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# SASH



**The Black Sash magazine**

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# The Black Sash Die Swart Serp

**WHERE** do we go from here?

The chickens which the Government has been hatching for the past 29 years, aided and abetted by a politically apathetic and materially comfortable white public, are coming home to roost. The country is in disarray internally and threatened externally.

The townships are seething with a discontent which sporadically erupts — a situation which is becoming endemic and will remain so until the causes have been eradicated. The longer they are either ignored or responded to with such unsatisfactory half-measures as the Community Councils Bill the more radical will the demands become and the more strident their expression.

The economic restrictions imposed upon black people — in terms of mobility, job availability, training, trading, advancement — combined with restrictions on the siting and labour content of industry imposed on white entrepreneurs through the Industrial Planning Act have all contributed towards the declining economy and the growing unemployment, which further fans the fires of discontent.

Government policy of viewing urban Africans as 'temporary sojourners' has resulted in a colossal housing backlog, gross overcrowding, the mushrooming of squatter camps and an ever-deteriorating quality of life for urban blacks.

The continuing stringent application of the Pass Laws consistently undermines African family life and creates havoc with the structure of black society.

Restrictions on the acquisition of land by the homelands, lack of consolidation and the forced removals of hundreds of thousands of people to non-viable and inadequate tribal areas from the so-called white areas have considerably aggravated the poverty in the homelands. People are starving there.

Independence for the homelands — the Government's moral justification for its policy and its response to the needs of black people for some form of political representation — is back-firing. Black people are having to sacrifice their citizenship of the Republic of South Africa, with all its growth possibilities and technological development to which they have contributed, for citizenship of small and impoverished homelands from which large numbers of them have been divorced for a generation or more.

Bophutatswana has been forewarned by what is happening to the citizens of the Transkei, many of whom are embittered and angry, and is stalling on taking its independence until its land and citizenship demands have been met, demands which do not fit tidily into Government plans.

For the entire population, white and black, rights and liberties have been curtailed with ever more citizens held in indefinite detention, banned, banished, house arrested; restrictions on outdoor gatherings and protest demonstrations; increased restrictions on the freedom of the Press with the threat of the re-introduction of the Press Bill inevitably acting as a curb; a Lower Courts Act designed to streamline and demote from the higher courts some of the administration of justice to cope with the increasing numbers of political trials; and a general and pervasive atmosphere of unease and insecurity.

This is further aggravated by the problems of Rhodesia and SWA/Namibia, Russian intrusion into Southern Africa, the belated concern of the Western world with its demands for shared power made to a Government which is intransigently opposed to this, and the surfacing of South and Southern Africa as power-political pawns.

With a disproportionately large budget allocation to defence and the maintenance of law and order, a Government hell-bent on pursuing its blinkered path, a futilely fragmented opposition, a patently dissatisfied black majority and increasing pressures from outside the country where, indeed, do we go from here?

Time is fast running out. Only a totally representative and concerted determination to scrap failed policies and get together with open minds to co-operate in the formulation of a dispensation acceptable to all can prevent an eventual bloody confrontation and provide the conditions in which the wonderful potential of our diversely cultured and richly endowed land can be fulfilled. But the Government rejects this.

It will require leadership of a very special and dynamic quality, generating a compelling and irresistible momentum, to release the forces for peace which still exist in all sections of the community from the bondage of the past and weld them into the nucleus from which a hopeful future for all could still emerge. But where is it?

# Prejudicial to the accused ?

PAT TUCKER

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*In April, the Justice Committee of the Transvaal Region launched a written campaign against the Lower Courts Amendment Bill, then going through Parliament. Letters were written to the Association of Law Societies of SA, the General Bar Council and the Minister of Justice, asking for the withdrawal of clauses 14 to 16 of the Bill. There was little positive response and, despite opposition, the Bill was passed. Why were these clauses considered so dangerous?*

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**T**HE relevant clauses make provision for trials under the Sabotage and Terrorism Acts to be heard in Regional Courts as well as in the Supreme Court in which, traditionally, offences carrying heavy sentences have always been heard.

In itself, this is a move that is seen by some lawyers as prejudicial to the accused. Regional magistrates are civil servants. Most of them have had their legal experience as prosecutors and have not had the experience of appearing in courts for the defence.

They have also, up to now, had no experience of acting in cases which might demand very heavy sentences.

In terms of both the Sabotage and Terrorism Acts, the competent sentence is the death penalty. There is also a minimum sentence of five years. A conviction on any point in an often lengthy and complicated indictment, therefore, automatically means at least five years in prison for the accused.

The point has also been made that the highly-charged political issues often involved in cases of this nature should be heard by judges who have a totally independent background and not by people who have been legally trained through the public service and have spent all their working lives as State officials.

It is not only the Lower Courts Amendment Act to which exception is taken. If it is read in conjunction with sections 112 to 122 of the Criminal Procedure Act which also went through Parliament during the recent session, its implications become even more grave.

These sections make it possible for the accused to be required to plead to and to deal with the State's allegations at his first appearance in court. If the accused pleads guilty, he may be questioned by the magistrate. If the magistrate is satisfied that the accused is guilty of the offence with which he is charged, he may then be sentenced.

The only exception is that the sentence of death may not be imposed unless the guilt of the accused is proved as though he had pleaded not guilty.

If the sentence to be imposed is outside the jurisdiction of the magistrate's court, the case may be referred to the Supreme Court for sentence.

The concept of these summary trials is particularly disturbing when it is taken into account that in most cases under the Terrorism or Sabotage Acts, people have been in detention for long periods without access to lawyers and friends.

The fact that they will be brought to court from solitary confinement to plead to and answer a detailed indictment without prior consultation with a lawyer, is of great concern.

In many cases, the accused are not represented at the first hearing as they have not had any means of contacting their families and legal representatives. Some might well have been involved in incidents mentioned in the charge sheet but would be totally unaware of the implications of pleading guilty on the basis of such involvement.

It is one of the sad facts of legislative life in South Africa that so often, money and possessions are of so much more importance than the liberty of individuals. While jurisdiction in the Magistrates and Regional Courts has been increased in terms of the civil trials that may be heard, important civil trials will still be heard by judges while grave trials affecting the liberty of the accused are no longer considered to be of sufficient importance to merit the consideration of a judge.

It would seem that the enormous pressure on the Supreme Courts and the inability of judges to deal with an excessive workload, which factors have prompted this legislation, would be better resolved by the appointment of more judges and an increase in the number of courts than by demoting serious offences to trial by magistrate.

# SA and USA

JOHN BARRATT

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*Mr Barratt is the director of the South African Institute of International Affairs and this article is based on an address he delivered to the Natal branch of the Institute in Durban on June 14, 1977*

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**I**T could be argued that the fundamental change in American policy towards Southern Africa took place under President Ford and Secretary of State, Henry Kissinger, who began, for the first time, a process of real and direct American involvement in the problems of the region.

Dr Kissinger's policy statement in Lusaka in April 1976 was a landmark in this regard, and it was followed by his intensive diplomatic efforts to achieve a negotiated settlement in Rhodesia and to find internationally acceptable ways of settling the Namibian question. These efforts did not lead to any concrete results in 1976, but the experience gained was not wasted, and, after a lull while the new Administration took over at the beginning of 1977, the diplomatic initiatives continued.

It is true that there have been important shifts of emphasis, as well as changes in style and method since President Carter came into office. In particular, the rhetoric is different, in line with President Carter's belief in more open diplomacy.

Whether these differences yet add up to a new policy is, however, open to doubt. The most that can be said, in my view, is that the present Administration is *searching* for a policy which will be coherent, credible and effective, and which will also be different from that of Dr Kissinger (who is the subject of considerable criticism by members of the new Administration).

When one attempts to examine the development of American policy under the new Administration, one gains the impression that there is still considerable confusion and uncertainty about what the United States can effectively do in respect of Southern African conflicts, and even about what the aims of American policy towards this region should be.

But it is perhaps worth trying to identify some of the elements in the approach of the Carter Administration to South Africa, in particular, in an effort to understand the thinking behind the current policy-making:

(i) Although it has been specifically stated that the American approach is no longer motivated by anti-communism (for which Dr Kissinger is criticised), this factor is still present, at least

in the sense that competition with the Soviet Union, as the other world super-power, is unavoidable.

In his most recent foreign policy statement (May 22) President Carter stated that the threat of conflict with the Soviet Union has become less intensive, even though the *competition has become more extensive*. More specifically, he referred to the need 'to persuade the Soviet Union that one country cannot impose its own social system upon another, either through direct military intervention or through the use of a client state's military force — as with the Cuban intervention in Angola'.

As Dr Kissinger did, the present Administration is pressing its diplomatic efforts to obtain negotiated agreements, in order to stem the spread of violence, and thus reduce the opportunities for Soviet and/or Cuban intervention.

(ii) The present Administration is clearly more concerned than the previous one to cultivate better relations with Black African states. Although Dr Kissinger was also making efforts in this regard during his last months in office, he did not get the hearing that representatives of the present Administration — particularly Ambassador Andrew Young — seem to get.

From the beginning the Carter Administration has been seen in a better light by black Africa, because of its expressed intentions to pay more attention to Africa. The improved relations with Nigeria are a notable example of the change, and this is of some practical significance to the United States, in view of the growing importance of Nigeria as a source of oil and as America's largest market in Africa.

But there is a danger that the new approach to black Africa, together with the stronger rhetoric about Southern African problems, will arouse expectations in the Continent, which the United States will not effectively be able to fulfil. Already there are signs of some reaction in the more militant states.

(iii) The domestic influence on American policy appears to have increased, although this was

already apparent in Dr Kissinger's time. There are several aspects to this:

Firstly, there is considerably more public attention paid to Southern African issues than there was prior to the Angolan war. This is noticeable particularly in the media. The Soweto and other disturbances last year also brought South Africa itself more into the limelight. However, one should not assume that Southern Africa is anywhere near the top of the list of American priorities; in the presidential election, for instance, it played only a marginal role as an issue.

Secondly, black Americans are now playing an increasingly significant role in the political system, out of proportion to their minority position in the American population. This has an effect on attitudes towards South Africa, which is strengthened by the fact that President Carter received overwhelming support from blacks in his election.

Thirdly, although the race question is no longer an issue in American politics, there is a fear that a racial conflagration in Africa could have a profound effect on American society and disturb the fragile racial peace achieved there. The prevention of such a conflagration for this very reason, is an important part of the motivation for the present involvement (and this was true for Dr Kissinger, too).

(iv) Related to the latter points is an element which is strongly emphasised by the present Administration, namely the comparison between the South African situation and that which existed in the American South. In fact, South Africans, black and white, are urged (especially by Ambassador Young), to follow the example of change in the South and learn from American experience there.

To my mind, this is a very disturbing element in the American approach, and there is reason to fear that the US Government is seriously misleading itself, and that it may be rushing into action on the basis of a completely inadequate understanding of the real differences between the two situations.

It would be wrong to pretend that there are *no* parallels between the two countries; there is obviously racial prejudice in South Africa — as there was, and still is, in the United States — which seriously inhibits constructive political and economic development. In *both* countries black development has been retarded by white controlled systems, ingrained with racialism.

Moreover, the South African argument that blacks in the United States are all Americans, while blacks in South Africa have their own separate cultural and national identities, is only partially true, because the urban and more politically sophisticated blacks in South Africa increasingly see themselves as South Africans, without strong tribal identities. Moreover, there is no doubt that they themselves *do* perceive paral-

ls between their situation, at least in the urban context, and that of blacks in the United States.

However, there are other vital differences which make closer comparisons misleading:

The first obvious difference is in the black/white proportions of the respective populations. American blacks overall constitute a 10 per cent minority, and even where the proportion of blacks is much higher in some individual Southern states, the position nowhere nearly approaches that in South Africa where blacks are in a nearly 80 per cent majority.

This leads to the second difference, namely that whites in the American South are part of a larger political system which gives them an underlying sense of security, which the white minority in South Africa does not have, when it envisages possible concessions of power to the black majority. This sense of insecurity is aggravated by the perception of a hostile black continent, as well as by the violence and disorder in neighbouring countries.

A third difference is that there is external involvement in Southern Africa from various sources, including the two super-powers, and these international pressures were not present to any meaningful extent in the American situation.

Fourthly, African nationalism — supported by militant states, the OAU and liberation movement — had no parallel in the American civil rights movement. That movement used political and economic pressures within an established democratic political system, where recourse could also be had to the courts as part of the struggle. Militant African liberation movements, on the other hand, do not see their salvation as coming through votes or through the courts, because, they argue, the political systems in the white-ruled countries cannot be reformed; they have to be overthrown.

In other words, to offer the methods employed by the civil rights movements as a solution for South African blacks, is too simplistic. It may even mislead blacks into courses of action which will be ineffective, or even counter-productive, and also raise expectations among them, which cannot be so easily fulfilled.

