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Editorial

WHAT a welcome change it would make to be able to write about change — real change. How exciting it would be — could be — to report the repeal of the Pass Laws, the Group Areas Act, the migrant labour system, Bantu Education, the Terrorism Act, the Internal Security Act, to name but a few.

And if this were accomplished how gratifying, then, to be able to report an upswing in the economy, a lessening of racial tensions, improved international relationships, an end to unrest, a surge of confidence in the future shared by all sections of the community.

Obviously such change could not occur overnight. Undoubtedly it would cause problems of its own which would require solutions.

But imagine the joy of living in a country where equal opportunity was shared by all, where guilt on the one hand and resentment on the other were allowed to fade into history, where difficulties were freely discussed and resolved by consensus, and where all people, all groups, all cultures were encouraged to contribute their diversity towards the enrichment of the whole.

South Africa could be such a wonderful country. It is endowed with plentiful natural resources and beauty. Its climate is benign. By and large it has a white population competent and skilled in technology and a black population eager to burst into the modern world and possessing enormous reserves of manpower and potential ability, lacking only the opportunity to exploit them.

It could be on the threshold of great and exciting developments. It could be a land of hope, moving forward with the co-operation of the entire population united by the bonds of a common fatherland and a mutually interdependent concern for and interest in the future.

It might stumble over expected obstacles and fall over unexpected hazards, but it would possess the motivation, the goodwill and the ability to surmount all such setbacks.

Perhaps this is too dewy-eyed a version of the possibilities, but it must surely be preferable to what is presently on offer. For it is not change that has to be reported but rather the mixture as before, only worse.

There has been a general election. Admittedly it was timed by the government to catch the fragmented opposition in a state of almost total

disarray, but nevertheless the massive swing towards the National Party was extraordinary — inconceivable, really.

For the majority of white South Africans have shown that they endorse bantustans, the balkanisation of their country, the imposition of crippling controls and regulations upon the lives and the way of life of the vast majority of the citizens of the country who are disenfranchised.

They endorse punishment without trial, the detention of all black leaders, the shutting down of a newspaper, the courting of sanctions, the mailed fist and the laager mentality.

They apparently endorse, too, the tragic and sordid death in detention of Steve Biko — as revealed at the inquest — and the deaths of 44 others while held incommunicado by the Security Police, the loss of habeas corpus — their own as well as that of the faceless millions, to say nothing of the heartless demolition of squatter camps, the hounding of defenceless people or even the restrictions on their own freedoms by industrial control, censorship, abuse of the media, indoctrination in schools — the list is endless.

This, then, is the reality, while the dream of peaceful and constructive change fades and dissolves — lost in the ever burgeoning power of the National Party and its determination to proceed along its chosen path irrespective of internal or external dissent. For why should a party which has received such an overwhelming mandate alter its recipe for success?

It remains, therefore, for the Black Sash to continue with its work of protest — however restricted this may have to be; education of itself and others; and the building and maintenance of bridges between the different racial groups in the hope that somehow its values will prevail or that, at least, after the seemingly inevitable deluge, there will be black people who will know that there have always been white people who care.

Hopefully that will be our contribution to the future of our country and of all its children, for we shall continue to fight for what we believe to be right no matter how hostile the climate in which we must operate may be.

Non-Event

ROBERT SCHRIRE

From an address on political trends in South Africa delivered to Cape Western Region by Dr Schrire, who is a senior lecturer in the Political Science Department of the University of Cape Town.

ONE of the troubles in South Africa is that — given the literacy of the white population — we must certainly have one of the lowest levels of political dialogue in any so-called civilised country, and one of the least critical electorates.

We are told that one of the pre-eminent reasons for the election was the constitutional proposals, and yet nobody has any information about what these constitutional proposals contain. I am told on good authority that the information which the public has is all the information that the government has. Surely a hard-hitting electorate should ask what they are voting for if they are called upon to hold an election on these grounds.

The second stated reason for the election was American foreign policy, which is not particularly popular. How is a South African white electorate going to send any kind of message to the United States? One thing the Americans do know is that white South Africans support the government. In fact, the Americans tend to overestimate this support.

