

MORATORIUM

by Pat Tucker

Apartheid, proclaimed Dr Piet Koornhof stridently in America "is dead".

And, while South Africa's black population was digesting that bit of news along with their often inadequate rations in their separate group areas, he came home and quintupled the maximum fine for employing an "illegal". (Which curious South African term refers to black people who have no "rights" to be living or working in the area they have chosen).

So . . . dead in America, perhaps, but alive and very lustily calling out for more legal muscle back home in the urban areas.

As white employers rushed to sack their "illegal" employees, of short and long standing, the minister made what, on the face of it, is both an unusual and a magnanimous gesture.

He announced a moratorium, gave the "illegals" a chance to be legal-for-a-year and initiated a rush on Administration Board offices (though not in the Western Cape where the moratorium does not apply) that left his bureaucratic underlings gasping.

The moratorium, which extends until the end of October, allows for the registration of previously unregistered and unregistrable employees who can prove they have worked continuously for one employer for one year from July 31 or the past three years continuously in the area in which they wish to be registered.

In fact, is the moratorium that magnanimous? Is it a real move to help the victims of influx control, is it merely a stay of execution or is it, cynically, not intended to help the employees at all but to calm down their white employers, particularly in the business sector which faces the prospects of mass fines or mass firing of employees?

First of all, there was catch 22 — as employers who hurried along to take their places in queues normally only occupied by blacks found out — to be registered, employees had to be able to prove they had legal accommodation — to have legal accommodation, they had to have employment.

Says a Johannesburg attorney, well-versed in the intricacies of influx control: "unless this problem is eliminated administratively by their registering people who have been offered jobs regardless of their accommodation situation, this will be a non-starter."

A West Rand Administration Board spokesman told the Financial Mail there were two ways out of the situation. One was for an employer to apply for hostel beds to be reserved for his employees, the other was for an applicant to obtain a letter from his township superintendent stating that if he were registered, lodger accommodation would be available.

The problem with either of these solutions is that there is a chronic shortage of accommodation of any sort, at least in townships on the West Rand.

What more?

Even as the queues formed, Brigadier Jan Visser, head of

the public relations division at police headquarters in Pretoria stated that unregistered black workers would continue to be arrested for pass offences because "the law has not been changed."

While Press headlines and politicians hazarded guesses that the increased penalties were the price Koornhof had to pay for staying the demolition of the Crossroads settlement, Sheena Duncan, director of the Black Sash's Johannesburg advice office was tracing its history back to an announcement last year by the then Minister of Justice.

Employers, threatened Mr Jimmy Kruger, would have to go to court instead of paying admission of guilt fines for employing "illegals".

The legislation increasing the fines was passed some time before it was gazetted last month (July) and the advice office saw the trickle and then the flood of "illegals" pouring in.

They were either sent by their employers to try to seek registration or sought help because their employers had jumped the gun and fired them out of hand — one after 21 years of service.

"There was a sudden throwing out into the streets of people with no other means of survival."

The move was to be echoed by a recommendation in the Riekert Report that recruitment of labour from the bantustans be clamped down upon.

"But", continues Ms Duncan "I don't think the authorities had understood how many illegal workers there were and what pressures would build up on both sides — employers and employees".

The concession announced by Dr Koornhof, says Ms Duncan "is immediately and enormously helpful to people who comply with it but there are thousands who don't comply — there are a million reasons why thousands of people won't be helped."

And, she points out, even those who qualify under the moratorium "aren't being urbanised". In a way, they will be more tied to their employers than ever before.

If they lose their current jobs after October 31 this year "they are finished." They will only be registered to work for their present employer and to be re-registered under the migrant system but if they leave nobody else will be able to employ them for fear of prosecution and the possibility of incurring the huge fine.

The move is, as Ms Duncan sees it, an employer-orientated device.

Who is not being helped by the moratorium, asks the attorney?

Firstly, he says, and is backed up by Brig. Visser's statement, it doesn't protect a person who is not yet registered and who is picked up by the police.

"There is no defence to a criminal charge, because the law remains unchanged."

Neither does the registration confer any permanent rights of residence on employees and it should not be seen as the start towards permanent residence in urban areas. "It just isn't that at all."

The moratorium does not include foreign blacks (Rhodesians, Zambians, Malawians) whose position, no matter how long they have worked in South Africa is now hopeless.

The concession, added the lawyer, "above all must not be seen as a liberalising of influx control laws which remain quite unaltered.

"All that is happening is that labour officers are being told to register certain people on one-year contracts under

Section 10(1)(d). This they have always had the discretion to do. Now, at ministerial behest they are being told to do so."

He agreed with Ms Duncan that the move was designed to assist employers not labourers.

"This appears to be a one-timer. After the first year's contracts have expired, if an employer does not choose to re-engage the same labourers, he or she will be confined to recruiting from other, qualified people to avoid being prosecuted."

In that case, for the temporarily legal "illegal" it will be back to the bantustan. □

SOUTH AFRICAN LOVE SONG

by Vortex

My husband
is a strong man.
His sisters and brothers
always admired his strength.
But he is gentle,
and he makes jokes,
and he loves our children.

I love him.

He can be difficult:
he has his moods,
and he sometimes gets angry.
He is a passionate man.
He is a warm lover.

I appreciate him.

He is proud,
and he is just.
He dislikes cheating and unfairness.
He hates oppression.
He cannot tolerate it.

I support him.

But it was this that divided us,
it was this that has left me
lonely and poor:
he is on Robben Island,
for the rest of his life. □