

(p 66, Aug. 75)

Mrs Sheena Duncan, Advice Office Director and Mrs Joyce Harris, President of Black Sash

RIR: We have been told that Transkeian independence has meant a distinct loss of urban rights, subtle, but distinctly ... legal. I wonder if you could comment on your experience.

DUNCAN: The thing about a lot of blacks, they don't lose legal rights because they don't have them, but people are like ...like someone I had today, whose parents were born here, they actually had no idea where the family originated, and he was told to take Transkeian passport, and although I was able to explain to him that his urban Section 10 rights are protected he doesn't feel that at all.

I mean, legally one can explain to him that if they try to endorse him out he would have an action to bring in the Supreme Court, because he is a qualified person. He feels very diminished^{ed} by the fact that he is no longer a South African. It is a very important thing, people are so angry, emotionally, that their South African citizenship is being taken away, because they are very proud of it. And it is extremely hard to get this across to people. But perhaps I can just tell you a story. There is a man in Johannesburg who is very well-respected member of a certain Christian organisation, the YMCA. He has worked for them since 1964, he is what some black radicals might refer to as an Uncle Tom, and whom whites would call a politically moderate man. He is a qualified person, and has lived here all his life. He even knows where his greatgrandfather's grave is here. He has a house in Soweto, and he is just about the most stable person .. that any black person can achieve in South Africa. He came to me the other day, and I must stress that he is a convinced Christian, he is the sort of man who talks in terms of Christian love perfectly openly, and he said to me that his two teenagers have gone to the pass office for reference books and they were told to take Transkeian passports, and when they said that they were not going to do it, because they belonged in Johannesburg, they were told to get out, no Transkeian passport, nothing. He went to the Commissioner with them, the commissioner being a man with whom he has had many amicable dealings and negotiations and a man whom he knows well, and the commissioner said to him that if he wanted to avoid his children having to take Transkeian passports, he himself would have to apply for citizenship of the Ciskei in terms of the Bantu Homelands Citizenship Act of 1970. He came in to ask me could I please explain what the law was, and he said "You know, I don't like to have to tell you ... when I go home and tell my family what you have told me, we no longer say 'This bloody government', we say 'You bloody whites'", and he said "What's more, I know the work that you in the Black Sash have been doing all these years, but I want to remind you what happens to Dr Edelstein" (the chap who was killed in the 1976 riots, in case you don't remember Richard). Now this is a depth of anger universal with any urban person who holds ... passport, and it is terribly serious. So that although you can say to them "You have your section 10 rights", they will that their rights as South African citizens have been taken away. And of course it is true. And as you know many people have actually refused scholarships overseas and travelling overseas, because the only way they could do it would be to apply for a Bophuthatswana or a Transkeian passport and arrange for special visas, and they won't acknowledge their citizenship that has been thrust upon them. And to me this is a most important thing. But then of course the loss of rights of the next generation . of urban blacks.

RIR: There is another aspect that we have been told which is informal (?) which is that Transkeians unlike Ciskeians have more trouble with police, pass offices, while it should really work the opposite way, because as foreign

nationals they should have less trouble.

DUNCAN: That is true, because there is a hastiness on the part of junior officials who might say "You have a Transkei passport, you may not work here" without going and getting out the man's record. One particular case where it is very clear is that every black person who is refused registration work or ordered to leave the area has the legal right to make an appeal to the commissioner, and that right is not being touched by the citizenship question, but in fact the commissioner's office is in Johannesburg. The chap sends them away and says "WE don't deal with Transkeians here", and that is a very clearcut case. We are bringing several actions on that.

RIR: Just go back to that again: a black person has a right which is not normally exercised?

DUNCAN: Well, if they come to us, it always is. But in fact people do exercise this quite widely. The appeal to the commissioner against the labour office's decision.

RIR: Which stays the execution for ..?

DUNCAN: No, it doesn't really. They do remain while the appeal is being heard, but it is sometimes 3 or 4 months till a decision is made, and if they are arrested at any time during that period they would be found guilty of being in the area illegally, but there is a chance that the commissioner will reverse the decision of the labour office, and some people with urban rights that have been actually ignored, do win their appeal. It is a common administrative process, which is a legal right.

RIR: You're saying that in addition to the emotional, moral, symbolic, there are real losses?

