

BLUEPRINT FOR SLAVERY

BANTU LAWS AMENDMENT ACT 1964

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LEGISLATION PASSED during the last two sessions of Parliament has made clearer the Nationalist Government's conception of apartheid. A reading of the Transkei Constitution Act of 1963 and the Bantu Laws Amendment Act of 1964 show that the Government is trying to promote the idea of Bantustan by (a) permitting the exercise of certain limited political rights only in the so-called African homelands and (b) altering the status of all Africans in the so-called White areas of the country to that of temporary migrant labourers.

This is not the place to deal exhaustively with the subject of Bantustan, which has already been discussed in previous issues of this journal. It suffices to say that the whole concept of Bantustan is a myth. So far only the Transkei has been granted what is called limited self-government, and the Government has no immediate plans for the establishment of similar Bantustans in relation to any other section of the African people. Plans which had been put forward for a Zulu Bantustan have been shelved, firstly because of the difficulty of consolidating the various areas occupied by the Zulu people, and secondly because of the unwillingness of the Zulu people to accept the Bantustan proposal. For the remaining sections of the African people there are no prospects of any form of self-government in the realizable future. The Transkei is thus likely to remain a showpiece for the time being—a specimen of a future which is unrealizable not only for the rest of the African people but even for the Xhosa people themselves.

Bantustan, as we have seen it in operation so far, does not mean self-government for the African people in their own areas. In the first place it was foisted on the African people against their will—as was made clear in the first Transkei election, when the overwhelming majority of voters supported anti-apartheid candidates, but were unable to constitute the government of the territory because of the majority of Government-appointed chiefs in the Legislative Assembly. Secondly, any laws passed by the Transkei Legislative Assembly in the limited spheres open to them can be vetoed by the central South African Government, which can also legislate directly in cases where

the Transkei Assembly fails to implement measures as desired by the Minister. The very elections for the Transkei Assembly were held under emergency conditions in terms of which public meetings could only be held with official permission and anybody could be held in jail indefinitely without trial under central Government proclamations 400 and 413 of 1960—a fate which overtook, amongst others, the leader of the People's Party of Eastern Pondoland, Leonard Mdingi, whilst other opposition candidates were refused permission to hold meetings or banned outright by the Minister of Justice under the Suppression of Communism Act. Finally, the powers of the Transkei Government extend only over the African residents of the Transkei—the whites remain citizens of the Republic and subject only to Republican laws. Never let it be said that while a Nationalist Government was in power in South Africa, any White man anywhere had to take orders from or be subject to the laws of a Black man!

This, then, is not what the ordinary man understands by self-government. Yet even if it were, it applies only to the 3½ million Xhosa people, while for the remaining 8 million Africans it remains merely a promise—one of the many promises made but never carried out by successive White Governments, and in return for which the African people have had to make immediate sacrifices of their existing rights. In 1936, when the African voters in the Cape were taken off the common roll, they were promised in return that 13 per cent of the total land area of South Africa would be reserved for their exclusive occupation. Approximately 30 per cent of this 13 per cent had still to be acquired by the Native Trust when the Africans were deprived of any representation in the South African Parliament by the Promotion of Bantu Self-Government Act of 1959. In 1964 there were still 2,031,095 morgen¹ of land to be acquired for African occupation in terms of the 1936 legislation when under the Bantu Laws Amendment Act the Africans were deprived of their citizenship rights in the so-called White areas of South Africa.

BANTUSTAN 'THEORY'

The theory behind the Bantu Laws Amendment Act is that in return for political rights in 'their own areas', the Africans must forfeit their claim to political rights in the White areas. This is a fair exchange and no robbery, claim the Nationalist Government. In fact it is barefaced theft not only of African property but also of their basic human rights.

The Nationalists claim that the reservation of 87 per cent of the

¹ 1 morgen: 2.1 acres: 0.84 hectare (approximately).

land of South Africa for non-Africans, mainly Whites, is historically justified. The areas reserved for African occupation are basically those occupied by the Africans when Black and White had their first confrontation in the eighteenth century, they say. South Africa was entered by the White man in the south and the Black man in the north at approximately the same time, the argument goes; therefore the Black man has no intrinsic claim to any of the 87 per cent of the land reserved for non-Africans by the law.