Fifthly, and perhaps most important, the comparison with the American South completely ignores the reality and strength of Afrikaner nationalism. There was no equivalent in the American South to this deeply held determination to maintain group identity and retain political power over that group's destiny.

(v) While the influence of black Americans on the American approach to South Africa has increased, one must note that there is some uncertainty about the degree of public interest in this question, and about whether there would be wide public support for a tougher policy (if it came to that). With blacks constituting only 10

per cent of the population, the President has to be concerned with other sections of the population, too.

Although it is often said that Mr Carter became President because of the overwhelming support of blacks, it can be argued that in the final analysis it was the so-called moderate independent whites who put him into the White House. This is in fact the conclusion of the President's own political pollster (Patrick H. Caddell in *The Washington Post*, May 7, 1977).

Looking toward the next election, with the possibility that Southern Africa will become a more critical issue during the next few years, the factor of public support for his policies has to be taken into account by the President.

(vi) There is a strong feeling in the Administration that the United States should not again get caught on the wrong side on an issue such as that of South Africa — as happened in Vietnam. Vice-President Mondale stated, for instance, after the Vienna meeting with Mr Vorster: 'We hope that South Africa will not rely on any illusions that the US will in the end intervene to save South Africa from the policies it is pursuing, for we will not do so.'

He also said, referring to the South African Government: 'They know that we believe that perpetuating an unjust system is the surest incentive to increase Soviet influence and even racial war... They know that we will not defend such a system...' In other words, the US Government does not want to be put into a position of even appearing to support white governments, for fear of the negative effects on its international position generally, and for domestic considerations.

(vii) It is also necessary to appreciate that the American concern is now essentially with the question of *political* development in South Africa, and not simply with the removal of discrimination in the social and economic spheres. Positive moves in the latter regard do make an impression, but they will not have a major effect on American policy. (This holds true also for other governments.)

However, there is no clarity on exactly what the Americans would regard as significant and acceptable political change. The term 'majority rule' has frequently been used — even during Dr Kissinger's time, although he was more careful when applying the phrase to South Africa. Recently the term 'full political participation' has become more common, although confusion was created by Vice-President Mondale's reference, at the very end of his Vienna press conference, to 'one man one vote'.

In spite of this comment, my impression is that the US Government is purposely not making a specific demand in this regard, as they do not have a clear idea of what the best constitutional solution would be (just as we do not know here in South Africa). The essential point probably

is that South African blacks, through credibly representative leaders, should be seen to be participating in political decision-making about a future dispensation.

It must frankly be recognised that the policy of separate development is not acceptable, basically because the Americans (and this is true also of other Western countries) are totally unconvinced that this policy is supported by South African blacks.

(viii) An important shift in the approach of the new US Administration, is the much greater attention being paid to South Africa itself, in addition to the issues of Rhodesia and Namibia. Dr Kissinger was giving priority to Rhodesia, followed by Namibia, on both of which issues he was seeking the co-operation of Mr Vorster. The implication was that South Africa would be given more time, if help were given in solving the other two issues.

The Americans now maintain that all three issues have the same priority — although one wonders whether in actual practice (as distinct from the rhetoric) the approach has changed all that much. Certainly negotiations are now proceeding at a fair pace on Rhodesia and Namibia, whereas not much is happening with regard to South Africa itself in a concrete sense.

It has been suggested above that there is an appearance at least of some confusion in the new US Administration about the aims of its policy towards South Africa and uncertainty about what the US can effectively do to influence 'a progressive transformation of South African society' (to use the words of Vice-President Mondale). There are three possible reasons for this.

Firstly, the Administration has not yet been in office for six months. There are many new people involved in planning and policy-making. There is not the same feeling of the need for continuity, which one finds in other political systems, and in addition there seems to be a feeling that the Nixon/Ford/Kissinger policies have to be changed. So it may be that it is just too early to expect a coherent policy, and that we must wait a little longer for the policy to crystallize and, in particular, for the President himself to begin to draw together the strands which are being woven by different people and groups within the Administration.

Secondly, there may be a more fundamental problem, namely that the people in the Administration have not yet answered the basic question: What are the real American interests in this region? If, as some say, the economic and strategic importance is very small in relation to America's worldwide interests and commitments, then there is no serious reason for the United States to become involved in trying to change the status quo, and the best course would be to disengage as much as possible, politically and economically.

If, on the other hand, an objective assessment shows that there is at least some validity in the argument that Southern Africa *does* have long-term economic and strategic importance, then the stable development of the region should be a primary American concern, and policies should be designed to that end. This would not mean simply preserving the status quo, but it would mean finding ways of ensuring that the economies of Southern African countries are not seriously disrupted in the transition process.

Then there are the interests of America's allies in Europe to be considered. Even if the American stake in the region is not large, the same cannot be said in respect of Britain, Germany and other European countries. What would be the effect on them of disorder and disruption in Southern Africa?

Another question which deserves to be treated more realistically and objectively is the role of the Soviet Union in Africa, and what the response of the United States should be — in its own interests and that of the West generally. In this regard, unfortunately, the exaggerated arguments of South African spokesmen have not helped to encourage an objective assessment of this question.

Thirdly, there is the danger of a mood of fatalism developing about Southern Africa. While this is not strongly detectable in the Administration itself, there are signs of it among influential

people in the media and business circles, for instance. It is based on a feeling that there is little anyway that can be done about the situation which is inevitably heading for disaster.

This line of thinking tends towards the conclusion that the best course for the United States, in its own interests, is to disengage as fast as possible on all levels, as the US cannot really do anything to influence the situation and further involvement will simply be harmful to American interests elsewhere. This is, of course, not the view of people like Andrew Young, who believe deeply in the feasibility of the peaceful settlement of conflicts.

The growth of this fatalistic mood would be a very dangerous development, from the South African point of view, especially if it affected the attitude of investors. The only way in which it can be countered is by effective positive action within South Africa itself — action involving all our people, black and white.

In other words, it comes down to the fact that the answer to the problems in our relations with the United States — as well as with other countries in Africa, Europe and elsewhere — lies largely hidden in our own hands. We have the *ability* to produce the answers; we now need to develop the *confidence* to apply them in our society — not for primarily the sake of any outside opinion, but for our own future security and prosperity.





# First target

RENE DE VILLIERS

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*Mr de Villiers, a member of Parliament and one-time editor of the 'Star', delivered this address to the Cape Western Region*

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**T**HE issue of press freedom has been a fixation of mine for one reason above others, namely, that I believe there is a totally inadequate conception among people at large as to what press freedom really means. Press freedom is not something that is external to the individual, something that allows newspaper owners to get rich or eccentric columnists to express their views; it is something that basically belongs to the individual. It is because the press is the public and press freedom is really public freedom that it is such a vitally important issue.

Those of us who have been in journalism all our lives do not have many illusions about the popularity of the press. Many individuals develop grievances because they think they have been misrepresented by the press, others believe that newspapers cannot do right and are actually out to do mischief. Let us be clear on this: newspapers are instruments of human agency and therefore they are fallible. Nevertheless, one thing is beyond dispute: there cannot be a free society unless there is a free press. There can be no individual freedom without press freedom, and newspapers can only be as free as the environment in which they operate. That is why, down the years, the first target of a dictatorship has been the free press.

There is nothing particularly new about the assault on the press and one thing one learns from the history of the world over the years is that press freedom is never really safe for any length of time: you have to keep on fighting for it. And because we have been given some sort of respite over this Newspaper Bill, this does not mean that the position is now safe.

In 1948 the National Party came to power and within 18 months they had appointed a Press Commission which sat for 13 years. It reported on four of its five or six terms of reference but it did not find what the Nationalists were hoping it would. That took us to 1961-62, and then came a period when the Government became very fidgety, after Sharpeville.

The Newspaper Press Union, the official body of owners and managers, decided that, in the face of government threats to act against newspapers, the press itself should draw up a code of conduct and that a three-man body, composed of a judge or ex-judge of the Supreme Court and representatives of the industry should constitute a Press

Council and implement this code. I think this is right because, just as with other professional bodies, newspapers do not ask for any privileges or rights other than those which should be available to every individual in a free society. A newspaper simply demands the ordinary rights of a free individual and for this reason it objects most strenuously to any legislation which is aimed specifically at it.

A code of ethics was drawn up and we operated under it quite cheerfully until about 1974 when the Government again got edgy. They asked the Newspaper Press Union to do something more; so in 1974 the NPU introduced a slightly more stringent code of ethics, including a punitive clause which had not been there before. The Government was not satisfied, however. Governments are always looking for a situation in which newspapers will not be as critical of them as they are. They prefer to operate in the dark: it is so much easier when people do not know precisely what is going. But this is one of the functions of newspapers: to shed light on dark places.

The Government entered into negotiations with the Newspaper Press Union but these failed and the Minister of the Interior gave notice in the House of Assembly that he would introduce the Newspaper Bill to control the press. The PRP and the United Party took the unusual step of opposing this Bill at its first reading.

It was, by any standards, an incredible piece of legislation. Although it was subsequently withdrawn, a tremendous amount of harm was done to this country, here and particularly overseas, by the mere publication of the Bill. By giving notice of its intent, the Government revealed how far it was prepared to go to restrict press freedom — and, in the process, of course, restrict *your* freedom. This is at the heart of the matter: the fate of individual freedom.

The Newspaper Bill set up a State-appointed press council to operate a press code drawn up by the government. This press code was an astonishing document. We objected to the whole principle of statutory control, because the minute there is statutory control or any kind of external control the freedom of the press has gone. Newspapers can no longer do what they believe to be right and in the best interests of the public. The press becomes suspect, because one never knows to what extent what it publishes has been

dictated by an outside agency, to what extent it is simply reflecting the views of the Government.

Much of the press code itself was deplorable. It could simply not be worked. It would either have been impossible to implement or it would have made it impossible for newspapers to do their job.

We must look at this against the fundamental right of individuals in a free society to have access to all the facts on all public issues and to every variety of opinion. Unless people have this, they cannot govern themselves. You cannot have democracy without a free press because there is no exchange of opinion. The press is the watchdog of the public; not a lapdog: it must make itself thoroughly unpleasant when necessary. The press's function is not to ingratiate itself with authority but to be vigilant all the time.

The fight against this Bill produced one of the most interesting episodes in recent political history: for the first time there was a united front between the Afrikaans and the English-language newspapers on what is basically a political issue. For the first time everybody associated with the newspapers in this country realised and showed that freedom is indivisible: there cannot be freedom for one group and not for another. When the Afrikaans newspapers opposed the measure so strenuously the government eventually said it would withdraw the Bill and give the newspapers one year in which to discipline themselves effectively.

The NPU then produced a new code of ethics and undertook to see that it was implemented. The code should be seen as a broad expression of intent, with this important proviso: that the freedom of the press is indivisible from and subject to the same legal and moral restraints as that of the individual and rests on the public's fundamental right to be informed. 'By reason of that right', the code says, 'all newspapers are obliged to report news truthfully, accurately and objectively and to comment and criticize fairly and honestly.'

Within this framework, is the press in South Africa as free as it was before this code was introduced? In my view the press is still able to do its fundamental duty of informing the public on all matters on which the public has a right to be informed, even though this may have become more difficult.

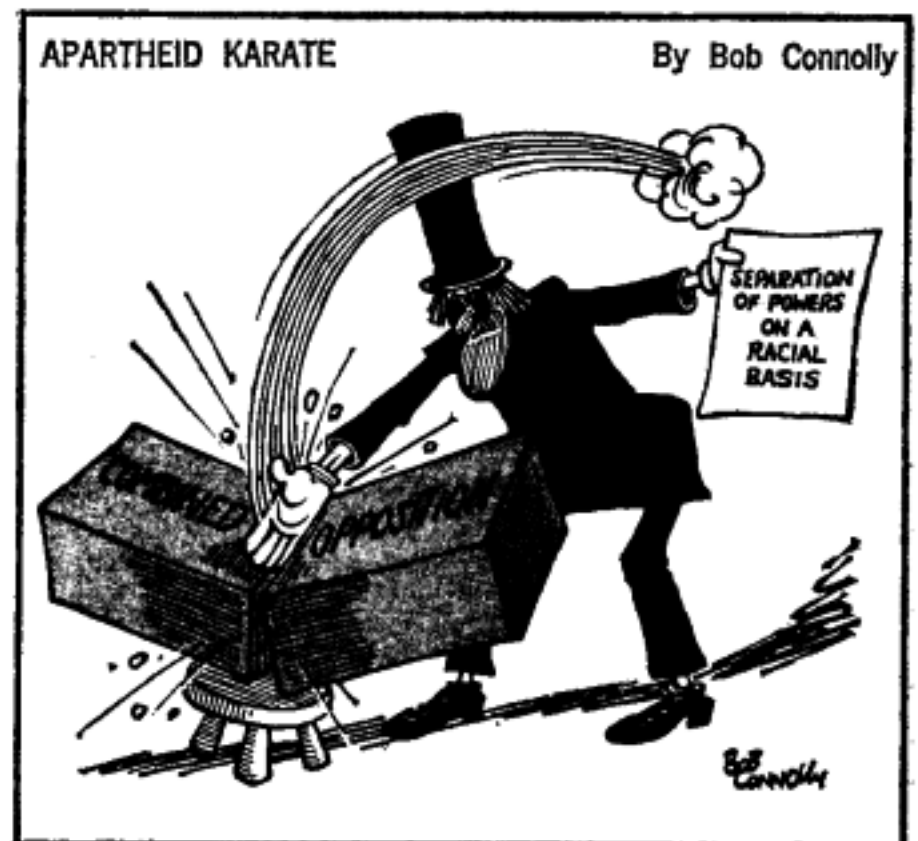
It operates under a whole range of statutes: the Official Secrets Act, the Defence Act, the Prisons Act, the Internal Security Act, the General Laws Amendment Act, the Riotous Assemblies Act, and so on. All these laws contain provisions concerning the rights and the functions and duties of newspapers. To that extent freedom of the press has already been inhibited. Some

of the restrictions newspapers can readily accept, but we had an example in the Angolan invasion where the area of legitimacy was invaded by the government, and the public was not told of what was going on. This was inexcusable. That happened not because of the press code but because of the provisions of the Defence Act which has been slightly tightened up since then.