DUNCAN: Particular real losses such as (427) is illegal action on the part of the Department, because if they then in fact come and say that the commissioner refused to accept their appeal, an attorney can act for him and force them to do so, because the right has not been taken away in law. It has been taken away by bureaucratic action, either because of true ignorance on the part of junior officials or misunderstanding or what have you. But it happens.

HARRIS: There is also the very real legal right of the next generation, because they won't have any Section 10 rights at all. The children of parents whose homelands have become independent.

RIR: We should say that we had legal briefs on that from various quarters, and we know that there are two ministerial statements saying that everything is going to be all right - we know that in Hansard there are exchanges on this point, and I know that you speak out on this issue ..

DUNCAN: I can only judge on what the law actually says, and not what ministers or opinion ... and there is confusion over the right to inherit a house, but that is not what I am particularly talking about at the moment, because the way in which this sort of legislation frames, there are perhaps the sort of interpretations that would have to wait for court cases. But a person can have the right to

occupy a house if he has no right to remain in the area in which that house stands, and that is the crucial thing that last year's amendment of Section 12 did, because what it in effect does is that any child born after the date of independence of his parents' homeland may only enter or remain in any prescribed area with the written permission of the secretary, which permission may be withdrawn at any time without reason being given, so that if he is given permission to stay in the area and therefore occupy the house which he has inherited, it still remains a privilege, because if someone suddenly turns round to him and says "You go", which is a real risk for people who are politically involved, he will have no possible legal redress against that order. It is a privilege not a right that he enjoys.

RIR: And that is a position which hasn't really been tested in any way?

DUNCAN: Too early. You know we have only had three years of Transkei independence, and children are not yet at the age when they are entering the labour market.

RIR: So that even if they owned those houses they couldn't live in them?

DUNCAN: No. And of course, just on the pure value of the house, that if all homelands take independence you are going to be left with the same situation as we had when the ^{right to squat (?)} (437) was abolished, where people who lived there had the right to purchase or the right to occupy, so the market shrinks, and you easily end up with a situation where only the local authority could purchase the house, and I don't think it is the kind of sound investment that I would like to make with my money!

RIR: The Riekert Commission white paper and then legislation .. what are the results of that sequence of events which particularly affects homelands in the future?

DUNCAN: The whole tenor of the Riekert Report, and it is basically necessary to understand this, the very words he uses all the way through, he talks about people "from the black states", meaning these specifically defined ... the non-independent homelands. He talks about the desirability of the Department of Foreign Affairs being involved in negotiations between the South African government and the governments of the black states in making labour agreements and so on, and the whole tenor of that report is that people from the homelands are already sort of foreign, that they are coming to what he calls "the Republic of South Africa" to work, they are in fact in the same position as guestworkers in Europe. The recommendations on things like .. it runs all the way through, and it is very difficult to pick up the threads unless you know how the parts all operate. And when he says that the choosiness of employers must be combated, that employers prefer to employ migrants than urban qualified people because they are cheaper, and that strict control on recruiting must be exercised. It is the reason why qualified urban people should be allowed to move from one town to another, because there is a damming-up. He calls it a damming-up in platteland towns of qualified people

due to natural increase, people who are born there acquire Section 10(1)(a) rights so that there is a damming-up of qualified people in small towns, and he recommends that they should be allowed to move, but hand in hand with this goes a greater and greater cut-back on recruiting of workers from the homelands, whether independent or non-independent, it doesn't really make much difference in the context. It think it is an indication of a very inferior way of thinking, because I think what is happening is borne out by the legislation of a R500 fine. The immediate effect is that it is concentrating poverty in the communities in the homelands, and relieving the urban community, which is very nice, but if you are going to have unemployment, and you have are going to live with it for a long time, it would be better to have the effects of it spread throughout your total community rather than isolating one particular group to suffer the extreme effect. I heard today that the West Rand Board has already registered 5000 illegal workers in terms of this moratorium. There are believed to have been another 5000 that have been refused, in fact they won't register anyone who has been registered before ... been illegal workers for three years (?) so that there thousands of people who were registered for three years, lost their jobs and got new jobs in which they have been working illegally for less than a year, an they are refused registration. So that is some indication of the ... I believe it is actually hundreds of thousands of people in South Africa who are totally dependent upon their earnings from illegal employment in order to support their families, and I find the whole tenor of Riekert very bad. You know that the Black Sash is not in favour of influx control at all, and I think we have good sound reasons, but I think the onlt way in which one can relieve the unemployment in this country is to allow urbanisation to recommence, because it was stopped altogether through the 1968 legislation, and if necessary to allow the growth of controlled squatter settlements, because people can find ways of surviving in town that are not open to them in the country, and I find it just horrifying to look, at the Ciskei particularly

RIR: The resettlement?