So I believe these were spurious reasons which were given for the election.

On the valid reasons I have two theories. One is that Mr Vorster is still a good street fighter. He is a man of many strengths and even greater weaknesses, but one of his strengths is a very shrewd understanding of the white South African electorate and white opinion. So he chose this opportunity to demolish the opposition, and he has been successful.

The second reason is that it is almost universally recognised that one of Mr Vorster's critical weaknesses is a lack of courage in human relations. He may be a man of granite on principles, but he is not a man to call an M. C. Botha and tell him the time has come to go back to the Transvaal. Therefore I think a second reason is that there will be an opportunity after the election to engage in a Cabinet re-shuffle.

But the pre-eminent reason was that Mr Vorster could not resist a partisan desire to get the opposition at a very opportune moment.

Now let us have a look at the result and some of the implications.

First of all and very clearly, South Africa has moved in the direction of a one-party state. And this has somehow not received the publicity it deserves. The NP is pre-eminent and the official

opposition has under two dozen seats. When the new constitutional proposals are implemented the opposition will become even less relevant in some ways.

What are the implications of a one-party white South African state? On the black and the brown population this is perhaps going to have a negative as well as a positive effect.

On the negative side people like Sonny Leon, Gatsha Buthelezi and others have without doubt given up on white South Africa. There has always been the hope, almost a residue of the old days of the ANC, of a possible non-racial coalition for change with liberal moderate white opinion. This has been decisively crushed.

But a positive side may be that, given a realisation that liberation cannot come from white SA, there may be far more of an attempt to forge black unity and to try and develop black uplift in terms of social and economic circumstances.

A second factor is that now the NP has an exaggerated majority, but I do not think the size of the vote reflects hardcore bedrock of NP support. A vast number of people voted for the NP because of confusion, because of the emotional rhetoric, or because of a desire — completely misguided in my view — to send some kind of message to the US.

Yet, paradoxically, the inflated majority of the NP may make political change easier to bring about. I do not believe that political change, political reform, has not taken place because Mr Vorster has not had the support to bring about any changes he desires. It is a complete myth that he has been held back by the right. The so-called right-wing members of the Cabinet were brought into it by Mr Vorster, and presumably the Cabinet he chose is the Cabinet he wants.

But with a greatly increased majority the influence of the individual back-bencher will become much weaker. In other words, the larger the group, the stronger is the position of the leaders. Mr Vorster will find a larger caucus easier to organise if he desires to bring about change.

A development that could be very significant is simply that a heterogeneous party has peculiar problems. The whole strength of the NP has been that it represented a people, that it was an ethnic party, that it was far more than a political vehicle for power, but that it represented the

heart, the soul, the welfare and the interests of a particular segment of the population.

Now, in terms of the logic of the change, we are moving towards a more healthy stage, the de-ethnicization of politics. The language group to which one belongs should become less important.

What is very interesting is the double standard that the members of the NP have been able to get away with. They have appealed on a non-ethnic basis to English-speaking people to support the party, but Pretoria or Potchefstroom or Stellenbosch academics will tell of the tremendous pressures brought to bear on them as Afrikaners to support the NP.

While appealing to the language-loyalty of Afrikaners, the Nationalists have urged English-speaking people to move away from the primitive instincts of language politics towards a broader South Africanism! If the NP ceases to be the vehicle of Afrikaner nationalism, and becomes a genuine South African party, this could have significant implications.

A final factor of importance is the rise of the PFP as the official Opposition. Here once again there are interesting conclusions.

Though under normal conditions only a centre party could have any hope of removing the NP from power, as long as SA was dominated by language politics the UP had no realistic chance of doing so, simply because of the demographic situation. From that perspective it may well be a blessing that the centre party, the NRP, the UP, has probably permanently vanished from the scene.

But obviously this means that the task of the official Opposition is going to be interesting. Normally an opposition is really a government in waiting, but the PFP is unlikely in any circumstances to have even as many as 30 seats in the foreseeable future: they have probably reached for the moment their limit of growth. I think this means two things.

On the one hand we need what we have not had for a long time — a really effective critical opposition, one that does not aspire to power, a party that realises that amongst the white electorate its pre-eminent task is to play a critical and dynamic role.