To return to the press code: the future will show to what extent it is a tolerable document or restricts press operations. There is an air of concern in newspaper offices: to that extent the area of freedom has already been reduced. Journalists have to be more careful... I am all for carefulness, for responsibility, as long as it does not keep people from doing their fundamental duty, which is to give the people the facts to which they are entitled. Much is going to depend on how the Press Council interprets the press code.

I want to emphasize that there is no need for more legislation about the press. There is quite enough legislation in existence already, and if the Bill as published became law, press freedom would have been abolished. The claim of those who drew up this Bill that it would advance press freedom was sheer nonsense. Their arguments revealed a conception of press freedom so distorted as to make one wince.

This is why we must go on protesting against any statutory control of newspapers. By doing so we simply stake a claim to our right as individuals to have access to the facts. One of the things we have learned over the past few months is that public opinion, which knows what it wants and what it is talking about, can have some influence. The price of freedom is eternal vigilance, as much in the newspaper sphere as it is in the personal sphere.



# Power over—power shared

ALAN BOESAK

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*Dr Boesak is a member of the staff of the University of the Western Cape. This is an extract from his address to the Eleventh Annual Conference of the Labour Party of South Africa*

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**I**T is no longer possible, nor wise, to ignore or try to avoid the fact that black consciousness and black power have come to stay — at least for the foreseeable future, and I am convinced that history shall reveal their decisive influence on South African politics.

Politics in South Africa have reached a decisive moment. The country and its politicians are forced to face a new reality in which the old slogans and old policies are unmasked as impotent and inadequate, and new policies, if they do not take cognisance of Black aspirations, are rejected as fraudulent and irrelevant.

The word 'power' is a contaminated word in our society. Lord Acton's dictum: 'All power corrupts, and all absolute power corrupts absolutely' is still largely determinative for the understanding of power in western society. This is partly due to the fact that in western society 'power' is always acknowledged by the seriousness of the threat, the amount of money or the destructiveness of the violence it constitutes or represents. While not disclaiming the element of truth in all of this, we must not succumb to the temptation of denouncing power as such and thereby, leaving it to the devil.

Power can never exist on its own. It has to do with people, with concrete relations in the world. It has to do with persons who can, and ought to respond, to one another.

Many people see power as the ability to force one's will on others, or the ability to confine others to a certain pattern of behaviour. These definitions take as point of departure a concept of *power-over-others*, which is essentially an estranged power. Over against that is *power shared with others*, which means that power is not an alienated force, but a service to others. To me, this is genuine power.

Power-over-others manifests itself in three areas: first there is ideological power, which is the power to impose one's ideas on others. That is the kind of power we see in the SABC, for instance. Then there is remunerative power — the power of the economy, being able to manipulate others because they are financially dependent on you. Then there is punitive power: the power to destroy, force, violence, the 'power' of the gun.

For me, power is the concentration of ability. The ability to be, to control, to participate in control, to create. To lead (ie to rule) is another kind of service than to follow, but the difference is not in domination or force, for both are service, both are reciprocal, control and authority.

Power must be understood as an inward and outward reality. For power as power-over-others to work, some kind of basic submissiveness to the power-wielder is necessary. Whenever this submissiveness is present, it means that there is a certain alienation with regard to oneself.

The basis of this power-over-others relation is dependency. But it is still a *relation*. If one substituted the element of dependency with the ability to create one's own resources, or with the creative use of the resources one has, the power-over pattern is broken. If you can think for yourself, half the battle is won. This means that the one 'in power' is as much dependent on you as you are on him. If you can make creative use of this situation you can break the power-over pattern.

Likewise, if one has the power to substitute the fear for the violence of the power-wielder with courage and determination rooted in self-determination and self-respect, this power-over relation no longer exists.

This self-identification is the inner reality of power. It is there that real power begins. It is the courage to be human, the courage and determination to affirm one's human dignity. And this is essential for every normal human being. But this courage to be must inevitably lead to the rejection of structures that make human life impossible. It seeks to transform these structures to accommodate its search for human fulfilment and wholeness. These two sides cannot be divorced. Although self-identification is the indispensable pre-condition for human freedom, it cannot survive without the other: the practical, action-orientated manifestation of this realization.

To share power and to share in power is to be fully human. It means to be able to *be*, to live in accordance with one's God-given purpose. To be denied this means to be degraded to the level of sub-humanity.

Sharing in power enables human beings to become the subject of their own humanity — to assume responsibility, to act and in acting to

realize their own humanity and that of others, Now when you've said all this, and you believe it, and you act accordingly, and you are black, then you've got Black Power.

Power is service to others, and in serving justice, power is at its very best. It is the ability to realize one's humanity as much as God has affirmed it in liberating people to be truly human, in making the world not a chaos, but a place to live in. Realizing this in our South African context is the exacting, but sublime task of Black Power.

Black Power is the answer to the white power structure, the answer to racism, degradation, humiliation, exploitation and alienation. It is the discovery that there is no innocent way of going through life. It is learning to discern what matters.

Black Power realizes that the race problem is essentially a white problem. But at the same time it is also a black problem: the strongest ally of the oppressor is the mind of the oppressed.

White power is not extraordinary or unusual and it has nothing of the mythological divinity or sacred sanction some whites claim for it, most whites believing and all whites enjoying the fruits of. Whenever a number of persons within a society have enjoyed for a considerable period of time certain opportunities for getting wealth, for exercising power and authority, and for successfully claiming prestige and social deference, there is a strong tendency for these people to feel that these benefits are theirs *by right*.

Now if this happens within a society where a special significance is attached to the colour of one's skin and where colour of skin also generally designates the rich and the poor, the privileged and the under-privileged, racism becomes a reality. It is vis-a-vis this reality that we should understand the concept of Black Power.

For black South Africans, the white power structure is manifested in apartheid. Whatever grandiloquent ideal this ideology may represent for some white people, for blacks it means bad housing, being underpaid, pass laws, influx control, migrant labour, group areas, resettlement, inequality before the law, fear, intimidation, white bosses and black informers, condescension and paternalism; in a word, black powerlessness.

The white power structure represents full control by whites over the instruments of power and over the major resources of the country. It represents an unending spiral of violence inherent to the apartheid system. We must realize that although apartheid has developed into a most formidable system, it has no mystical power of its own. It was designed, carefully planned, and is being executed ruthlessly by people — white people. Therefore it can be changed by people committed to gaining freedom for all who live in this country.

In this regard the issue of violence comes up. Although the last word is not spoken about this subject, I want to say this: one must be careful not to romanticise violence, and those in power must remember that it cannot be the 'solution' to every problem that arises as a result of the policies they themselves so blindly pursue. I do not believe that power comes out of the barrel of a gun. It would be wise to remember that violence, once unleashed, acquires an autonomy of its own of which the inseparable twin is escalation.

Whereas I do not deny that a situation may arise where retaliatory violence is forced upon people and no other avenue is left open to them, I do so with a clear hesitancy, knowing full well that it will probably prove a poor solution and that violence as such is never 'justified'. While saying this we must recognise that South Africa is a violent society, with violent laws defended by violence. As long as we have apartheid, we will have violence.

I believe that black solidarity and black humanity are the creative preconditions for a genuine future for all of us. Black divisiveness only perpetuates the system and obvious inability of whites to bring about meaningful change. It is through black determination and the willingness to suffer that blacks have shown whites just how iniquitous the South African way of life is. This does not mean that we will have no relation at all. It does mean, however, that for the first time we will have a meaningful relationship.

For we live in this country, black and white, and ultimately we belong together. And we must learn, as Martin Luther King has said 'to live together as brothers, or we shall perish together as fools.'

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## A South African Pilgrimage

*Edgar Brookes*

**T**HIS is the simple, honest and sincere autobiography of the life and developing political insights of a man who has achieved much and is highly respected for his human and academic qualities. It is full of interesting anecdotes and character sketches of well-known South African personalities, and incorporates a brief chronology of important historical events, providing fascinating and informative reading.

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# The ECSA concept

RON SCHURINK

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*An address to Transvaal Region. Mr Schurink is an economics journalist*

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I SEE the greatest challenge in Southern Africa — if we are to minimise conflict — as being the psychological preparation of whites for an altered role. Like an elder brother arriving first in a family they have dominated the common homeland — and not a bad thing, either, since they knew how to introduce and run such worthwhile things as railways, mines and power stations.

Now, partly through our own efforts, the black man is maturing in capability and outlook, and is able to be a challenger. Everything depends on how we regard and handle that challenge. It is a threat to us only if we are incapable of rational adaptation of our own role and lifestyle.

Essentially, the Economic Community of Southern Africa (ECSA) concept is designed to appeal to the sound judgment of whites, ranging in political opinion from Progressive-Reform to Nationalist.

Its starting point is one that is widely accepted: economically, white and black are inextricably inter-dependent. Mr Vorster himself had said that he envisages the establishment of an economic community between the Homelands and ourselves at some stage in the future.

The concept proposes that, as a real move away from discrimination, we set up a Council of Economic Ministers right away and transfer to it (and away from our Parliament) control of the railways, Escom and other countrywide services. Via 'separate development' institutions we can vastly increase black authority, and bring into being large multi-racial staffs without threatening the languages, culture and essential national persona of whites.

We can ask the white voter to see what good sense such a policy makes even in simple manpower terms. Black labour and consumer power are increasing faster from a larger base than white labour and consumer power, and countrywide utilities have no option but to take this into account.

If there is a powerful move among whites to go this much further in meeting black aspirations, as a supplement to the Homelands, will responsible black leaders turn their backs on it? This is inconceivable, as ECSA will offer the prospect of unhindered economic progress, with blacks getting an ever-increasing share.

For a start, the negotiations to establish ECSA will be a vast consultation and bargaining opportunity that black leaders could not afford to miss. They would be a 'Turnhalle' for South Africa, but without any underlying threat to the continued existence of a white nation.

ECSA would give the entire black population (including that in Soweto) new status, and hold out the promise of still further adjustment by whites. It would be a powerful presence exemplifying the advantages of partnership, and for fruitful partnership people are usually prepared to make sacrifices.

Would Afrikaner Nationalists then still stick to their dictum that the Homelands can have only the territory promised in 1936? Such an attitude would be prejudicial to ECSA and highly unrealistic.

With vast development of all kinds taking place, it would become clearer and clearer that white administrative resources (just like our industrial-labour resources) are limited. It will be good sense to expand the territorial responsibility of black governments. Thus... an answer to the proper consolidation of the Homelands.

The powerful presence of ECSA, with its finger on a number of important switches (like that for cheap Eastern Transvaal power) will give reassurance to the large white populations asked to live under black government.

The steady coalescence of regional interests would also be a strong factor. I believe that, in time, the whites of Natal would wish to throw in their lot with Kwazulu, provided their property rights were guaranteed, and that a similar rapprochement would take place between the whites of the Eastern Cape and the Transkei/Ciskei.

The very first getting-together is likely to be between the whites and coloureds of the western half of the Cape Province. The establishment there of a non-apartheid, mainly Afrikaans-speaking member unit of ECSA could be approved by even the most intransigent Afrikaner Nationalist.

ECSA would offer an opportunity of solving all our problems in reasonable ways. As well as having representation on the ECSA Council, the Indians could have full rights in Durban and a

hinterland (the natural headquarters of ECSA), and several other areas falling directly under its control.