That this argument is demonstrably false has been proved beyond dispute in a recent paper by Professor Monica Wilson, head of the Department of African Studies in the University of Cape Town, who quotes *inter alia* the records of Portuguese sailors to show that Africans were in occupation of a considerable area of South Africa at present reserved for non-Africans long before the landing of Van Riebeeck in 1652. Van Riebeeck's own diary notes the presence of the Khoi-Khoin (or Hottentots) and strandlopers, etc., when the Dutch founded their first settlement. In terms of the Nats' 'first come first served' argument, should not this warrant the reservation of the whole of the Western Cape for the Coloured people? South Africa was by no means an 'empty' land in the seventeenth and eighteenth centuries. As the Whites pushed further and further into the interior, they clashed again and again with groups and tribes of indigenous people. The Whites gained their ultimate ascendancy by brute force and conquest, in the course of which the majority of the land occupied by the African people was taken from them and they themselves were penned in the areas which eventually came to be known as the reserves. There is absolutely no justification, either historical or moral, for attempting to restrict the land and citizenship rights of 70 per cent of the people of South Africa to 13 per cent of the land.

Nor does the theory of Bantustan in any way correspond with the facts of life in present-day South Africa. Total territorial separation of Black and White is not and never will be possible. Right now two-thirds of the African people are resident, not in the reserves, but in the 'non-African' areas, mostly working on the White man's farms, down his mines or in his industries and homes. Even the Tomlinson Commission set up to consider whether the concept of Bantustan was practicable estimated that if the Reserves were developed to full capacity they would accommodate 10 million Africans by 1987, of whom 2 million would be dependent on wages earned in the European areas by 500,000 migratory workers. But the Tomlinson Commission estimated that in addition to the 10 million in the reserves, six million Africans would still be living in White South Africa, half of them on the farms and half in the towns. And it should be remembered that

the Tomlinson Commission based all its calculations on the idea that the three protectorates of Basutoland, Bechuanaland, and Swaziland would eventually be incorporated in South Africa—even then giving the Africans, who by the inclusion of the protectorate populations would form more than 70 per cent of the total population of ‘greater South Africa’, only 45 per cent of the total land area. Inadequate as even the Tomlinson Commission report was, it was scrapped by the Nationalist Government, who refused to spend the amount of money recommended by the Commission, and rejected the recommendation that White capital should be allowed into the reserves to stimulate economic development. The Government has finally been compelled to recognize now that the independence of the protectorates is in the offing, that their incorporation in South Africa is no longer on the agenda.

The true concept of Bantustan, as revealed through the Bantu Laws Amendment Act of 1964, is that the African reserves should remain reservoirs of cheap labour for the White man’s economy, and that the Black man should be admitted into the White area of South Africa only to the extent that he is required to serve the needs of that economy. For the very essence of the Act is that it destroys the *right* of any African to a permanent home in 87 per cent of his country—and we can ignore for the moment the fact that even in ‘his own areas’ no African has either a right of freehold land ownership or security of person, land tenure or movement.

There is no room here to analyse in detail this 117-page, 101-clause Act. Suffice to say that it places the lives of every African man, woman and child in South Africa outside the reserves at the mercy of the Government, its Bantu Administration Department and its hordes of officials all over the country.

‘PEACE OFFICER’

All Africans in employment outside the reserves will come under the authority of labour bureaux, both in town and in country areas. The officer in charge of a labour bureau will be designated a ‘peace officer’ and will have powers of arrest and to search premises. Previously, any African who had been born in a proclaimed area (generally an urban area) and had worked there continuously, or who had worked for one employer for ten years or more or for more than one employer for fifteen years and who had no serious conviction against him, had an automatic right of residence in that area and could be removed only by order of the Minister or the Governor-General acting under the Native Administration Act of 1927.

