

What the new laws say . . .

SHEENA DUNCAN briefly outlines what three new laws 'to dismantle apartheid' say . . . The Identification Act, the Restoration of Citizenship Act and the Abolition of Influx Control Act became law on July 1, 1986.

- **The Identification Act**

provides for the issue of an Identity Document to people of **all** races who are permanently and lawfully resident in South Africa. Although it will have no racial classification within it everyone will continue to be classified in the records of the Population Register. People of all races will have to surrender all ten fingerprints when they apply for the document.

- **The Restoration of South African Citizenship Act**

provides for a limited number of the Xhosa, Tswana and Venda-speaking people of South Africa to regain the citizenship which was taken away from them when certain homelands became independent.

The provisions of the Act are exceedingly restrictive. The Minister of Home Affairs told Parliament that government expected 1 751 400 people to regain South African citizenship. Yet there are more than nine million people who have been denationalised, and of them 5,75 million live inside what are now the foreign countries of Transkei, Bophuthatswana, Venda and Ciskei. Those who do not get South African citizenship back remain aliens and are subject to the rigid provisions of legislation dealing with aliens. They are in a worse position than they were before July 1. They are excluded from all the benefits of the new reforms.

- **The Abolition of Influx Control Act**

completely removes the whole system of pass laws and influx control as we have known them. There are now *no* restrictions whatsoever on the free movement of that two thirds of the black population which remains South African, into the urban areas. They no longer need permits to work and to seek work.

The restrictions which will affect mobility are the provisions of the Group Areas Act, the Land Acts, the Trespass Act and the Prevention of Illegal Squatting Act. The shortage of housing for black people and the shortage of land set aside for site and service schemes will limit the number of people who are able to bring their families to town. It remains to be seen whether resources will be poured into providing accommodation in the existing metropolitan areas as a matter of urgency.



In spite of the abolition of the pass laws, the office queue is longer than ever.

photo: Gill de Vlieg

... how they affect people

Sheena Duncan takes cases from the Johannesburg advice office files to show some positive changes and the new barriers between 'aliens' and those with 'ID's' —

In the month since July 1 work in the advice office has changed radically.

It is a huge relief to be able to tell a person who has lost his job that he can remain in town to look for a new job, that he doesn't have to return to his homeland to apply for unemployment benefits, that he will never again have to work on annual contracts, nor will he ever again need to have permission to seek work or to work in any job he has found. It is good to be able to explain that he can work for himself in his own small enterprise, that he no longer needs a permit if he wishes to be self-employed, that he can seek work in any part of South Africa that he wishes.

We wonder how long it will be before people realise this new freedom and know that it is really true. They have been enslaved by the pass laws for so long that realisation is slow to come.

A man who clings to the old laws . . .

This man says on no account is he going to hand in his Reference Book in exchange for a new Identity Document. This pass has a Section 10 stamp in it and how will anyone know that he belongs in town if he hands it back?

The wife of a migrant worker who is refused a place in town . . .

This woman does not feel free. She has been told that there is freedom of movement and that any person can now come to town. She came from a Transvaal homeland to join her husband who has been here for many years and lives in a hostel. She went to the Mayor of Soweto to apply for a site in the informal settlement he has established. She was told 'those sites are not for people from outside'. She is now legally entitled to include her name onto the waiting list for a house but the lists are very long.

Some Ciskei 'aliens' who lived here for a long time have their homes destroyed . . .

These people don't believe there is any reform. They have lived for some time near the municipal dump in Roodepoort in their own self-built but illegal dwellings. One Sunday morning in July in the early hours the authorities forced them out of their homes, destroyed their houses and burned their possessions. They have not been offered alternative accommodation. Some of them

are from the Ciskei and are 'illegal aliens' in South Africa. They are not entitled to be here, to work here or to apply for housing here.

A Tswana-speaking Johannesburg resident loses his job and maybe his UIF benefits too . . .

This man has lost his job. Being Tswana-speaking, he is a 'foreigner'. He came to Johannesburg from his birthplace in what is now Bophuthatswana in 1977, two months before independence, and has worked with the same company since that time but was only registered in their employ in 1982. Advice office workers believe that he is entitled to regain his SA citizenship because he left Bophuthatswana before independence when it was still part of South Africa and he needed no permission to be in the Republic. He has always been permanently and lawfully resident in South Africa.