The toughest part of the concept to put across is that eventually exclusive white government will cover only an area smaller than the present Transvaal and Free State (since consolidated Homelands will have been excised). The absolute need for proportionate stakes for black and white, and realism in white breasts, will have to be strongly emphasised.

The ECSA concept recognises that in the Transvaal and Free State the forebears of our Afrikaner compatriots set up the first viable independent White republics. The hard reality for many, both Afrikaner and English-speaking, is that equality for blacks is most appropriately granted where the whites' history was colonial right up to 1910.

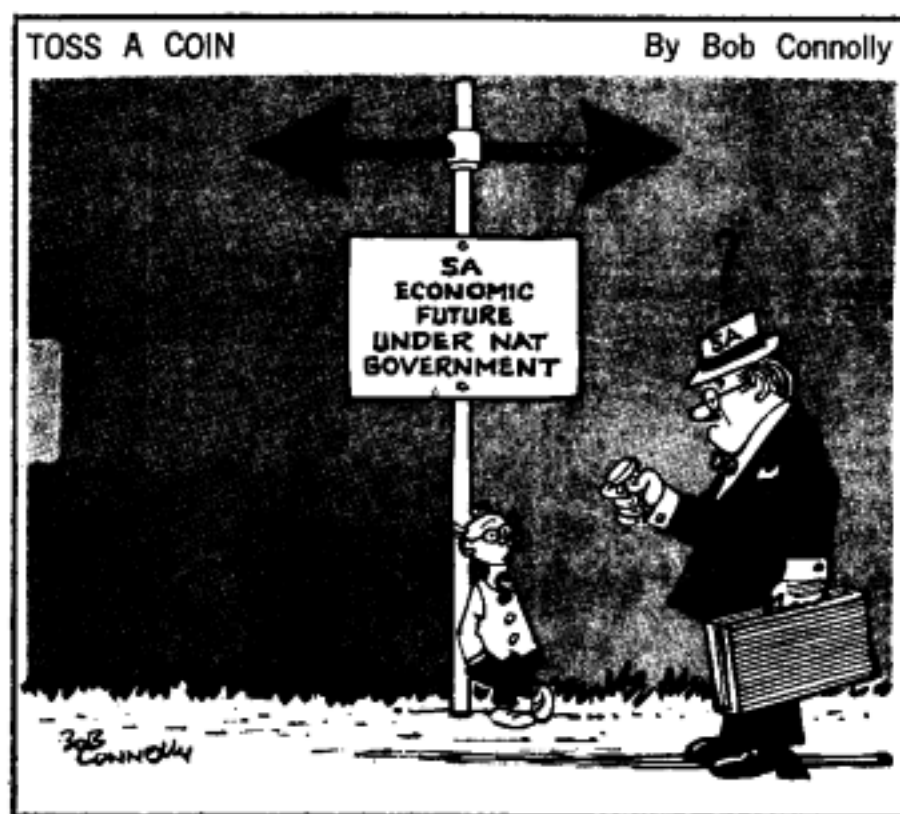
What about Soweto? A large part of its population is Zulu, and the expansion of Zulu nationhood in Natal (as all apartheid there is ended) will be as much a concession to them as to blacks

on the spot. Horizons will be far, far wider — though many will no doubt continue to work in Johannesburg and live in Soweto.

Obviously, ECSA would also give us the opportunity to put Soweto and other black townships under its jurisdiction. It would allow us to establish 'ECSA' suburbs along the lines of the diplomatic suburb in Pretoria.

But these are details which would have to be worked out in public debate, once the concept became part of that debate. My hope is that this article will show that its central theme is sound and logical.

Thus (in reply to a question at the meeting), I was able to say that the black sacrifice of any future voting and property rights in the Transvaal and Free State will be balanced by the sacrifice of hegemony which whites make elsewhere. I think we can get all reasonable people in both groups to agree that such a compromise is worthwhile when it is going to preserve all that has been built up here for future generations and save it from destruction in conflict.



# Indian chronicle

PRUDENCE CROSOER

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*This paper was presented at the National Conference of the Black Sash*

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**T**HE majority of Indian South Africans are the descendants of indentured workers from South and East India who came to Natal between 1860-1911 to work on the Sugar Estates. The terms of indenture agreed between the British Colony of Natal and the British Government in India were that workers were guaranteed a free passage back to India at the end of a five year period, or they could settle permanently in the country with a gift of crown land and *full citizenship rights*.

In 1869 the first free or passenger Indians arrived in Natal. Although their social and economic backgrounds varied they were mainly traders from the West Coast (Bombay and Gujarat) of India. They began their businesses in Durban or travelled into the interior where there were large communities of Indian labourers. They soon discovered the profitable African market and set up stores in remote areas of Natal and in the Transvaal.

White colonists became alarmed by the competition in commerce and agriculture offered by these traders and by those whose labour contracts had expired (since most chose to stay in Natal) and pressed for their return. The result was that by 1913 Indian immigration was generally prohibited by law and that today, with few exceptions, Indian South Africans are South African citizens by birth. Today there are approximately 620 000 Indians in South Africa. 515 000 in Natal, 80 000 in the Transvaal, 22 000 in the Cape and 3 000 in African areas.

The passenger Indians and the indentured Indians were separated by differences of culture, language and economic standards. It was only in the face of common discrimination that the two economic groups began to recognise their interdependence. The conditions in South Africa might have been worse had it not been for the passenger Indians who provided the necessary middle class background for making deputations to the British Government and for the organization of political movements.

In 1894 Mahatma Gandhi, a young lawyer from India, founded the first Indian political organization, the Natal Indian Congress, as a direct reaction to the disenfranchisement of Indians from the legislature of Natal. Gandhi arrived in 1893 and was shocked at the indignities and humiliations Indians were prepared to accept. He felt that the passenger group were prepared to 'poc-

ket' insults so long as they made money. He soon sharpened their sensitivities and galvanised the community into reacting to the indignities. At first the members of the NIC were mainly middle class, but many Indian workers joined later.

In 1903 Gandhi founded the Transvaal British Association to oppose, particularly, the Immigration Restriction Act which restricted Indian entry to the Transvaal and forced Indians to carry passes. In 1924 this Association became the Transvaal Indian Congress and with the formation of a Cape wing in the same year, the three sectors became affiliated to the South African Indian Congress.

Although Congress remained in the forefront of Indian political life, various other organizations cropped up from time to time to oppose and sharpen it. Occasionally it was pushed into second position. These organizations did not so much reflect differences in policies as they did differences in personalities, and to some extent such sociological differences as indicated by religion, language and the original basis of immigration into the country — passenger or indenture — and the original area of emigration from India.

The policy of Congress itself has altered over the years. It has passed through periods of radicalism working through the masses to periods of compromise and appeasement of white prejudices. The conciliatory approach was at its height in the 1930s and early 40s under the leadership of Pather and Kajee, who were prepared to accept voluntary segregation and prevent Indian penetration into white areas to accommodate white prejudices.

These attitudes so incensed members of Congress that a more militant and nationalist leadership emerged under Dr Dadoo (Transvaal) and Dr Naiker (Natal). They pursued a non-compromise stand on segregation, demanding full and equal citizenship rights on a basis of university adult franchise. Mr Pather and Mr Kajee then formed the Natal Indian Organization as an expression of conservative political thought.

Up until this time South African leaders had leaned on Indian support and intervention in the face of unjust laws and discrimination. However in 1946 India withdrew her High Commissioner as a protest against the Land Tenure Act. This forced the new leadership of Congress to be more self-dependent and to consolidate Indian political consciousness, linking themselves

with their fellow oppressed, particularly Africans. They signed a pact with the African National Congress (ANC) in 1946 laying down the need for co-operation between the two organizations on specific issues.

In 1950 Indian workers supported Africans in a stay-at-home as a political protest and in 1952 the Congresses jointly launched the Defiance of Unjust Laws Campaign. The campaign soon gathered momentum but declined as the Government arrested, fined, banned and detained activists.

Finally, the banning of the ANC and most of the executive of the Indian Congress at the end of the 50's extinguished all political activities. Although the Indian Congress itself was never banned it was rendered inoperative by the banning of its leaders and its activities ceased.

In 1961 the Government established the Department of Indian Affairs as part of the policy of separate development.

In 1964 the first National Indian Council was appointed and in 1968 the Council, by then known as the South African Indian Council (SAIC) became a statutory body. The Council presently consists of 30 members appointed by the Minister of Indian Affairs to represent Natal, the Transvaal and the Cape for three years, and has purely advisory powers.

The reactions of Indians to the Council is mixed. Although not entirely happy with the limited powers of the Council a section of the community, including the members, do feel that it does provide a channel of communication between the Government and the Indian people, where Indian grievances can be aired and as such is better than nothing. It is true to say that the Council has made many protests about evictions under the Group Areas Act and has been instrumental in extending licences for limited periods. Most Indians, however, are suspicious of the Council since the Government does not have to listen to it and since the members represent a vested interest group, the merchant class, and not the rank and file.

There is general hostility towards the Department and the Council flowing from the belief that all separate facilities bear the stigma of discrimination and inferiorization. Perhaps the most significant pointer is that when registration closed last December, only two to three per cent of the Indian population had registered to vote for the SAIC when it becomes a wholly elected body at the end of this year (1977). The date for registration has consequently been extended twice.

After a decade of a political vacuum of active Indian Political Organizations, the Natal Indian Congress (NIC) was revived in 1971 by a young group of students and professionals. It stands for a non-racial democracy, believing in universal franchise. It rejects the Indian Council and Local Affairs Committees as it feels that

these do not serve interests of the Indian community as a whole (but merely those of the merchant class) and simply aids the Government in its policy of separate development.

The NIC's effectiveness has been limited by the fact that two Presidents have already been banned and as such it has been subject to harassment by the Government. It continues to issue press statements pointing out discriminations against Indians and has established various branches in Natal. Although the official membership is small, the underlying support for the NIC today amongst the Indian community is thought to be strong.

In 1971, the South African Student's Organization (SASO) was formed with the ultimate aim of an open, non-racial society. Its main objective is to develop black consciousness and awareness, separate from whites, so that blacks can attain their own identity and pride. This organization, as well as Black People's Convention (BPC) and Black Women's Federation (BWF) which have similar aims, has attracted the support of Indian intellectuals and students and Indian involvement in them has been high.

It is difficult to gauge the support for the black consciousness movements among rank and file Indians but this is thought to be small. Black consciousness has not really been spelt out to rank and file Indians. It is felt that Indians have been put off by the emphasis on black power aspects, mainly in the press, which they feel to be synonymous with African domination and that they may easily be dropped as 'brown men'.

Thus it can be seen that not many Indians are actively involved in political organizations today. This is partly due to harassment and fear, apathy and the traditions of a conservative community. In addition, ever since the time of Gandhi, 'by and large the Indians would care more for economic improvements than for political power' (Pachai) and this factor has curtailed their political activities.

Although Indians were originally encouraged to come to South Africa, in 1891 the OFS prohibited Indians from living there. In 1895 Natal imposed a poll tax of £3 pa on all Indian males over 16 years and females over 12 years who failed to return to India or become re-indentured. Since the average wage was approximately £10 pa many Indians could not afford to pay and they were repatriated. The tax was finally abolished by the Indian Relief Act in 1914 after Gandhi had led a massive passive resistance campaign (second campaign). The same Act recognised Indian marriages in terms of traditional rights.

At the turn of the century various Acts made Indian immigration into Natal, Transvaal and Cape subject to educational, health, age and means tests, except that of indentured labourers into Natal. In addition, Asiatics were prevented from moving across the boundaries of the colony of Natal without a special permit.



In 1906 the Transvaal subjected Indians to compulsory registration and forced them to carry passes. The above restrictions led to the first Gandhian Passive Resistance Campaign and the first protest in South Africa involving the mass burning of passes.

The Act of Union consolidated all existing anti-Indian legislation. New laws were passed which restricted immigration further and bonuses were paid to those who agreed to return. This was finally dropped as so few made use of it. By 1913 only the wives and minor children of Indian males already domiciled in the Union were allowed into the country. In 1953 this was restricted to minor children only and was subject to the permission of the Minister. This has recently been extended to include wives again, but entry is subject to the permission of the Minister.

Ever since the Indians arrived their trading and land rights have been restricted more and more. In 1885 the Transvaal restricted their property rights, while in 1891 the OFS excluded Indians altogether and deported all those already there without compensation. Many laws followed in both the Transvaal and Natal, restricting the issue of licenses as well as their renewal, until eventually in 1939 in the Transvaal the issue and renewal of licences was subject to ministerial permission.

Other laws excluded Indians from areas containing mining rights; prohibited them from owning shares in certain companies; excluded them from purchasing certain land; demolished non-white properties in terms of the Slums Act, which in reality was felt to be in the interests of segregation; restricted the agricultural rights of Indian farmers; prevented them from living in and occupying premises that were not occupied by non-whites before 1939, without ministerial permission; prohibited the transfer of any property of whites to Indians in Durban for three years (in 1943) while the Government investigated penetration.