Within brown politics, I see the opposition as having a very important role. In terms of the new constitutional dispensation, the Coloured people are going to have their own parliament, and the Indians are going to have theirs, which from one point of view makes the opposition irrelevant.

But from another point of view the opposition may be more relevant than ever before, because the government itself has now re-introduced the coloured political movement into the national political arena, where the PFP has a valid right to exist.

So we may find a close working relationship developing between the PFP, the members of the

Indian Representative Council and especially the Labour Party. There could be a three-fold dialogue between the government on the one hand and the white opposition, the coloured parliament and the Indian parliament on the other.

Fundamentally the election was a non-event. One of our small-scale tragedies — and SA has many tragedies — is the incredible effort, physical, emotional and financial, that goes into a white election when the government has already 70 per cent of the seats in Parliament, and its gaining 75 per cent, 80 per cent or 90 per cent makes no difference to anybody.

The proposed new constitution far transcends in importance the election or any other development in white politics. The outlines have been made public, the three parliaments, the Presidential Council and so forth.

Mr Vorster has agreed to hold elections for the CRC at the earliest opportunity on a fully elected basis. This probably means that the Federal Party will be eliminated and that the Labour Party will have an even bigger majority than the NP has in the white Parliament. Mr Sonny Leon will serve as PM, and from a very firm and secure basis is going to have far more visibility, far more status and prestige to build up the support of his people.

Yet the Indian Representative Council and the CRC have rejected the constitutional proposals. The obvious question is, why develop coloured politics to the status where they have a Cabinet and a PM if they are not co-operative? The answer is that members of the government genuinely assume that they are going to win the support of these politicians.

But if you ask members of the Labour Party and the CRC what it is that has turned them most radically against the new constitutional proposals, they will say very frankly that they have simply been listening to what Mr Vorster and Dr Mulder and Mr Kruger have been saying at NP congresses.

This is something that this government still has to recognise that fortunately or unfortunately our black and brown population read newspapers, and they think Mr Worrall may talk of power-sharing, but when you hear Mr Vorster in full flourish in Pretoria Town Hall, or what Mr Kruger reports, the impression is quite different.

This is something which has not permeated to the SA government — that you cannot simultaneously conduct two different dialogues with two different people in the same country. In the same way, fairly obviously, you cannot have two governments, or three governments, in one geographical area.

The elections must be seen in the particular context of the changing role of the opposition, the changing role of Coloured and Indian politics, and an entire change in SA politics which, although they are probably a paradise for the political scientist, may well be a disaster for those who live in this country.

Habeas Corpus

HAROLD G. RUDOLPH

Mr Rudolph is senior lecturer in Law at the University of the Witwatersrand. This article has been abridged.

THE South African system of criminal procedure has in recent years undergone a fairly major change in its nature; this is nowhere more true than in the field of *habeas corpus*.

The remedy of *habeas corpus* is derived from the Roman Dutch *interdictum de homine libero exhibendo*. The rationale behind the grant of the interdict is that because every man is presumed in our law to be innocent until proved guilty in an open court of law, any detention or deprivation of liberty of such person against his will is *prima facie* unjust and unlawful. As a result the person who is detained should be released unless his jailor can justify his detention.

The tradition concerning the grant of *habeas corpus* in South Africa goes back many years. One of the earliest cases is that of *In re Kok and Balie* 1879 Buch 45 at 66. Certain Griquas had been arrested in Griqualand East for taking up arms and joining in a disturbance against the colonial government. These persons were not brought to trial and an application was brought for their release.

The State opposed the application on the ground that 'the country (was) in such an unsettled state, and the applicants are reputed to be of such a dangerous character, that the Court ought not to exercise a power which under ordinary circumstances might be usefully and properly exercised' (66).

Chief Justice de Villiers in a famous judgment granted the application and said: 'The disturbed state of the country ought not in my opinion to influence the Court, for its first and most sacred duty is to administer justice to those who seek it, and not to preserve the peace of the country.'

He went on to say that 'if a different argument were to prevail, it might so happen that injustice towards individual natives has disturbed and unsettled a whole tribe, and the Court would be prevented from removing the very cause which produced the disturbance'. (p 66).