DUNCAN: The resettlement and the shoving back and the concentrating of people, the removal of the agricultural base from whole communities.

EJM: I wanted to ask how you think they might be able to fend better for themselves in a big city community where everything is more expensive?

DUNCAN: Because you are living in a consumer environment..

EJM: I can see that. We heard that in Cape Town (Wilson) My feeling was that that type of activity can go to a certain point, but then it gets saturated too. In other words these opportunities will disappear.

DUNCAN: I don't think it disappears entirely, because in the cities you are in an environment where there are earners, they are in regular employment, they are earning money and it is circulating, and there is money to be made

out of money in circulation, whether it is small jobs, piece jobs, selling something, there are those sort of opportunities which absolutely do not exist in the rural areas because there is no money circulating there at all, except for the little bit that the miners manage to send home to their dependants. It is not an economically productive environment at all, so there is just no leeway at all where any little bit of extra money can be earned. EJM: You require a lot of extra money to survive ..

DUNCAN: It becomes almost impossible to survive in the rural areas as they are today, because there is no subsistence farming in the resettlement areas where they cannot grow what they need and the money is not coming in - there is no work. They can't survive in the rural areas. And some things are more expensive in town, but things like transport to get to hospital or fetch your pension, those sort of things are much more expensive in the country, because they also have much further to go. I admit it is obviously cheaper, we all find it cheaper to live in the country, but it is a choice between living cheaply on nothing or ..

EJM: I can see that, but what worries me is the possibility of that type of existence being made possible.

DUNCAN: It could be self-generating if it were allowed to develop. Different little industries could develop, which gave jobs to other people.

RIR: The answer to this question is simply to look at what is happening in the rest of Africa, where the Africans are allowed to do their thing, come to urban areas and survive.

GPQ: Did this not happen in Alexandra?

DUNCAN: Yes, but there were also some very well-built houses ...

GPQ: I went to see Crossroads and I was very impressed ... I am not suggesting that we have any number of shantie towns!

DUNCAN: No, but I think that is probably the answer. I find this very difficult to discuss in the context of the policy, because supposing one were starting afresh from scratch, and start the whole structure all over again, and abolish all our legislation, your plan would have to involve lots of things, controlled squatting, gradual urbanisation, restoring the agricultural base which means the whole homeland policy, stop decentralisation, there are so many things that if one were planning purely from an economic point of view ... This is a very difficult thing to discuss, if you are discussing people, and should people be allowed to come in from an overcrowded homeland or somewhere else, because one part of it can never be the whole answer.

CHTL: If one were to take into consideration ... rehabilitation of blacks.. which one would you prefer: squatters or?

DUNCAN: Squatters in urban areas or resettlement in rural areas? Squatters in urban areas any day! You are giving people freedom.

AS: If the Ciskei took its independence, would those Ciskeians resident in rural areas on white farms have any legal rights at all?

DUNCAN: Well they actually don't have any at the moment, either.

Black people on white farms, whether they are Rhodesians or Transkeians or Ciskeians, they have no legal right of occupation on those farms. The whole thing is controlled by the Labour Control Board, and a farmer might be given permission to employ so many workers on his farm, and he may be given permission to accommodate so many families of those workers, which has all been much reduced since legalised squatting of farms has been abolished, and so has the labour tenant system. Large numbers of communities of black people living on white farms have already been removed, and increasingly the migrants established for farm work as well, so that you have a farmer who has five families he is allowed to keep, but his other twenty labourers are being drawn in on the migrant labour system from homelands, and so I don't again .. with a black farm labourer, the rights he would be losing if Ciskei becomes independent would be his right to South African citizenship, but I wouldn't expect his position, for any individual, should be immediately affected, the practical position in his work on that farm. But there are some other very disturbing aspects. I don't know whether you have met Mr Buso, who is the Ciskei government urban representative in Soweto?