In 1946 the Asiatic Land Tenure and Indian Representation Act (Pegging Act) restricted the acquisition and occupation of land by Asiatics throughout the Union, demarcating predominantly Indian areas as scheduled areas. The Natal and Transvaal Congress reacted to this by establishing Passive Resistance Councils and over 2 000 volunteers were imprisoned for deliberately violating discriminatory laws (third campaign). Finally, however, the Group Areas Act (1950) and its various amendments divided the entire South African population into racial groups for the purpose of segregating them into distinct areas.

Indians responded by organising mass demonstrations and by joining the ANC in the Defiance of Unjust Laws Campaign in 1952. The effects of this Act have been devastating to the Indian community, both economically and socially. Economically, because many have been moved from their traditional trading areas to new undevelop-

ed areas; often with inadequate compensation. In Ladysmith they were in fact forced to move twice when the new area was later designated White. Socially, it has both broken up communities and separated the community into rich and poor as only certain numbers can afford to buy land in the more desirable areas. From 1950-1971 the Act had been responsible for re-settling 100 000 Indians (Parchai).

Although most employment is open to Indians today, in 1922 they were banned from organised skilled crafts and in 1925 from handling any machinery run by steam or electricity.

Furthermore the Industrial Consolidation Act of 1956 empowers a tribunal to reserve work in any industry, trade or occupation in any area for a specific race. Today Indians enjoy most employment benefits such as workmen's compensation, but since their benefits are based on their wages which are lower than whites, they benefit less. They are further discriminated against in respect of pensions, in that non-white pensions are calculated on a lower proportion of wages than white pensions.

Similarly most non-contributory state welfare benefits apply to Indians but again as these rates are based on wages, the actual benefit is lower for non-whites than whites; generally working in the ratio 4:2:2:1 (white, indian, coloured and African respectively).

Before the Act of Union indentured labourers under contract in Natal were debarred from all political representation but were entitled to full citizenship rights as free Indians. In 1896 Indians were disenfranchised.

In the Cape all male British subjects, regardless of colour, possessed the franchise subject to educational, income or property qualifications (Indians could thus become MPs).

In the Transvaal and OFS there was white manhood suffrage only.

The South Africa Act (1909) retained the existing franchise position in the various provinces but withdrew the right of Africans, Indians and coloureds to sit in Parliament. Theoretically the Governor General could have been chosen from any racial group.

In 1930 the franchise was extended to white women over 21 years but not to other groups. Act 41 removed qualifications for white males but retained those of non-white voters. The 1946 Act offered Indians representation on a separate roll which was tied to the acceptance by them of separate residential and trading areas. They refused to accept separate areas.

In 1951 the Nationalist Government removed coloureds and Asians from the common roll and placed them on a communal roll. This entitled them to elect four representatives (white) to Parliament and two representatives to the Cape Provincial Council. This no longer applies.

In 1964 the National Indian Council of nominated members (at present 30) was created to

act as a liaison between the Department of Indian Affairs and the Indian community. The 40 members will be elected at the end of this year (1977).

Since MPCs are elected by people qualified to vote for MPs those who do not have Parliamentary franchise are denied the Provincial franchise.

Provincial ordinances control municipal franchise. The black people in the Transvaal and the OFS have at no time enjoyed any form of municipal franchise. In 1942 Indians were denied municipal franchise in Natal. In 1964, Ordinance No 23 provided for the creation of Local Affairs Committees in Indian areas whose members are wholly nominated in the first year and wholly elected in the fourth by Indians over 21, subject to property qualifications.

These are purely advisory committees and are subject to the white local authority under whose

jurisdiction the Indian area falls. Some of those work well in conjunction with white authorities, eg Westville. Only the committee of Verulam is a fully autonomous and wholly elected body, although the committees of Isipingo and Umzinto have attained a measure of autonomy.

Thus after years of agitation through memoranda, deputations and passive resistance, the Indian people today have political representation in the form of advisory and consultative councils, which (with one single exception (Verulam), have no legislative or executive powers.

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**B**UT I have a different view from yours of tyranny — a quieter but more awful view — more as of mildew than of earthquake. I am closer to faceless people, those without names, than you. The effects of tyranny, my dearest one, are to be seen not so much in executions, privations, surveillances, matricide and fratricide, ruined reputations, unjust trials, exile and murder, shocking events of the capital; no, tyranny has finally achieved its foul purpose when among the many, scattered at large there are acquiescence, apathy, complacency, bland acceptance of outrage, pride in vulgar triumphs, blurring of the meaning of words, confusion in moral standards — in short a blight of the communal character. It is when people who are thought of as good solid citizens, those who make up the backbone of the populace, become touched by this blight and do not realise it, become not only the infected but the infectors — this is when tyranny has won the day. The “good” citizens then say: What a beautiful day! what a fine year this has been! Are you going to the amphitheatre this afternoon?

**JOHN HERSEY**

Extract from ‘The Conspiracy’ — a novel set in Rome in the time of Nero

# Kenya revisited

ELIZABETH TAYLOR

ON my first visit to Kenya in 1960, before independence, I found the whites edgy and some Africans surly. There were evidences of the past Mau Mau troubles and some whites still carried revolvers. Great efforts were made to rehabilitate those who had been involved in guerilla war. There were good London shops in Nairobi, carrying stocks of good quality but inexpensive clothes. White farmers were complaining of the encroachment of squatters on their land, and this worsened by the time of my second visit, just after independence.

In 1964 there was a new confidence in the Africans in Nairobi, but also, at times, a certain hostility to all non-Africans. There were, however, frequent public statements by President Kenyatta and others that Kenya would not tolerate racialism or colonialism.

During my three following visits I noticed that the changes had accelerated. Nairobi now swarms with tourists, there are several flourishing bookshops, souvenirs for tourists and many new and costly hotels. There are also long bus queues, overcrowding, dirt and crime, but the general impression is one of busy, hopeful people and of much development and building.

What did whites fear before Independence — falling standards, inefficiency, victimisation, even of liberal whites who would be prepared to stay under a black government? They, and Asians even more, feared not being able to export capital or income; loss of political influence; expropriation of land; tribal conflict; falling educational standards; possible chaos. Many people, whites and Asians with British passports, left the country.

In May 1977, race relations seemed very good. The races mix easily in cafes and restaurants. No whites jostle blacks off pavements, as happened recently in Vrededorp. Many whites have come in on contract and all non-Kenyans, black and white, require a work permit.

I am told that Asians feel a certain insecurity, and those who are involved in big business maintain a low profile. Tribalism is still alive and, though there is great respect for Kenyatta himself, there is criticism of his relatives and, at times, a latent hostility against the Kikuyu by other tribes.

Efficiency has dropped in some ways, but to blacks it is worth it. I visited a large house in the former 'white highlands'. The paintwork had deteriorated, but the house was obviously a happy

home to a large African family, and its solid weatherproof construction was fully appreciated by its African owner. He had bought the farm with a 20-year loan from the Government. The occupants had no luxury, but a sense of achievement: they were making good where it had been expected that they might be inadequate.

I also visited a foreign-owned coffee estate, and observed a happy relationship between the white manager and his employees and servants. Whites working for big expatriate firms still have a marked prosperity; others living on so-called 'local' salaries have apparently voluntarily lowered their standards of living.

Kenya has a free enterprise economy, with obvious business opportunities. The Government fixes a minimum salary for people in full-time employment, and this salary varies from one area to another. While I was there the minimum wage for a labourer in Nairobi was raised from R35 to R40 a month.

Men and women are paid the same for equal work. A graduate teacher earns R100 a month. One can live comfortably on local produce on such a salary, but could certainly not afford imported goods. Education must be paid for by the parents. With a shortage of schools, people can accept that they should pay for what they get.

The country has a one-party Government; only party members may stand for Parliament. There was much anger over the detention of a member of Parliament who had been too critical. Government is often by decree; for example, while I was there, a total and immediate ban on all hunting was imposed — and high time too.

It seems that the prestige of the Party (Kenya African National Union) has declined, while the power of the provincial bureaucrats has grown. There are tales of graft and of muddle... as elsewhere. The tabloid newspapers publish the sensational essence of news, and South Africa and Rhodesia figure prominently, always unfavourably.

In conclusion, I would say that whites have no political influence and Asians may not have a secure future after Kenyatta has gone, because small-town Africans covet Asian shops. Africans in Kenya still face many problems, but they have a good country, those in the arable areas are hard-working and are eager to get their children educated. Much of Kenya has a lovely climate. It is exciting and stimulating to visit, and I would be happy to live there.

# Dear Sir

*An open letter to the Hon Mr B. J. Vorster, Prime Minister of South Africa, from The Black Sash, Cape Western region*

Sir,

After the Vienna Conference you made certain claims on behalf of your Government.

You claimed that 'we are doing our very best to do justice to each and every population group' and 'when it comes to moral standards I am prepared to defend the moral standards of my country and my Government against all comers... My conscience is clear that we are doing the right thing by these people' (ie the South African population as a whole). Cape Times, May 21, 1977.

But when in the Republic in 1976, 216 112 African men and 33 918 African women were arrested under the Pass Laws because they sought work for a living wage and to live together as families, can one speak of 'justice to each and every population group'? Where African husbands and wives are forced by the law of the land to live apart, their marriages broken, their family life destroyed — can they accept this as 'justice'? If indeed we defend these 'moral standards' and our 'conscience is clear', our judgment must surely have become clouded and our principles corrupted.

Young people in South Africa are forced to accept separate inferior education and opportunity; must they not resent the injustice of this system and scorn the moral standards on which it is based? We are far from the ideal of regarding free education and opportunity for all as a basic human right, implicitly accepted by all western countries.

Mr Prime Minister, if you were barred from theatres, restaurants, beaches, hotels, trains, because of the colour of your skin, would you accept that the Government is doing justice to each and every population group? If you happened to be a person of colour, old, perhaps unwell, would you accept the justice of standing, waiting, in all sorts of weather, while white buses and white taxis passed you by? When the bus came you would have to climb the difficult steps to the top because only whites can sit downstairs.

At Worcester a ballet teacher has been happily teaching her mixed classes for some years. This has been disallowed. In April the Minister of Community Development granted a permit 'to enable coloured children to attend separate classes on the relevant premises... The policy is not to encourage joint participation in such ballet dan-

ces between members of the different population groups and a request for mixed participation at classes was therefore not granted.' (Hansard No 11, April 1977). How can this be reconciled with your promise, Sir, that 'regulations based purely on colour would be eradicated as many have been eradicated in the past?'

Where is our much-vaunted claim that South Africa is moving away from discrimination?

Mr Prime Minister, when you speak of justice, what of those who have been detained in prison without trial; of the many detained in solitary confinement, eventually released without ever knowing what accusations were made against them?

What of the 36 who died in detention?

What of those banned to a twilight existence without recourse to the courts?

Further, Mr Prime Minister, you claim that 'this Government in fact makes it possible that all black people in South Africa have, as I see it, full political participation... If you would say South Africa must have full political rights I, in all earnestness, say, that is the position in South Africa.'

True, there are elected governments and adult suffrage in the 'homelands', but what of the millions of urban Africans from whom citizenship of South Africa has been taken? They have an unwanted vote in a far-off unrecognised 'homeland' but no participation whatsoever in the country where they may have been born, where they live, work and bring up their children. Is it not understandable if they regard the homelands' policy as a device for debarring them from full South African citizenship?

In contrast to your claims, Sir, it appears to us that on every level the life of the Black person in South Africa is severely restricted and his future tragically stunted; his life is a shadow of what it could be if he were to take his rightful place as an equal member of society.

At this moment in our history, as we search for a solution to the grave problems that beset us, surely our only hope is to face these problems fairly and realistically. We dare not bask in the false security of half-truths.

**MARY BURTON**  
(*chairman*)

# Poverty, productivity and people

VALERIE WHITE

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*A summary of a paper presented to the National Conference of the Black Sash*

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**T**HE primary causes of the massive problem of unskilled workers are racialism and apartheid.

Secondary causes are the black population increase — from 3,5 million in 1904 to 17,7 million in 1974 to a projected 37,1 million in 2000 as compared with 3,5 million in 1904 to 4,2 million in 1974 to 6,9 million in 2000 for whites; black migration to urban life style and employment — blacks in urban areas increased from 1,7 million in 1946 to more than five million by 1970; and the low educational level.

In 1970, 88,2 per cent of the black work force consisted of people with an educational level below standard 6. Only 1,4 per cent had education above matric level. Ratios of expenditure on education, white to black, still bear the stamp of radical racialism. In 1975, 225 million rands were spent on black education while 436 million were spent on whites. The per capita ratio is an appalling R1 to R10.

There is no possibility that the existing few institutions for higher and vocational education can meet the needs of the number of black children leaving school each year, let alone provide any kind of service for members of the work force who wish to upgrade their skills.