Another case illustrative of the courts' attitude was that of *Ganyile v Minister of Justice and others* 1926 (1) SA 647 (E) where de Villiers JP said at 653-4 '... the Supreme Court is the protector of the rights of the individual citizen and will protect him against unlawful action by the executive in all its branches.'

The normal situation is governed by the Criminal Procedure Act 51 of 1977 which provides that a person arrested with or without a warrant must be brought to a police station as soon as possible where he may not be detained for longer than 48 hours unless he is brought before a lower court and his further detention for the purposes of his trial on a specified charge is ordered by the court.

Unfortunately, however, we have witnessed in South Africa in recent years a deliberate whittling away by the legislature of the Court's powers to protect individual citizen's rights to the extent that in many matters allegedly concerning the security of the State the courts' jurisdiction has been almost completely ousted and the detainee is left helpless with virtually no access to the courts or recourse to law.

This unhappy situation is the result of the combined effect of a number of laws passed in South Africa in the past 15 years. The first was section 17 of the General Law Amendment Act of 1963 which empowered a commissioned police officer to arrest without warrant and detain any person whom he suspected on reasonable grounds of having committed or having information about the commission of the crime of sabotage (section 21 of Act 76 of 1962), or of offences under the Internal Security Act 44 of 1950 or the Unlawful Organisations Act 34 of 1960.

Such a detainee could be held for the purpose of interrogation until he, in the opinion of the Commissioner of the South African Police, replied satisfactorily to all questions at the interrogation or for 'ninety days on any particular occasion'.

Section 17(2) provides that 'no person (i.e. not even a legal adviser) shall .. have access to any person detained... provided that not less than once during each week such person shall be visited in private by the magistrate... of the district in which he is detained.' Section 17(3) provides that 'no court shall have jurisdiction to order the release from custody of any person so detained...'

So the writ of *habeas corpus* was swept away in this context. The section went on to provide that it was to be in force for periods of less than 12 months at a time and that fresh periods had to be proclaimed by the State President. The section was in operation from May 1, 1963,

to January 10, 1965, when it was withdrawn. It has not been renewed since. Nevertheless it remains on the statute book and can be renewed at any time.

One thousand and five persons were detained under this section of whom 575 were subsequently charged in a court of law and 272 were convicted, 73,94 per cent of the persons detained under this measure were either not brought to court or if they were, were acquitted of the charges brought against them.

As Professor Mathews in his book 'Law, Order and Liberty in South Africa' (1971) p 136/7 says 'The restrictions upon the detainee's liberty which the 90-day clause expressly authorises are severe. Though no cause has been shown, he may be held in solitary confinement without the benefit of legal and medical advice, and without the right to communicate with family or friends. Whilst in this vulnerable position he may be subjected to unlimited interrogation by investigating officials.'

Section 22 of the General Law Amendment Act 62 of 1966 provides for a period of 14 day detention, which period can be extended upon an application made to a judge of the Supreme Court. This section is not used much in practice.

Hard on the heels of the 14 day detention law came section 6 of the Terrorism Act 83 of 1967.

The wording contained in the Terrorism Act resembles that of the 90-day Act except for three major deviations:

(1) Whereas the 90-day law was temporary, the Terrorism Act is permanent;

(2) Whereas the 90-day law was limited in time, the Terrorism Act provides for indefinite detention; and

(3) Whereas under the 90-day law the visits of the magistrate were mandatory and had to take place at least once a week, under the Terrorism Act the visits of the magistrate to a detainee are discretionary ('if circumstances so permit') and take place only once a fortnight.

As can readily be seen there are no limitations whatsoever on the powers of detention. The courts' power to order the release of the detainee is absolutely excluded and the detainee may now be held in solitary confinement without trial for life. His isolation from the outside world is made absolute by the provision that no person is entitled to information relating to or obtained from the detainee. Little wonder that the provisions are described as 'draconian'.