The authorities do not agree because his official records in Johannesburg date from 1982, five years after independence. His case will no doubt end up in court but what to do meanwhile? He must apply for his unemployment benefits soon otherwise they will be forfeit. Should he go back home to claim them? His case is likely to take months to resolve.

A Johannesburg domestic worker has to forego SA citizenship to keep her house elsewhere . . .

This woman is in a quandary. She has been working in Johannesburg for years and is now in her late fifties. She lives at her place of domestic employment. She is undoubtedly entitled to get her SA citizenship back but this will probably mean a court application because her children are in Bophuthatswana — SA authorities seem to be interpreting the words 'permanently resident' as meaning that a person's family is with them in South Africa.

Her problem has an added dimension. She has built a house in Bophuthatswana for her retirement because there was nowhere else she was entitled to have a house. Now the Bophuthatswana government has legislated that any citizen of Bophuthatswana applying to have SA citizenship restored to him or her will be deemed to have renounced Bophuthatswana citizenship. If she goes ahead with her application she will be an alien in Bophuthatswana and subject to deportation and loss of property. She has decided to try to get a South African Identity Document as a permanently resident alien in South Africa but to retain her Bophuthatswana citizenship in order to protect her children and her house.

A married couple is arrested and fined for Trespass in a white suburb . . .

The married couple does not believe there is any change in the pass laws. They were arrested as they walked home from work in a white suburb. They were charged with Trespass. They don't know what trespass is. They don't know that they were definitely not trespassing on a public pavement. They signed admissions of guilt and were fined R50 each because they were told they would be held in the police cells if they did not.

An SA citizen by birth must produce his parents to get an Identity Document . . .

Young John is also not convinced about reform. He has a birth certificate showing his birth in South Africa. Unfortunately for him his birth was registered in his mother's maiden name as his parents were not yet married when he was born. He has their marriage certificate, a baptismal certificate, a letter from the principal of the school where he is a Standard 10 pupil. His life is an open book but after three visits to offices of the Department of Home Affairs his application for an Identity Document has still not been accepted. He has been told he must produce his parents in person. His mother lives far away in the eastern Transvaal. His father is a construction worker and is at the moment on a site in a rural area, the exact location not known to his son.

A Transkei woman has worked in Johannesburg 15 years but remains an 'alien' . . .

This unmarried woman with three children came to Johannesburg in 1971 from Transkei. She has not been registered in her various employments. The Department of Home Affairs refused to accept her application for SA citizenship and an Identity Document.

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And so it goes. Why can our government never do anything properly and wholeheartedly?

We are now in a position where one third of the black population has even worse problems than they had before. The other two thirds are freer than they were before but you cannot tell an illegal alien just by looking at him so the others will be called upon to identify them-

selves in inspections of work places, and possibly on the streets and in places of accommodation.

The unions are angry. Employer organisations are angry. The people are angry. Our government evidently does not realise the depth of the rejection of the racial and ethnic separations forced upon us by the apartheid system. People have affirmed their unity as South Africans and have refused to accept the concept of tribal differentiation.