Under the new Act this right of residence is abolished. ‘Proclaimed’

areas will cease to exist and the labour bureau machinery will control all aspects of the employment of Africans outside the African areas. The officer in charge of a labour bureau may refuse to sanction the employment of any African, or may cancel his service contract for a variety of reasons. The African may be endorsed out, for example, if the official finds that the service contract with the African is not *bona fide* (whatever that means); or if the African refuses to submit himself to medical examination by a medical officer or, having been medically examined, is 'not passed as healthy and vaccinated as prescribed or is found to be suffering from venereal disease or from tuberculosis or from some other ailment or disease which in the opinion of the medical officer is dangerous to public health'.

In other words, an unhealthy African must not be allowed to work in a White area, but must be packed off with his disease back to his 'homeland', where he can rot and die in peace as far as the bureau officer is concerned, so long as the White man is not disturbed. This is indeed something new in public health control—not to provide medical attention, but to deprive the invalid of his right to work and remove him from the prescribed area as quickly as possible.

But perhaps the most dangerous power of the labour bureau officer is that he can refuse an African employment if he is satisfied 'that such employment or continued employment impairs or is likely to impair the safety of the state or of the public or of a section thereof or threatens or is likely to threaten the maintenance of public order'. The only safeguard, and that a slender one, is that the Secretary (for Bantu Administration) must concur in any such refusal or cancellation of a permit. But what the clause means is that in future any person regarded by the Government as an 'agitator' can be summarily endorsed out of town. Nobody who effectively opposes any aspect of Government policy will have any security of home or job in a White area. The White Paper admitted 'it will be possible to invoke this paragraph in the case of foreign Bantu with subversive political aims'. It fails to add that local Bantu are also affected.

The right of an African to 'carry on any work on his own account in any remunerative activity or as an independent contractor' is also in the gift of a labour bureau official. We know that it is Government policy to discourage Africans setting up in business on their own account in the White areas, for the whole purpose of the Bantu Laws Amendment Act is to create a cheap African labour force for the White economy, not to help in the establishment of an African bourgeoisie or petty-bourgeoisie. It has been Government policy for some time that no African should be allowed to run more than one business in an urban area and that no African should be allowed to open a business

in an African location if the needs of the people could be satisfied by an existing White-owned business. By holding out the illusion that opportunities exist for economic development in the 'homelands', the Government wants to take the opportunity to eliminate the competition or potential competition of the African in the White areas of the country.

In addition to this stringent limitation of African business rights in the African urban locations, it is also provided in the Act that no African may carry on any trade or business as a hawker, pedlar, dealer or speculator in livestock or produce, or any street trade or business which the Minister may specify in a prescribed area outside an African residential area unless he has the permission of the local authority, which itself may not grant such permission unless the Minister has authorised it to do so.

The Act gives the Government power to channel African labour in certain directions. The Minister may decide that a municipal labour bureau shall have no jurisdiction over Africans in certain categories of employment (e.g., the mining industry). In such cases their employment will be controlled instead by the district labour bureau, which is more directly a creature of the Government. Regulations may be issued defining areas in which no Bantu labourers may be recruited, or in which no recruited labour may be employed. These regulations could be used for the enforcement of the lunatic 'Eiselen line' policy of driving Africans from the Western Cape, which the Government hopes to build up as a bastion against African nationalism by restricting its occupation to Whites and Coloureds only.

Under previous legislation Africans not permitted to work in a proclaimed area could be ordered to leave and not return. Under the new Act they may be referred to an 'aid centre' or to the district labour officer. They may then be offered work in the same area or any other area, or may, 'with due regard to the family ties or other obligations or commitments of such Bantu' be ordered to leave the prescribed area with their dependants and sent to their 'home or last place of residence, or to a *settlement, rehabilitation scheme or any other place indicated by such Bantu affairs commissioner or officer*'. (My italics).

Thus an unemployed African may be sent to a settlement, rehabilitation scheme or *any other place* indicated by a minor government official, for no other crime than that he is unemployed. This provides the legal basis for forced labour and the establishment of labour camps at any time. That this is not outside the thinking of the Government was revealed during the 1960 emergency, when 20,000 Africans were swept up by the police and sent off, sometimes in chains, to forced labour in various parts of the country. At that time action was taken

against the Africans in terms of emergency regulations published in terms of the Public Safety Act. In future, any action the Government may contemplate will be provided for in advance by the Bantu Laws Amendment Act of 1964.