In 1970 62 per cent of the work force was composed of blacks; 10 per cent coloureds; two per cent Asians and 20 per cent whites. In 1975, 71,5 per cent were black and only 17,9 per cent white. Our entire economy has been built on the false premise that four-fifth of the population are prepared to live on inadequate wages, while less than one fifth reap all the benefits.

An analysis of black income (Johannesburg 1975) shows that less than six per cent of blacks are professional, managerial or skilled workers earning an average of over R175 per month; 20 per cent are semi-skilled, earning an average of R122 per month, and 74 per cent are unskilled, earning an average of R80 per month. These are earnings per household. By contrast whites have 6,3 per cent who earn less than R175 per month, 13 per cent who earn less than R325 per month, 64 per cent earn between R325 and R999 and 16 per cent who average over R1 000 per month per household.

There is little agreement as to what constitutes poverty, as it is always a relative rather than an absolute measure. There are three systems of measuring poverty which are presently generally accepted.

PDL Studies (poverty datum line) are genuine poverty studies extracting mean monthly expenditure from an analysis of actual households in a given community. This level is NOT for wage setting. The SPDL (secondary PDL) is usually 50 per cent higher than PDL and presumably could be used for wage setting.

Minimum Living Level (MLL) includes food, clothes, cleansing materials, fuel, light, accommodation, transport, medical, educational, replacement and taxation expenses. Supplemented Living Level (SLL) would be assessed by each researcher adding to the MLL at his discretion according to the community's needs.

Port Elizabeth University Potgieter and Nel's HSL (Household Subsistence Level) is the mean expenditure of a household of a hypothetical size, age and sex composition for 21 centres throughout South Africa and South West Africa for black and coloured populations separately. The HSL can be reduced to the PHSL and include only food, clothing, fuel, light, wash and cleansers, or increased to HEL (Household Effective Level) which is 150 per cent HSL.

Food is a major allocation and many variants are operative. There is evidence that male workers in the low income African family consume more than their allocated theoretical minimum, and consequently other family members get less than their share. This leads to malnutrition, particularly among children. There is no consensus of opinion as to the role of physical activity in determination of food tables.

Research is needed to bring to light evidence as to how much more it costs the black person to buy certain commodities than it costs the whites. This is a problem in complexes such as Soweto with few competitive shops, long distances between home and commercial centres, poor transport, little refrigeration and inadequate household storage space for bulk buys.

There is substantial evidence that when families live on or below the PDL they are forced to cut their food allocation to pay for the items which are covered only at SPDL, HEL, SLL levels.

These subsistence figures can be seen in one of two contradictory roles, either as a prod to industry and commerce and to the white householder to increase wages, reduce poverty and the gap between black and white wages and living standards or as an absolute measure which solves the conscience of those who are not really paying sufficient for the job.

We should not allow the country to lose sight of the fact that these are the bare minimum levels for survival. They are not levels which will reduce social unrest, increase job motivation and productivity, reduce crime and ill health statistics, stamp out the shame of malnutrition amidst plenty, and offer incentives to blacks to share in the future of South Africa with whites.

An unfortunate fact of economics is that if wages are raised someone has to pay. Roughly three million families live below the HSL in South Africa and would require an average increase of R53,58 per month each to achieve HFL standards. The annual cost to the Government and the private sector would be close on two thousand million rands. 'Spontaneous massive increases are not practical policy.' (Biesheuvel)

The other factor which must be taken into account at this point is that the country is gripped by a severe recession coupled with inflation which is proving difficult to curb, and the man who is in the very worst position to bargain is the unskilled worker. His productivity rating is low and daily there are others outside the gates hoping for his job. This is not the time to call for a universal rise of unskilled wages. It is uneconomic, and could in fact have a negative impact on the unskilled workers themselves. In times such as these it is better to have half a living wage than none at all.

About 60 per cent of blacks live below the PDL. They constitute just under 82 per cent of the work force, thus 49,9 per cent of our total work force is so poverty stricken that we cannot expect them to work adequately, enthusiastically or productively.

A study done by UNESCO in 1965 in 100 countries shows that there is a direct and positive correlation between an index of higher education and the GNP of a country. With four years education the value of a man's work increases 43 per cent over that of an illiterate person. With eight years it increases 108 per cent and with higher education it increases 300 per cent.

Dr W. J. de Villiers contends, 'The intensity of utilisation of capital in the final analysis will be determined by the intangible wealth of the people — the entrepreneurial, managerial, technical and intellectual talent available — the human resources'. 83 per cent of that resource in South Africa is black.

Horner adds a correlated warning, 'The acute shortage of intellectually competent and trained men is the severest factor limiting the further economic progress of SA. Even with an economy growth rate of 5,5 per cent per annum there will be growing numbers of Blacks available (unemployed) and a growing shortage of whites.'

Universal increases may be unrealistic, however there are always cases where setting right the injustice has fewer negative economic implications. Black doctors and teachers earn less than their white counterparts, and there are categories

of workers lower down the grades of skill who suffer similarly.

There is a dire necessity for a vigorous campaign to improve skills, and a number of viable alternatives. The Government, companies who show steady profits and individuals should provide capital to increase facilities and improve teaching at black institutes of higher learning. All our universities must be open.

Companies should be influenced into instituting job-enrichment programmes for unskilled workers as well as on-the-job-training programmes. Householders should be entreated to increase the skills of their domestic workers.

There is a patronising, degrading and demoralising aspect to helping someone live on a wage that is too low for decent survival. However, realities cannot be wished away, and if the wages are too low, attempts must be made to reduce the negative impact and to utilise the available resources of income and manpower to the fullest advantage.

Food is one of the major expenditure categories and as this is closely related to health and productivity it is an aspect which should be a constant priority. Natal University Economics Department worked with a concept they called the PDL shopping basket — the basic family requirements for one month. This could be used to emphasise the contents to the low wage earner in order to improve nutrition; to draw the attention of the public to the plight of the workers and their families; and to bring to the attention of the authorities the comparative cost of a basket bought at competitive prices in a white area with that bought in a black area.

Finally advice about budgeting itself should be considered. There is an urgent need for practical education at all levels of income amongst black and white population groups, but most particularly at the lower wage levels. The utilisation of pay packets could be improved by proper planning of expenditure, planned buying and expenditure recording.

There is no simple solution to the plight of the low-paid unskilled worker but there are avenues which could be profitably explored.

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# Around the advice offices

*These severely curtailed reports cover all or some of the period between October 1975 and March 1977. They were presented at the National Conference in March 1977*

## ATHLONE

A LARGER number of people have availed themselves of our services than in any year for over a decade — a total of 3 136 attendances. There has been unprecedented expansion in the work done for us by attorneys. This is made possible by the outstanding generosity of a number of firms which have offered 'pro deo' advice and defence in the courts.

The economic recession and the outbreaks of violence have been keenly felt. The authorities, however, have given no sign of yielding in the whole rigid framework of influx control legislation.

The battle for married couples to get permission to live together, when the wife is not already a recognised resident of the same area as her husband, is one of the most frustrating of all. The techniques involved in fulfilling the obligations required defeat all but a very few of the most tenacious and fortunate applicants.

Of 22 married couples making strenuous efforts to legalise their seemingly so reasonable cohabitation, one has been successful. C. Md. is now officially able to live with her Sec 10(1)(a) qualified husband in his parents' house in Guguletu. But every effort was made by the authorities to induce her to leave and she was arrested and fined several times until at last senior officials considered her case on its merits and agreed that she should be allowed to remain with her husband.

A deputation from the Advice Office saw Deputy Minister Cruywagen, the Chief Bantu Affairs Commissioner, Mr F. H. Botha, and another senior official. The Government representatives agreed that some extra family housing in the Peninsula was desirable.

Wage and work problems have been more numerous because of retrenchments. About three-quarters of the contract workers seen come to the office aggrieved over the early termination of their contracts. Often these have been scrapped within weeks of commencement, and there is little protection for either party against the breaking of the agreed contract.

The labourer will have great difficulty in claiming benefits from the Unemployment Insurance Fund and will not qualify for any if his job lasted less than 13 weeks. Employers often fail to procure the blue UF74 cards which their employees must have. Many cancelled contracts are the

result of the men having been engaged unseen from their rural districts, and not surprisingly found unsuitable. Many firms contracted for more labour than they were able to employ.

Domestic workers are still on the lowest rung of the employment ladder and there is virtually no other avenue of employment open to African women. If an African woman has not already got permission to live and work in the Western Cape, there is virtually no way of achieving it. The 'Coloured Preferential Area' policy continues to block African people from using skills in their own home city and makes a mockery of a higher education.

The squatter camp, Crossroads, experienced harassment from BAAB inspectors who arrested men mainly on charges of trespassing or of harbouring their wives and families, and women mainly on charges of being illegally in the area. A removal order empowered inspectors to put that person physically onto a train after two weeks. Shacks emptied in this way were then demolished by the BAAB.

An appeal was lodged with the Supreme Court in the case of Lilian Peter, a woman legally in the area but charged with living illegally in an area which did not form part of a 'proclaimed Bantu township'. This appeal was upheld and the many other similar charges were subsequently dropped, but the stiff new Prevention of Illegal Squatting Amendment Act is causing uneasiness.

BAAB turned their attention to a small community squatting with their knowledge, and indeed initial agreement, within Nyanga township, which had come from the demolished settlement of Werkgenot, Bellville, and had been there for over a year. Green cards had been issued to the women, permitting them to occupy shacks erected by the community with help in cash and kind from the neighbourly church and private welfare bodies.

BAAB inspectors began a campaign for their removal. They were dismayed and streamed into the office. Statements and affidavits concerning belongings destroyed in the fire of 1974 were taken, and two civil actions for damages were instituted. Effective court defence was given to individuals charged with being illegally in the area, our attorneys pleading in mitigation. The magistrate cautioned and discharged people instead of fining them heavily.

The Divisional Council applied for Crossroads to be cleared on account of the health hazard. 260 people came to the office to ask for legal backing in their appeal for the declaration of Crossroads as an emergency camp. This was subsequently successful and a measure of peace returned.

Since then our main Crossroads problem has been the demolition of a couple of dozen shanties deemed illicit by the Divisional Council, either because the original occupiers were thought to have moved away and 'sold' the shack or because the shanty did not feature on a master-plan drawn up in November 1976. In every possible case an appeal is made but hope of success is minimal.

MRS MAGGIE BAARTMAN built a shanty and lived in it for six months, but for some reason it came down about the time the emergency camp was proclaimed in June '76. By October she had rebuilt it and started paying rental of R10 in November. In January '77 her rent was refused on the grounds that the shack did not appear on the official list. She received a written instruction to demolish her 'unauthorised structure' within seven days, and 10 days later down it came. Her possessions were not confiscated but were left in the open and she has had to seek refuge with friends and farm out some of her large family.

BAAB inspectors have been arresting large numbers of people on charges of illegal presence in the area. Fines are being imposed, sometimes of R50 and more. Employers face court summonses and similar fines when arrests are made on their premises. They are little deterred.

Legal work has been most rewarding, and the many people helped by our now many attorneys have asked that their thanks and appreciation be expressed. There were court appearances on behalf of about 350 people from Crossroads and KTC. Attorneys interceded with the authorities in many Section 10, 'Third Party' and Race Classification claims.

Anxiety continues over the expected issue of Transkeian travel documents as identity documents instead of the unloved old South African reference books, to people who have Section (10) qualifications in an urban area such as Cape Town but whose parents originally come from the Transkei.

When trouble first erupted in the Peninsula in mid-August 1976, there was an immediate, almost total drop in attendance at the office, but after a few days a stunned and weary trickle of people began to return.

The office saw distressed mothers, brothers, neighbours, seeking any possible help in their search for children missing through injury, death or arrest. Others came to lodge complaints about their treatment at the hands of riot police.

Two of the mothers found their son's bodies in the Salt River Mortuary two weeks after their

deaths from bullet wounds. These mothers, like others, had been making daily inquiries at hospitals, gaols and mortuaries, including Salt River. For a third it was six weeks of searching with the same conclusion.

Young black men and women lost their dignity, their freedom and many of them their very lives. Frightened children were pursued into private houses and very many totally uninvolved individuals were caught up in the punishment inflicted.

Active and total commitment to peaceful change is required from every South African to-day.

**R. N. ROBB** (*director*)

**B. D. VERSFELD** (*secretary*)

## **BORDER**

No of cases interviewed: 282.

**I**N recent months our most serious and obvious problem has been unemployment, whether because of retrenchment or some other cause. This problem is not restricted to men only, but to women as well — who in many instances are the sole breadwinners of the family. Many blacks do not understand why, after many years of loyal service, they are suddenly told to leave their jobs, because few employers explain their reasons for retrenchment.

