanisation, and some statements in the Government's White Paper on Urbanisation. As for example the following:

"Orderly or planned urbanisation implies the freedom of movement of all citizens and also refers to the operation of economic and social forces and the concomitant obligations. It means further that the process of urbanisation must be ordered, planned and directed by predominantly indirect forms of control, such as incentive and restrictive measures, as well as by direct measures comprising legislation and ordinances." (p. 71)

Reference is made to statements in the White Paper about restricting the availability of industrial land in the metropolitan areas, and about the need that may arise that communities may have to be moved ("In the interest of planned development, the effective management of urbanisation or in aid of an improvement in their own living conditions it will sometimes be necessary for individuals and groups to move. However, all such moves will always be negotiated with the individuals and groups concerned.") [par. 4.1.7., p. 7]

And in the explanatory memorandum which accompanied the Abolition of Influx Control Bill the following paragraph appears, referring to the Government's policy in respect of urbanisation in so far as legislation is concerned:

"(d) universal measures to combat nuisances such as disorderly squatting, slums and conditions that contain a health hazard, will, where necessary, be amended and applied more effectively."

Critics also point out that the Government has used "coercive" measures to compel people to move from Crossroads to Khayelitsha, and that in some other cases Blacks have been prosecuted for "trespassing".

One can understand that in a situation where for many decades a policy has been followed dictated by ideological considerations in total disregard of the interests and feelings of the people affected by the policy, it is extremely difficult to believe that the same people who applied that policy had come to other insights and would now display entirely new attitudes and approaches. In a situation like ours suspicion and distrust could easily become the dominant reactions and responses.

It is, indeed, easy to be cynical.

I do not share the cynicism. Having made a study of the President's Council report and the Government's White Paper, having been involved in the Standing Committee which had dealt with some of these bills, having had the opportunity to listen to Government spokesmen and the relevant senior public officials, having seen the changes in policy effected by this Government over the last number of years, I have no reason to doubt the Government's sincerity in pursuing a proper urbanisation strategy as set out in the White Paper. There are some prerequisites if such a policy is to succeed: enough land for urban settlement has to be pro-

vided and an extremely imaginative housing policy will have to be followed. I believe the Government is fully aware of this. It is the duty of responsible citizens to keep on pressurising the Government to put into practice the many constructive plans and approaches set out in the White Paper.

This is undisputably clear to me: with the passing of the Abolition of Influx Control Act and the other Acts to which I have referred in this article, we have come to the end of an era, an era that can never be re-opened again. □

Reviewed by Peter M. Stewart

## PERCEPTIONS OF CHANGE

Paul Malherbe, **A Scenario for Peaceful change in South Africa.**  
College Tutorial Press, 1986  
Julie Frederikse, **South Africa: a different kind of war,** Ravan Press, 1986.

There is a certain perversity involved in presenting a scenario for peaceful change in South Africa. To do this is to deny the extent to which political violence is a feature of South African Society. It indicates a refusal to accept the significance of the deaths that have occurred both in the struggle against apartheid and in the name of that struggle. Indeed, it could be argued that to present a scenario for peaceful change in South Africa is to have an inadequate understanding of the nature and severity of the crisis confronting this society.

While the concept of peaceful change may now be obsolete there can be no doubt that there exists within South Africa the potential for much greater violence. As Merle Lipton argues, "It is this prospect - 'too ghastly to contemplate' - that provides the incentive, indeed the moral duty, to pursue the difficult, and now often unpopular, role of nurturing the diminishing possibilities of reform and negotiated change that still remain." Given this imperative and the obvious sincerity of Malherbe, one is obliged to take cognisance of his arguments.

Malherbe lists four prerequisites for peaceful change:

- We must overcome white complacency
- We must overcome white fear of ending baasskap
- We must bring about a change of government, and
- We must secure black co-operation.

Much of the argument in his book is devoted to the justification of these prerequisites by means of a consideration of the "main actors in the drama". In essence, he sees a deadlock between the National Party government, which despite rhetoric to the contrary remains committed to 'old fashioned baasskap', and the ANC, which is only prepared to discuss the handing over of power. Malherbe's analysis leads him to the conclusion that since power is effectively in the hands of the white population the only way to break this deadlock is for the white population to vote for the PFP, thus bringing about a change of government. Given this scenario, the logic of his prerequisites for change is evident.

For most of the remainder of his short book Malherbe chastises the PFP for following the politics of protest

as opposed to attempting to establish a balance of power situation in Parliament. The PFP, he argues, should aim to gain power by securing Black co-operation and overcoming white fear. Malherbe's conception of white fear is a central theme in his book and it would appear that many of the inadequacies of the book emanate from the inadequacy of this conception. White fear is not merely an abstract paranoia of black domination. It also emanates from having too much and hence too much to lose. Furthermore, even if the PFP was to win an election, it is unlikely to gain the co-operation of either the bureaucracy or the security forces. This could only lead to the further paralysis of parliament and an escalation in violence as state structures assert their autonomy.

Malherbe's scenario is further marred by a simplistic analysis of the ANC and the UDF and a facile, and in this context unnecessary, consideration of the relative merits of capitalism and socialism.

Julie Frederikse, in stark contrast to Malherbe, attempts to document the different perceptions which have culminated in South Africa being the site of an embryonic civil war. In order to do this she has assembled a collage of interviews, photographs, songs and extracts from newspapers, posters and pamphlets, loosely arranged into five chapters. The intention is that the words and pictures will "enable readers to make sense of the emerging situation - in terms of how the people of South Africa express their own experience".

For non-South Africans Frederikse's book might indeed be fascinating. South Africans, however, will probably feel that the complexity of South African society has eluded its scissors and glue approach. It is even possible that the conception and structure of the book prevent an adequate understanding of South African society from emerging. Nowhere is the reader informed of the criteria, for the inclusion of information and much of the content functions at the level of propaganda which, by its very nature, distorts reality. Thus while one is made aware of the vastly different perceptions which one finds in South Africa, it is virtually impossible to reconstruct an image of the society itself. Frederikse has attempted to overcome this problem by including a commentary but, unfortunately, this often contributes to the distortion as it is simplistic and contains many unsubstantiated assumptions.

Finally, when considering a society which is permeated by violence and the potential for violence, it is important to remember Hannah Arendt's observation that once violence as such is glorified or justified, one leaves the realm of the political and enters that of the antipolitical. Julie Frederikse, it would seem is not always aware that **A DIFFERENT KIND OF WAR** documents the end of politics in South Africa. □