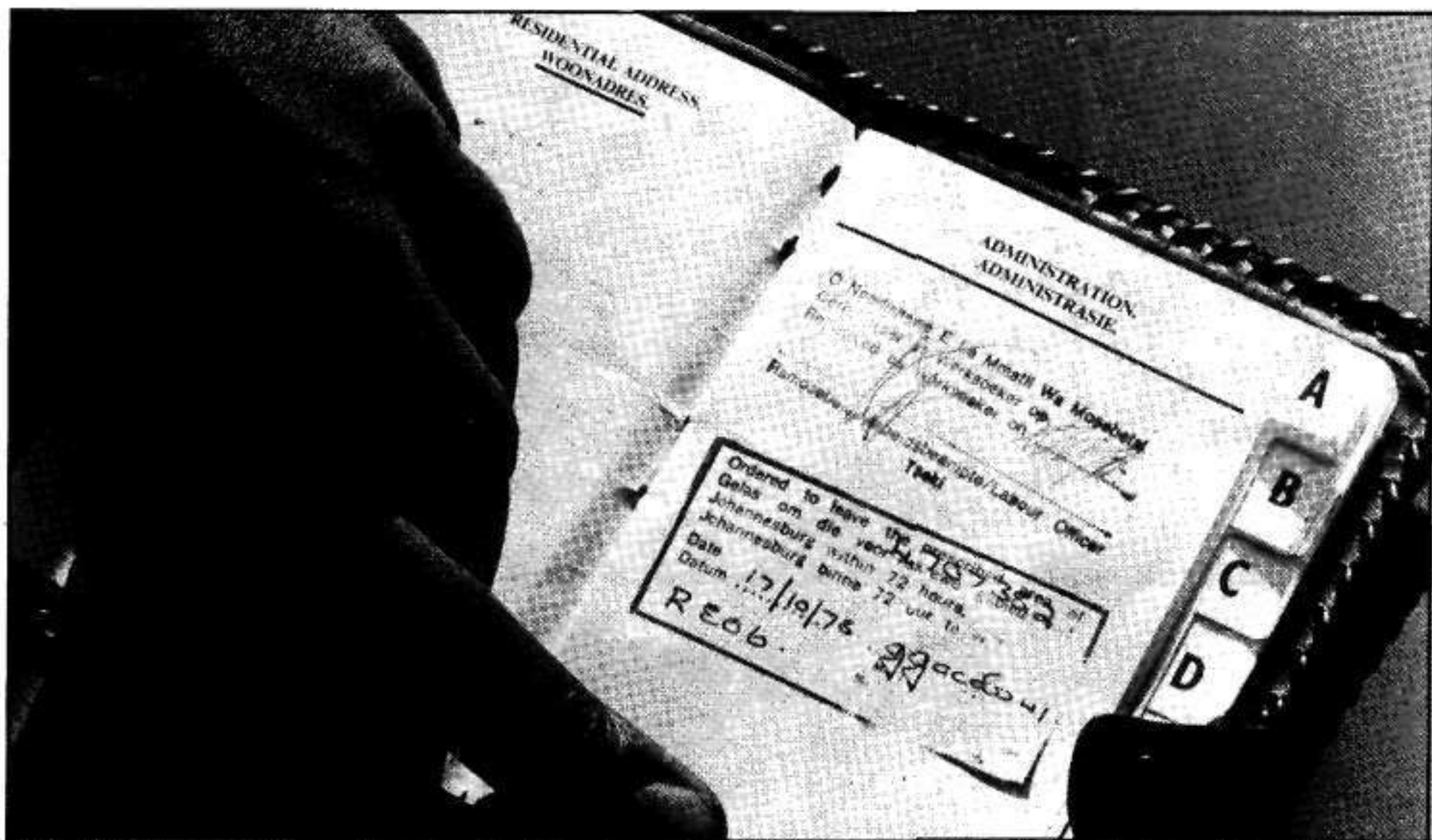
Now the barrier between insiders and outsiders has been redrawn not removed. The old insiders were the people with urban residence rights with Section 10 qualifications. The outsiders were everyone else. Now the insiders are those who can get ID's and the outsiders are those 'aliens' who cannot. Apartheid is not dead. It appears in a new form.

As one British writer on South African issues said 'PW Botha is not a reformer. He is a reformulator.'

It is such a pity that the undoubted benefits of the new system to two thirds of the people cannot be welcomed wholeheartedly because of the dreadful position of the other third who increasingly will be excluded from participation in our common society because of the preference given to those people who carry South African identity documents. These can work without restriction and there will be no red tape involved for those who want to give them work.

The rest have to seek permission to be in South Africa, a work permit to work in a specific job. If the permit is not granted an employer who gives the work or a person who gives them accommodation is liable to a fine of R5 000 or to imprisonment for up to two years. This cannot be called reform.

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The old insiders were those with section 10 rights stamped in their books. (The above outsider had none.) Now the insiders have ID's and the outsiders are 'aliens'.

Courtesy Financial Mail