We can assist them in some small way by checking that their last wage slip was in order, and that they are in possession of their UIF card and explain how to apply for UI benefits. Generally speaking, we in the Border Region are fortunate in that in most cases the employers do ensure that their employees are registered and furnished with their UIF cards. But it is with growing trepidation that we listen to this long queue of angry, frustrated voices. Up until now we have not kept a strict record of cases when all that was needed was a sympathetic ear, but we intend paying more attention to this particular problem in view of the present economic situation.

We feel there is a need to establish some sort of employment agency, but more accumulation of details and feasibility would be necessary before embarking on such a project.

We have not found any short paths to success when it comes to pension problems. It still remains a long drawn out process of writing letters and awaiting replies from official departments, who do not seem to view the matter with as much urgency as we do. However, we do experience some success in this regard since 20 per cent of our pension cases have been successful in the past year.

Another distressing problem is the increasing illegitimacy rate amongst the younger women, and especially teenage girls. This in turn leads to associated problems such as interruption, or more



likely, termination of schooling; unemployment; rejection; depression and, worst of all, malnutrition.

Although nearly all those cases we interviewed are now attending a Family Planning Clinic, it is obvious that these facilities are not reaching those most in need of them, especially in the rural areas. We have, with the assistance of the social workers of the BAD in East London and Mdantsane, had some small degree of success in obtaining maintenance.

As so often happens with confused people, they frequently leave their problem until it passes the stage when a satisfactory solution can be found. They approach the Advice Office with their problems too late for us to be of any real assistance to them.

MRS R. purchased R12,00 worth of groceries in 1968. The firm moved to new premises so she did not pay her account. Eventually she was traced and threatened to settle her debt. She has paid to date R46,00 but she was confused by the ever-increasing outstanding amounts which now stand at R35,77. After various enquiries we were able to ascertain and explain to Mrs R. that the following fees had been added over the years, eg collector's commission, summons, messenger's fees, default judgment, warrant of arrest, section 65, garnishee order, notice to show cause, tracing fee. We advised her to pay the outstanding amount immediately. She was grateful for the explanation and said that had she known what was happening, she would not have ignored the accounts.

MR D. complained that his furniture was damaged while being moved by the Council from Duncan Village to Mdantsane in June 1975. The following day he complained to the Municipality who referred his claim to their insurers. Two months later Mr D. received a letter from the insurers denouncing his claim. Mr D. is not convinced that he has no claim.

People do not always return to the Advice Office to inform us of the result of our advice or investigation. Thus we are not always able to record cases which have been successful or are pending. But when some people do return, the success is always received with great jubilation. It makes it all worthwhile.

**J. RONALDSON**

## **GRAHAMSTOWN**

No of cases interviewed: 200

**T**HE situation in Grahamstown remains the same with its chronic housing shortage and vast numbers of unemployed.

There are 4 500 families who have placed their names on the official waiting list; but there are many others who have not done so because they do not believe that there is any hope of getting a house. They are right as only 100 new houses

have been built in Grahamstown since 1962. Employers who are willing to help house their employees are unable to do so as all new developments have been frozen in this area. In addition Grahamstown is excluded from the 30 year dispensation.

Unemployment has always been a problem in Grahamstown but it is growing worse as the economic situation in the country deteriorates.

Women, who are the main bread-winners in the Grahamstown black community, are hardest hit. The majority of women who work are employed as domestics with an average income of R21 pm. Because of the large number of women seeking work, employers can and do often dismiss their employees for coming late or for not wanting to work on their afternoon off. The large number of unemployed also make it possible for employers to pay very low wages — in some cases as low as R12 pm for a full-time domestic.

Firms are reducing staff, and some are dismissing long service employees who command a 'high' salary for trivial reasons and taking on new staff on a temporary basis and lower rate of pay.

Up until about October last year work seekers in Grahamstown were free to seek employment in the Port Elizabeth area. Because of the recession this was stopped. BAAB officials in Grahamstown report that this is no longer the case and folk from Grahamstown can again seek work in Port Elizabeth.

Men who went to work on the gold mines because of the unemployment situation in Grahamstown will no longer be able to do so as the Mine Labour Organisation has stopped recruiting workers from this area.

Figures obtained from BAAB in Grahamstown show that at February 28, 1977, there were 1 253 unemployed men out of an eligible total of 6 860, and 5 947 unemployed women out of an eligible total of 10 851.

These figures are not absolutely accurate because of the unknown number of non-registered, eligible workers; unknown number of unregistered employed; number of women registered and eligible but not necessarily wanting or seeking work; and not all deaths etc are reported to the BAAB.

The unemployment situation in the rural area is even more depressing. In June 1976 there were a total of 1 973 families employed and a total of 1 953 families unemployed.

We asked the Labour Department to take action against the inefficient handling of the unemployment register by the Revenue Office staff. When they visited Grahamstown to investigate our complaint we were invited to meet them and substantiate our complaint. We were able to present them with detailed case studies; and in the light of this they decided that the register would be administered by the Bantu Affairs Commissioner's office. They also agreed not to penalise

workers who had been prevented from signing the register.

Since the BAC's office started administering the register there have been no complaints of the kind we received before. Grievances are now centred around the length of time it takes for benefits to be paid; the six-week penalty clause which seems to be applied indiscriminately; employers negligence in registering their workers and obtaining UIF cards for them; and, for some, disappointment at the amount received.

In our discussion with the Labour Department officials we raised the problem of employers who did not register their employees. Again full details were supplied and we have since heard that two of the three firms investigated have been fined and have had to pay back-dated assessments for their employees. The third firm is still being investigated and we hope the same action will be taken against them.

In July 1976 we were asked to help the family of a man who had died in police custody.

MR N. had been arrested on Sunday July 25, 1976, at about 10 pm for being drunk. He was put into a cell with several other men who had been arrested for the same reason. When the men were released at about 4 am on the 26th — this is the usual practise — Mr N. did not wake up, inspite of having cold water poured over him and so he was left. At 6.30 am he was still 'asleep'. At 12 noon the District Surgeon was called and on his instruction Mr N. was taken to hospital. He never recovered consciousness and died on the 27th. Cause of death was diagnosed as cerebral contusion.

There was no question of assault but it did seem as though the police were negligent in leaving a man without any attention for about eight to 10 hours before calling a doctor.

The Magistrate made no finding in this case and said a full record of the proceedings would be sent to the Attorney General.

MR T. M. was employed by a government school for 25 years. Last year he was given a month's notice because he was too old to do his work. His son approached our office in the hope that we would be able to persuade the school to give his father a gratuity. We wrote to the Department of Education who told us that as Mr M. had been employed 'additional to the authorised establishment' and was therefore paid out of school funds it wasn't the Department of Education's problem.

Mr M. died in January. We have asked the School Committee and School Board to seriously consider making provision for a gratuity; or to consider contributing to a pension scheme for employees who are employed 'additional to the authorised establishment'.

MISS M. was granted the care of two nephews who parents had died in a fire in 1973. A foster care grant was applied for and approved. She received a payment of R49,62 on the 11.3.75. (During 1974 when the initial payment of R77,94

was due she, with many other folk, lost money because of irregularities in the BAC's office. A clerk was subsequently prosecuted and found guilty of embezzling pension monies.)

After this Miss M. received the foster grant regularly until April 1976 when it stopped. Approaches from the new BAC met with the standard response of 'the matter is being investigated' or 'the matter is receiving attention'. We then took up the matter with the Department of Social Welfare and Pensions and although our letter has never been acknowledged her foster care grant has been renewed and paid retrospectively to April 1976. The result of an accumulation of letters?

**SHIRLEY MOULDER**

## **JOHANNESBURG**

**T**HE Pass Laws have much wider implications than the control of the movement of black people in the prescribed areas. They can be used for the political control of the whole black population and give the police force the ability to arrest people for pass law offences when there is no other charge which can possibly be brought against them.

1976 was a year of civil insurrection and black political protest. Roughly ten thousand more people were arrested and sent for trial in 1976, but eight thousand less were convicted than in 1975.

The number of people coming to the office dropped to 3 085, involving 4 456 interviews, compared with the previous year's total of 4 147 people with 5 873 interviews. This is almost certainly due to the June disturbances. We are now seeing between 30 and 40 people almost every day and sometimes more.

In January this year the Viljoen Commission of Inquiry into the Penal System recommended that serious consideration be given to depenalising the Pass Laws. What has been the Government's response? The penalties to be imposed on black people who remain in a prescribed area without permission have been greatly increase by a recent amendment to the Bantu Laws Act.

MR N. S. B. was the registered tenant of a house in Soweto. His first wife died and the superintendent told him to marry again or lose his house. He married a woman from the Louis Trihardt district and nine days later she was ordered to leave Johannesburg within 72 hours and the Chief Bantu Affairs Commissioner subsequently disallowed her appeal.

KUKI and her brother are both still at school. Their names are on their grandmother's residential permit but their first reference books, newly issued, are correctly in their mother's surname. This name is different from their grandmother's surname so the superintendent refuses to endorse their reference books with permits to be in Johannesburg and has told them to 'go away'.

MR G. T. has been ordered to do 'farm labour only'. He was born and brought up in Johannesburg and worked legally here until 1974, when he made the disastrous mistake of believing what the Government said about freedom of movement within one Administration Board Area. He accepted a job in a nursery in the non-prescribed area of Krugersdorp and is now refused permission to work in Johannesburg again.

For years the Black Sash has warned of the critical shortage of housing in Soweto. A large proportion of our cases are affected one way or another by the housing problem... (We consider that housing is a problem of such critical importance that we are hoping to bring out a special issue on the subject and the details are therefore not included in this report — Editor.)

It is essential to understand that even were the Administration Boards to be both efficient and sympathetic the pass laws remain unjust, immoral and discriminatory and the ultimate responsibility rests fair and square on the shoulders of the Government. There are absolutely no indications of any Government intention to relax the Laws and Regulations which oppress the whole black population and any hopes that the pass laws will be abolished altogether, or even that they will be phased out, are as remote as they ever were.

The independence of Transkei has brought a variety of new problems. People have come to us for assistance in fighting the enforced deprivation of their South African citizenship and in great anxiety about their future security as permanent residents in the urban areas of the Republic. It makes little difference whether a person's permit to be where he is is stamped in a passport or a reference book, but it does make a good deal of difference to that person that he will in future be regarded as a foreign guest worker in the country of his birth.

It is necessary to stress that the urban people affected are furiously angry and totally reject the concept of being made to swap future full participation in a common society for citizenship of a remote homeland which many have never seen and in which they have no interest.

Many people approached us for help with problems arising out of the 1976 disturbances. Cases fall into roughly five categories — those who said that they themselves or relatives had been injured or disabled during police action while going about their lawful business and who wished to sue for compensation; those whose relatives, most commonly teenage children, had disappeared and who wished assistance in trying to trace them and in establishing whether they had been arrested; relatives of people who were killed, requiring financial assistance to pay for funerals and for the support of dependents where the deceased had been a breadwinner; people who were discharged from their jobs because they participated either willingly or because they were

afraid to come to town in the work boycotts; people whose relatives had been detained in terms of Section 6 of the Terrorism Act or who had been arrested and charged and were requiring Legal Aid and financial support for dependents.

There have also been additional problems for some who were in the process of trying to establish rights to live and work in Johannesburg in June, whose carefully collected documentary proofs were destroyed in the burning of Administration Board offices.

The symptoms of a disrupted society and the chaotic conditions of life which characterised Soweto even before June have increased dramatically since the disturbances.

The Black Sash gave evidence to the Commission of Inquiry into the Riots based on the knowledge we have gained of the pass laws through the work of the Advice Office.

As the unemployment rate has risen we have become more and more involved in the administration and practical functioning of the Unemployment Insurance Act, both of which leave much to be desired.

Bureaucratic fumbblings continue to create unnecessary hardship for individuals. People waste hours of time standing in queues, only to be told to come back with another document... and another... and another, or waiting for the Chief Bantu Affairs Commissioner to inform them of his decision in their appeals.

A large number of the successfully closed cases owe their satisfactory outcome to the generous and dedicated work of our legal adviser. He never fails to devote time and attention to any person's problem when we have come to a dead end in the administrative procedures and he is always ready to help and guide us.

The Memorandum on the Pass Laws and Influx Control, published in its third edition in 1974, is now out of print. It is our hope that we will be able to reproduce it during the coming year.

We express our gratitude to our secretary, Margaret Kirk, and our interpreters, Mabel Makgabutlane, Thakane Pholosi and Ingrid Dekane.

**SHEENA DUNCAN**

## **NATAL COASTAL**

**S**IXHUNDRED AND FORTY SEVEN of the 758 new cases dealt with this last year were those of workers' problems, and 75 per cent of people interviewed had complaints or queries pertaining to their work situation. There is a lack of communication and interrelation between employers and their African employees who have little or no recourse to advice and assistance in combating the injustices dealt out to them. It is imperative that people in personnel and labour departments should be properly trained in race relations.