RPS: We will be seeing him.

DUNCAN: I am glad, because I saw him the other day, and he will have a lot more to tell you about what he feels about whether Transkeians are being given preference or not preference to Ciskeians. But what seems to be happening: the cut-back on recruiting has been severe already, partly because of the policy, partly because of unemployment. He says his office is just full of people from the Ciskei who come and sit there and say "You've got to help me, I've got to get registered. I've come from Queenstown, I have five children, I have got to work and there is no work". And he then went around and did a minor survey in some of the compounds, and found that nearly all the Xhosa people were from the Transkei. He then went to the South African Railways who used to recruit large numbers of Ciskei people, and the Railways in Johannesburg told him that at the moment they were only allowed to recruit from Venda! Well, Venda is taking independence this year, and I think that the whole system of labour and influx control has also got to be understood in the context of persuading, inviting, non-independent homelands to ask for independence. There is a kind of thing where you are sitting there and you are not independent, and you turn around and say "You've got to help us, we have no money for pensions, no jobs, nothing". The South African government then says "But look at the money flowing into Bophuthatswana and Transkei, these benefits that will follow on independence", and that is why that there is absolutely no reason whatsoever why any economic developments in the area of the Ciskei that is recommended or planned or necessary or desirable cannot be undertaken. Just as well that Ciskei (?) having part of South Africa, I mean independence does not seem to me to be a prerequisite

to economic development, it is merely being used as a carrot.

EJM: It will be very interesting to go direct to the South African Railways..

RIR: You said something a little earlier that a Ciskeian who would lose his rights of occupancy when Ciskei becomes independent, as an inheritance ..

DUNCAN: Child .. his right to be in the area in which his house stands.

RIR: He will then at some point be sent back to the Ciskei, when his parents die?

DUNCAN: What I would visualise happening would be that people who were born in the area and were always there, would be given that permit. I think when he enters the labour market he wouldn't have the legal right to remain, but he would in fact be registered and work there, unless there were circumstances which made it desirable for South Africa to reduce the number of people. If there was political unrest for instance, it might even be seen to be desirable to get rid of all the young employed between school-leaving and getting into a steady job. It could be desirable if there were economic recession and massive unemployment, and the point is that those people^{who} are told to go, would not be able to fight back through the courts. There is no legal right for them to say "Because I have always lived here, and because I own this house I have inherited, I should be allowed to stay here".

RIR: They wouldn't be allowed to recirculate back because they would then be the barrier ...?

DUNCAN: They might be allowed back, but the operative word is "allowed", it merely means that they are in a position to be used as a barrier or for whatever other purpose.

RIR: Forgetting the inheritance .. but present people: if the recommendations of the commission are developed to where they think they will be, then the Ciskei, anyone in the Ciskei, will have less chance over the next three years to move here and obtain jobs. The labour mobility will be reserved for people in towns, and thereforeⁱⁿ an independent state it could be argued that there would be less claim on those urban jobs ..

DUNCAN: Oh, very much less, because the South African government would no longer be responsible for those foreign people living in a foreign land. Not for their welfare or anything else. But on the other hand, they might initially find that they were being given, this recruiting was being done, more Ciskeians are coming in, because one is now trying to persuade the Lebowa government and Kwazulu to take independence, so that initially there might be some advantage, but that would be a purely temporary thing.

RIR: (Very indistinct)

CHTL: YOU have mentioned that it would be better for Ciskei to remain part of the Republic. If this is impossible, what other options are there?

DUNCAN: You see, I can't conceive of why it should be impossible. I cannot conceive in what way Ciskei be advantaged, because what it actually means is that every Ciskei person is forfeiting his rights to his share in the economic wealth, just everything that South Africa is, and I cannot conceive of any

advantages that would make that worthwhile. And I cannot see what would force Ciskei to take independence, because the South African government has made it clear over and over again that homelands are not being forced to take independence; that they are .. that the government will wait until the homelands ask for independence. There might be a lot of ways in which people might feel that they are being forced, but I don't think that that is ...the force part comes when more and more homelands become independent, it becomes harder and harder for the remaining ones to resist, and in that way I think this issue is going to be very crucial indeed, because I think if this guy opts for independence, I would expect Lebowa and Gazankulu to move quite rapidly to ask for it too.