What are these 'aid centres' to which the Act refers? As the Bill was originally worded, it created the fear that these 'aid centres' would be little different from concentration camps, where unemployed Africans could be confined indefinitely until they were either placed in employment or endorsed out of the prescribed area. Sensitive to this criticism, the Minister stated in the White Paper that an 'aid centre will be no gaol and a Bantu will not be compulsorily detained therein'. But the criticism persisted, and the Minister was obliged to insert a provision in the Act to the effect that nothing in that section could be construed as 'authorising the detention of a Bantu in an aid centre'.

But still the Act is ambiguous. Africans who are arrested or convicted on charges of having contravened such provisions of laws and regulations relating to service contracts, reference books, presence in urban areas, etc., as the Minister may specify, may be admitted to aid centres. Courts may be held there. Those arrested without warrant may not be detained for longer than forty-eight hours unless a warrant for their further detention is obtained. Persons brought to aid centres may be released without charges being brought against them, or be released on bail, or be brought before a court. All these exceptions imply that an African may be forcibly detained in an aid centre at least for some length of time. And in any case, if it is illegal for an African to be anywhere else except in an aid centre (if he is unemployed and without a permit to hold work), then it is hypocrisy to pretend that the Act does not authorise the detention of an African in an aid centre.

'IDLE OR UNDESIRABLE PERSONS'

A considerable section of the Act is devoted to the treatment of so-called 'idle or undesirable' persons. An 'idle' person is defined in a number of clauses, some of which are taken over from Section 29 of the old Urban Areas Act, some of which are new. An African may be deemed 'idle' if he 'has been discharged from employment for any reason personal to himself on more than three occasions over any period of one year'. An 'undesirable' person is, *inter alia*, anyone who has been convicted of possessing an unlicensed firearm or of malicious injury to municipal property, or if he is convicted of certain *political* offences under the Riotous Assemblies Act, the Criminal Laws Amendment Act of 1953 (outlawing passive resistance), the Unlawful Organizations Act of 1960 (banning the A.N.C. and P.A.C.) or the General Law Amendment (Sabotage) Act of 1962.

An African arrested as 'idle or undesirable' must be brought before a Bantu Affairs Commissioner within seventy-two hours. The Bantu Affairs Commissioner, if he confirms that the African is 'idle' or 'disorderly' may order him to take up employment or return home or be detained in any rural village, settlement, rehabilitation scheme, retreat or other place indicated by the Secretary for Bantu Administration in the Reserves, and perform such labour as may be indicated by law. This again opens the way to forced labour and the concentration camp. Further, it opens the way to the continued detention of political prisoners who may have completed their sentence, but who in terms of this Act may be sentenced to an indefinite period of hard labour by a Bantu Affairs Commissioner.

Perhaps the worst feature of the Act, however, is that it is based on the conception that all African labour in the White areas will be migratory, and that family life among Africans in the prescribed areas is something to be discouraged. The Government wants to avoid the creation of a permanently urbanized African proletariat. In future, the gift of marriage and family life in White South Africa will be at the disposal of the labour bureau officer. Migratory labourers, even though married, should preferably be housed in barracks as 'bachelors'—their wives and children should stay in the Reserves.

Under the Act, a wife from the Reserves will have little chance of joining her husband in an urban area. Since the Act covers women as well as men workseekers, she must obtain permission to be allowed in a prescribed area for more than seventy-two hours, she must get permission to be in the same area as her husband, and accommodation must be available for her. She will only be able to live together with her husband in the same house if all these conditions are fulfilled to the satisfaction of the labour bureau—if they both have the right permits, and the local authority provides them with married quarters.

Not even those families already established in the towns are safe. At any moment for any of the variety of reasons set out in the Act, some of which have been mentioned in this article, a man or a woman may lose the right to remain in the area and be endorsed out. A wife may be sent out with her children and the husband be left on his own as a 'bachelor'. Nor is this something fanciful and far-fetched. It is happening every day in South Africa and has been happening for years. Husbands are separated from wives and parents from children. Families are destroyed at the stroke of a bureaucratic pen. In some cases even the act of conception is only possible by permission of the labour bureau, which may grant a woman permission to join her husband in an urban area for a short period for the purposes of procreation.