The unemployment situation is fast reaching critical proportions and the desperation just to

subsist adequately is evident in the people who daily come to us for assistance.

The Contract Worker is one of the most exploited and abused victims of the present Government's Influx Control and Migratory Labour systems. Today, no matter how grim his working conditions, how unhappy, underpaid or overworked he is, he simply has no choice but to remain in his present state or starve. To lose his job means having to return to his Homeland area where invariably there are no employment opportunities and certainly any chance of work in the Urban areas is very remote indeed.

People qualified under Section 10(1)(a), (b) or (d) of the Urban Areas Act of 1954 and who, therefore, are fortunate enough to get a 30-day work seekers' permit, are constantly being threatened with Section 29 of this Act (ie of being deemed 'idle and undesirable' and therefore liable for eviction from their homes and deportation to places unknown at the discretion of the local labour office) should their permits expire. This happens often after the first one has done so, but nearly always after the second.

MR T. J. M., who lives in his brother's house in Kwa Mashu, was refused a work seekers' permit until 1980 because he left Durban for a few weeks to go to Klerksdorp. Apart from that short period he has never been out of Durban, and he had a form from the housing manager assuring him registration as a lodger with his brother if he got employment.

In pay disputes the fault lies with the employer. Pay slips are never in the vernacular. Pension schemes, deductions for board and lodging, tax, UIF, etc are not adequately explained. To say 'we have spoken through interpreters to our employees time and again etc, etc,' is not sufficient. Most often individual understanding is necessary and surely that is what personnel management is for.

Contracts, likewise, are 'signed and sealed' in seconds — a quick 'read out' to a prospective worker is not good enough. He should have his own copy in his own language to understand and interpret himself in his own time.

People wait for months before their workmen's compensation claims are paid out and in every case handled by our office they express gross indignation at having their money allocated to them at the rate of R15,20 per month. Only in extreme cases of need will lump sums be given and that, at the discretion of the Bantu Affairs Commissioner or the WCA Commissioner.

MR J. O. — injured on duty on the 5.8.74 when an iron bar fell on his head. He earned R15 per week and received R40 in lieu of wages after the accident. More than 18 months later he came to us for assistance in getting compensation due to him. After numerous letters and further med-

ical examinations it was established nine months later that he was 70 per cent permanently disabled and that compensation of R2 670 was to be paid into a Post Office account, to be drawn at the rate of R20 per month.

The Unemployment Insurance Act is without doubt the one most abused and contravened by employers. It is also discriminatory and unfair to African contributors and that is why this fund now has R207 million and the amount increases monthly.

People with UF cards, no penalties and living in the area of their local BAC are having to wait 15 weeks and more before receiving their money. And what is more they dare not miss one week of signing the form, otherwise they have to start from scratch again and lose the weeks previously signed for.

The Advice Office experiences daily the frustrations and 'red tape' hampering workers in their efforts to draw UIF benefits — to which, incidentally, they are justly entitled. Let it be said that it is time employers took a more serious view of the implications and workings of this Act and likewise the people administering it. This would certainly help alleviate a few of the effects of the economic recession on the majority of the employable population in SA.

Liaison and works committees in factories and companies formed under the jurisdiction of the Department of Labour are yet to prove successful and satisfactory to the majority of the African work force.

We find the Aid Centre helpful in dealing with people who have been obviously unjustly endorsed out of the area or refused workseekers' permits.

The housing situation is as critical as ever with a six-year waiting list and the 'red tape' even more confusing. As Kwa Mashu becomes part of Kwa Zulu on the 1.4.77, all the residents of that township automatically become part of a Homeland area and so lose their urban rights. But as in the case of Umlazi — also part of Kwa Zulu — people are still having to qualify under Section 10 1(a) and (b) of the Urban Areas Act in order to apply for houses. Yet, homeland citizens can no longer qualify as such under this Act, and people resident in these townships seeking employment must do so as yearly contract workers.

Legal assistance is still available through the Legal Aid Society and via the Trade Union Advisory and Co-ordinating Council's legal sub-committee. We are grateful for the continued benefits of the African Trade Unions' facilities — their telephone, office equipment and typing.

**SOLVEIG PIPER**

## NATAL MIDLANDS

No of cases interviewed: 710.

**I**N Pietermaritzburg workers are facing the effects of the economic recession as much as in other areas. The press has continuously reported large-scale retrenchment in local industries. It is disturbing to think that the Advice Office deals with a minute proportion of the people affected by retrenchment and unemployment in this area.

Many of our cases are sent to us by the unregistered African trade unions. The main problems are to do with dismissals and pay disputes arising therefrom: notice pay, leave pay, long service pay. We have a high proportion of UIF problems: we find many employers are tardy in applying for employees cards and lax about filling in details properly. This involves workers in interminable problems and delays; sometimes they might have to wait for up to four months or more for benefits.

Some employers contravene the 1966 Act entirely; sometimes this is due to ignorance, but some try to evade paying workers contributions altogether by employing unregistered workers. Penalties for contravention of the Act are not being imposed stringently enough by the authorities. A recent article has shown that where disbursements are made from the UIF, they hardly meet social security needs. Only a fifth to a third of all those in employment are covered by the fund, while only a very small percentage of

those unemployed are likely to receive any benefits.

Other problems we deal with are to do with pensions, workman's compensation and work disputes. We find that in many cases the major problem is lack of communication between employer and employee. Though management may be sympathetic, they have personnel problems at the supervisory level, where racialistic attitudes dominate labour relations.

In an attempt to bring some of the more obvious problems, such as UIF, unclear payslips, leave pay, notice pay, workman's compensation, to the notice of employers, we wrote a letter in November to big scale employers and members of the Chambers of Commerce and Industry. In this letter we outlined the major problems of black workers and suggested that a written contract, outlining conditions of service, would obviate some of them. So far we have had little response to the 8 000 letters circulated; what response we have had has been entirely negative.

However, not all our dealings with employers have been fruitless. Some employers are particularly courteous and helpful, and are concerned to clear up problems faced by their employees. Some of these employers also have effective liaison committees, or where they are not functioning properly, employers are trying to introduce changes where they will become more effective.

**SHEILA HINDSON**

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### From Protest to Challenge

*Editors: Thomas Karis, Gwendolen M. Carter*

**A** Documentary History of South African Politics in SA 1882-1964, in Four Volumes. Individual prices are \$14,50; \$17,50; \$22,50 and \$19,50.

*Further information from Hoover Institution Press, Stanford University, Stanford, CA 94305, USA.*

### Change, Reform and Economic Growth in South Africa

*Editors: L. Schlemmer, E. Webster*

**T**HIS book deals with the debate on economic growth and its implications for change in South Africa. It is of direct relevance to students and academics in the fields of economics, sociology and political science, and all those interested in the future of South Africa.

*Ravan Press (Pty) Ltd; soft cover R6,50*

# A repugnant burden

JOYCE HARRIS

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*Some of the points made in the memorandum to the interdepartmental inquiry into the financing of administration boards submitted by the Black Sash in May, 1977*

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**T**HE Bantu Affairs Administration Act No 45 of 1971 stated, inter alia, that Boards were to derive their funds from moneys, which, immediately prior to the date of transfer, stood to the credit of the Bantu Revenue account of any urban local authority involved; from any money in any other of the local authority's accounts in respect of powers or functions transferred; and from moneys that would have been paid into these accounts had the Act not been passed.

Boards would also derive money from the sale or lease of land or premises, and from loans obtained with the Government's approval... 'It is intended that a Board shall in respect of its financial matters be independent and that it shall not be necessary to approach the Treasury for funds'...

- Before the Administration Boards were established some of the larger municipal authorities were able to subsidize their Bantu Revenue Accounts to a considerable degree, thus providing extra amenities in the Townships. Many even had surpluses, which have disappeared since the inception of the Administration Boards.

- The Services Levy Fund had a very substantial surplus to be used for the provision of main roads and water and electricity mains, yet the Townships are still suffering from a dearth of tarred roads and electricity and there is presently insufficient money available to provide them.

- The increased service levy on employers has been a contributory factor to the presently prevailing conditions of inflation, by adding to the cost structure...

- There has been a deterioration in the services provided... there is an acute shortage of housing; streets are not lit nor roads tarred.

- The Administration Boards have been short of funds...

- In order to fulfil their allotted functions the Administration Boards have built bureaucratic infrastructures with salaries to be met from moneys accruing to the Boards, leaving correspondingly less to be spent on amenities and increasing the costs of administration...

- Services previously provided by local authorities as part of the overall budgeting have had to be duplicated... adding to the costs of township administration.

## Comment

- The largest single source of revenue enjoyed by the Board derives from the sale of beer and liquor. It is highly undesirable that a Government agency should rely for revenue on the sale of alcohol, thus finding itself in the position of having to encourage the consumption of liquor in order to finance itself...

- The residents of Soweto and other townships have no alternative accommodation from which to choose.

- Reasonable site and house rents and consolidated labour fees are the only justifiable sources of revenue for the Administration Boards. Consolidated labour fees constitute a tax on employers and, within reasonable limits, it is right that they should contribute towards the welfare and quality of life of the people they employ.

## Recommendations

- The suggestion of Councillor Dr Selma Browde, MPC, that the local authority should once again take over the provision of services to Soweto... should be given serious consideration... until such time as an equitable form of local government for black communities has been mutually agreed upon...

- Residents of Soweto should be given the opportunity to buy land... providing revenues from property rates on a differentiated scale according to the value of the properties.

- Residents of Soweto should be permitted to operate their own businesses on the basis of the free enterprise system...

- The administration of the Pass Laws and all legislation relating to Africans is the responsibility of the Central Government, which should carry the financial burden...

## Conclusion

The policy of making the Administration Boards self-supporting has proved to be both costly and wasteful... and resulted in methods of fundraising which are counter-productive to the interests of the people concerned... Yet the Boards have not had sufficient revenue to... provide the necessary services and amenities

The African people should not be expected to carry the burden of financing the administration of laws which are repugnant to them, over which they have had no control, and which they do not consider to be in their own best interests. Such a policy invites retribution.

# SWAPO

MOKGANEDI M. TLHABANELLO

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*Extracts from an address delivered at the University of Natal on May 12, 1977*

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'SWAPO is a national liberation movement rallying together, on the basis of free and voluntary association, all freedom-inspired sons and daughters of the Namibian people... It is the expression and embodiment of national unity, of a whole people united and organised in the struggle for total independence and social liberation.' (Article 11 of SWAPO constitution.)

Article 111 of the SWAPO constitution stated: 'We therefore do declare the basic aims and objectives of SWAPO as follows:

- To fight relentlessly for the immediate and total liberation of Namibia from colonial and imperialist occupation;
- To unite all the people of Namibia, irrespective of race, religion, sex or ethnic origin, into a cohesive, representative, national political entity;
- To foster a spirit of national consciousness or a sense of common purpose and collective destiny among the people of Namibia;
- To combat all reactionary tendencies of individualism, tribalism, racism, sexism and regionalism;
- To co-operate to the fullest extent with all the genuine national liberation movements, progressive governments, organisations and individuals throughout the world towards complete elimination of the colonial system of imperialism;
- To establish in Namibia a democratic, secular government founded upon the will and participation of all the Namibian people;
- To ensure that the people's government exercises effective control over the means of production and distribution and pursues a policy which facilitates the way to social ownership of all the resources of the country;
- To work towards the creation of a non-exploitative and non-oppressive classless society;

- To ensure that a people's government in an independent Namibia co-operates with other states in Africa in bringing about African unity;

- To see that the people's government works in close co-operation with all peace-loving states towards world peace and security.'...

We have rejected 'the Turnhalle Tribal Conference' because:—

- it is not representative of the Namibian people;
- it consists of hand-picked puppet and political opportunists as well as some who came into 'power' through South African controlled 'elections'...
- it has ethnicity as its alfa and omega, and thus disregards the real feelings of the overwhelming majority of the Namibian people;
- it is in fact nothing else but a new approach, and the perpetuation of the divide and rule principle and balkanization of Namibia...

As a matter of principle SWAPO cannot and will never participate in ethnic politics or ethnic elections...

SWAPO has repeatedly asked for free, national elections in Namibia adding that we are prepared to submit to the wishes of the people. This in itself recognises the existence of other political trends in Namibia...

'Our experience of persecution and racialism over many years has deepened our unqualified commitment to democratic rule, the eradication of racialism, the establishment of the rule of law and the entrenchment of human 'rights' and further... it will be for the people to decide — not for any individual or group — through their elected representatives, what kind of constitution, what form of government they desire.'...

Meanwhile the struggle continues.

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## Riots — 1976

*The editor regrets that the acknowledgement to the UCF History Workshop for its valuable contribution to the article by Barbara Broek was inadvertently omitted in Vol 19, No 1, p 15*

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