RPS: You talked about the economic incentives. One that we have had repeated to us quite often is the incentive to remove themselves from the South African discriminatory (?), that is quite strong..

DUNCAN: That is an incentive that somebody who lives in the homelands and either has a job there or a piece of ground there does not see himself in any way as being involved with the rest of the country. I have not heard one single person of the many Tswana and Xhosa people that come to us, over the last years, in the urban areas, I have not heard that argument advanced once, and I think it does tend to come from homeland people in quite strong positions of power and leadership, really.

RIR: What is the impact, and we know what the impact is of South African legislation on the urban African, on the rural Africans, who are not being resettled, who live in the Ciskei on land, the conflict with the law ?

DUNCAN: The crucial thing is what you said, on land, because if a person has some land, and farms on a subsistence agricultural base, he probably wouldn't be affected by any of the pass laws etc, because he probably has never wanted to enter into the job market, but for anyone who hasn't got that, who wants to work in a job, it would affect him at once, because he can't leave the area to look for work, and if he finds a job he won't get it because the only way of ... is to wait at home until he is recruited. So that is the point, the people with the subsistence would not be affected, and possibly the wives of well-employed migrants might not feel themselves affected, but they do feel the separation from their husbands. One wonders what sort of proportion there is anyhow of those, with the land hunger in the homelands as so many being pushed back there, and all the resettlement schemes. There is a lot of friction in the homelands between those who have been resettled and those who have been dumped there by the government, and those who have been settled feel that they are being imposed upon by the newcomers.

RIR: I wasn't intending to suggest that it was a large percentage at all.

DUNCAN: Then there is the question of what kinds of economic development are independent homelands dependent on: because I am quite frankly horrified at the Southern Sun's development in Bophuthatswana, because it is actually an economic development based entirely on vice, on the worst instincts of human beings.

Page 75 It is being put there because it is near enough to the Witwatersrand to catch the main traffic of white people who have before this gone to Mbabane and Maseru to gamble and to use black prostitutes, and I find it absolutely appalling for Bophuthatswana's future and for any sort of integrity we have about developments. That isn't the kind of development that one wants to see, and it is the kind of development that inevitably will have ... because it is obviously a source of immediate quick money coming in and the profit going out to a white-owned South African company.
CHTL:?

AS: It is going to be the Las Vegas of the Southern Hemisphere! That is what Sol Kerzner describes it as. I am interested in this because I have argued this one with Cyril Hatty, the Minister of Finance, putting just the same points as you have, and he is a very devout Christian, and his answer in a sentence was "Beggars can't be choosers". That's that.

DUNCAN: That's right.

CHTL: (indistinct)

DUNCAN: No, the Mmabatho one is a bit further away, and not so vast.

AS: It is a R26 million complex of hotel facilities, gambling and such other incidental attractions as Miss.. (cackling)

RIR: And Lebowa ..?

DUNCAN: Well, Lebowa can't do that because it is not independent. That is the kind of development money that can only happen when independence comes, because South African law will not allow gambling, or that particular kind of prostitution. It is essentially that kind of thing, but really, if one is looking at the prospects for people it doesn't hold out any hopes for community in the future.

HARRIS: Talking about Lebowa, Dr Phatudi stated absolutely emphatically at a conference I was at about 10 days ago that Lebowa would not taken independence under any circumstances, but he also said that there was no doubt about the fact that ^{the} coffers open and the money flows when Bantustans did take independence.

GPQ: ... time .. certain changes ... Transkei (indistinct)

HARRIS: Certain people benefit.

AS: Mind you, that can be said of every independence granted to every BRITISH colony by the British government, that the prime beneficiaries are the rulers at the time of independence, and in places like Ghana the standard of living of the ordinary people has declined sharply since independence. It has improved in others like Botswana, but I don't think one can argue that because the rulers would the prime beneficiaries on independence, therefore independence should not be granted . Otherwise Britain would still be a colonial power.

Ms. Mbuye
10. LUCY MBUVELO, Chairman, National Union of Clothing Workers

535 MvdB: Lucy, we are in the position of trying to work out for ourselves the implications, both the advantageous and disadvantageous ones for the Ciskeian people if they should opt for independence, in relation to the alternative where the status quo is