THINGS, NOT PEOPLE

The monstrous callousness of this provision of the Act roused a storm of protest in South Africa, but left the Nationalists unmoved. During the debate in Parliament, Nationalist M.P.s treated the whole matter with amusement. Back-benchers jeered and said Africans should not get married if they wanted to avoid these problems. The Deputy Minister of Bantu Administration said: 'Both the husband and the wife will have had prior knowledge of the implications of the step they have taken and will have to suffer the consequences'. This from a supposedly Christian Government which acknowledges the sovereignty and guidance of Providence in the constitution is perhaps the final proof that in the eyes of the Nationalists the Africans are to be treated as things, not people; as 'interchangeable labour units', statistics, figures, not warm flesh and blood with desires, hopes and fears like any other people.

Control of Africans in the White towns is paralleled in the Act by control of Africans in the White rural areas. The Government is given the power to determine the number of Africans that may be employed on any farm and the conditions of their employment. Regulations govern the position of squatters and labour tenants. White farmers may be refused permission to employ African labourers and may be directed to consider the availability of non-African labour—again a provision which may be used to help enforce the Eiselen line in the Western Cape.

If in the Minister's opinion the congregation of Africans on any land, or the situation of their accommodation, or their presence in any area they traverse for the purpose of congregating, is causing a nuisance to persons resident in the vicinity, or if the Minister considers it undesirable, having regard to the locality of any land, that Africans should congregate on it, he may prohibit the owner of the land from allowing Africans to reside or congregate thereon. With memories of the agitation over the 'church clause' of the 1957 Native Laws Amendment Act no doubt in mind, the Minister had the wit to exclude church and religious services from the provisions of this clause.

It has been possible in this article to mention only some of the more obnoxious of the clauses in the Bantu Laws Amendment Act of 1964. But enough has been set out to indicate that this Act represents the culmination of Nationalist policy towards the Africans, the final denial to them of any rights of citizenship, the conversion of a majority of South Africa's people into foreigners in their own land. The whole concept would be ludicrous if it were not so tragic, for there is nothing comic about human suffering, and the implementation of this Act can only bring ruin and misery to the Africans in the White

dominated 87 per cent of the country, not to mention the remaining millions left to rot in the poverty-stricken 13 per cent which are to be the African 'homelands'.

The Bantu Laws Amendment Act, part of Verwoerd's final solution for the African people, is as unacceptable to world opinion as Hitler's final solution for the Jews. Even non-Nationalist Whites could not fail to express their disgust and indignation at this Bill. All churches except the Dutch Reformed Church voiced their protest. Meetings and demonstrations were held in many centres. Chambers of commerce and industry passed resolutions deploring the Bill. United Party members of Parliament called it 'slave labour' and Sir de Villiers Graaff, pointing at the Nationalist benches, said: 'If we are faced with a revolution in the future, there are the guilty men'. The *Rand Daily Mail* editorialized: 'For its callous disregard of human rights and dignity, its gross racial arrogance and its sheer political folly, the Bantu Laws Amendment Bill is a rare achievement even for a Government which has specialized in such legislative horrors . . . its only effect will be negative; not social surgery at all but social mutilation from which one day all South Africa will bleed'.

As for the African people themselves, the passage of this Bill can only help to convince them, if they are not already convinced, that the time for talking and pleading with the Nationalist Government has passed. The time has come to fight, just as Hitler's victims had to fight. The Verwoerd lunatics are beyond the reach of reason and argument. The solution for them is the same as that which was necessary for Hitler—they must be driven into their final bunker and destroyed so that South Africa may be freed and cleansed of the poison of apartheid. The Rivonia trial and subsequent events show that the people of South Africa are more and more refusing to live as slaves and are taking the road of struggle towards the future—a road which may be hard and bitter, but is the only one which can lead them to a South Africa in which all people can live in harmony on the basis of equal rights for all.