Section 13 of the Abuse of Dependence-producing Substances and Rehabilitation Centres Act 41 of 1971 ('Drugs Act') empowers a magistrate to authorise the indefinite detention of a person for the purpose of interrogation when it appears to him on the ground of information submitted to him on oath by the public prosecutor that there is reason to believe that the person is withholding information relating to the offence of dealing in drugs or relating to the failure to re-

port the commission of a drug offence in a place of public entertainment. Such a person may be detained until the magistrate is satisfied that he has replied satisfactorily to all questions or that no useful purpose would be served by his further detention.

Section 13(4) provides that no court of law shall pronounce upon the validity of any action taken under this section or order the release of the person so detained. Like the detainee under the Terrorism Act his isolation from the outside world is complete.

The detention may be for life.

The only glimmer of hope for the detainee is that whereas under the Terrorism Act the detainee has to satisfy the Commissioner of Police (who after all is a representative of the State) that he has satisfactorily replied to all questions put to him, here, under the 'Drugs Act', the detainee has to satisfy a magistrate.

The statutes dealt with above all dispense with 'the safeguards in favour of freedom from arbitrary arrest and detention contained in the Criminal Procedure Act. In particular they dispense with the procedure of arrest by warrant, the right of a person arrested without warrant to be informed of the cause of his arrest, the right to be brought before a court within 48 hours and the relief provided by the word of *habeas corpus* or the *interdictum de homine libero exhibendo*'. (John Dugard — South African Criminal Law and Procedure — vol IV Introduction to Criminal Procedure p 71).

These statutes all however at least relate to persons suspected of having committed certain crimes or of having information about the commission of such crimes. However, there are other statutes which go further than the ones mentioned above in that they provide for the detention of persons who are not suspects at all but who are merely witnesses.

The Criminal Procedure Act 51 of 1977 contains detailed provisions in order to secure the attendance of a witness at criminal proceedings. This is done by the issuing of a subpoena at the instance of either the prosecution, the defence or the court. If there is any likelihood that a witness in criminal proceedings is about to abscond the presiding judicial officer is empowered to issue a warrant for his arrest.

In regard to the serious non-political offences, e.g. murder and arson, section 185 of the Criminal Procedure Act provides that where any person is, in the opinion of the Attorney General, likely to give evidence on behalf of the State in any criminal proceedings relating to the offences mentioned above, and the Attorney-General, from information placed before him is 'of the opinion that the personal safety of such person is in danger or that he may abscond or that he may be tampered with or that he may be intimidated' or 'he deems it to be in the interests of such person (sic) or of the administration of justice'

that he be detained pending the relevant proceedings.

If the Attorney-General is of the opinion that such person should be detained immediately, he may order his detention, but such detention may not continue for more than 72 hours unless the Attorney-General applies within that time to a judge for an order that the witness be detained.

The hearing, as can be seen, takes place behind closed doors and no information relating to the proceedings may be made public. In addition, the witness and his legal adviser are not allowed to be present at such a hearing and the witness is not given an opportunity to present reasons either in person or on affidavit why he should not be detained.

The judge's decision is final and the detainee, if the judge grants the application, will be detained for a period ending on the day on which the criminal proceedings in question are concluded or for a period of six months, whichever period is the shorter. The detainee must be visited once a week in private by a magistrate.

However, no court of law has jurisdiction to order the detainee's release or to pronounce on the conditions of his detention. There is a limited safeguard contained in the provision viz that the order for the witnesses' detention must be granted by a judge. This safeguard is not, however, very strong because the witness is not allowed to present his side of the story and consequently the judicial control exercised will be minimal.

Regarding the political offences (sedition, treason, sabotage, participation in terroristic activities, contravention of the provisions of the Internal Security Act (the old Suppression of Communism Act) and any conspiracy, incitement or attempt to commit such offence), no control exists whatsoever over the Attorney-General's power to detain witnesses.

They are dealt with in terms of section 12B of the Internal Security Act 44 of 1950 which provides that any person likely to give material evidence for the State in any criminal proceedings relating to the abovementioned offences may be detained for six months or until the conclusion of the criminal proceedings whichever period is the shorter, whenever in the opinion of the Attorney-General there is any danger of tampering with or the intimidation of the witness or of the witness's absconding or whenever the Attorney-General deems it to be in the interests of the witness or of the administration of justice.

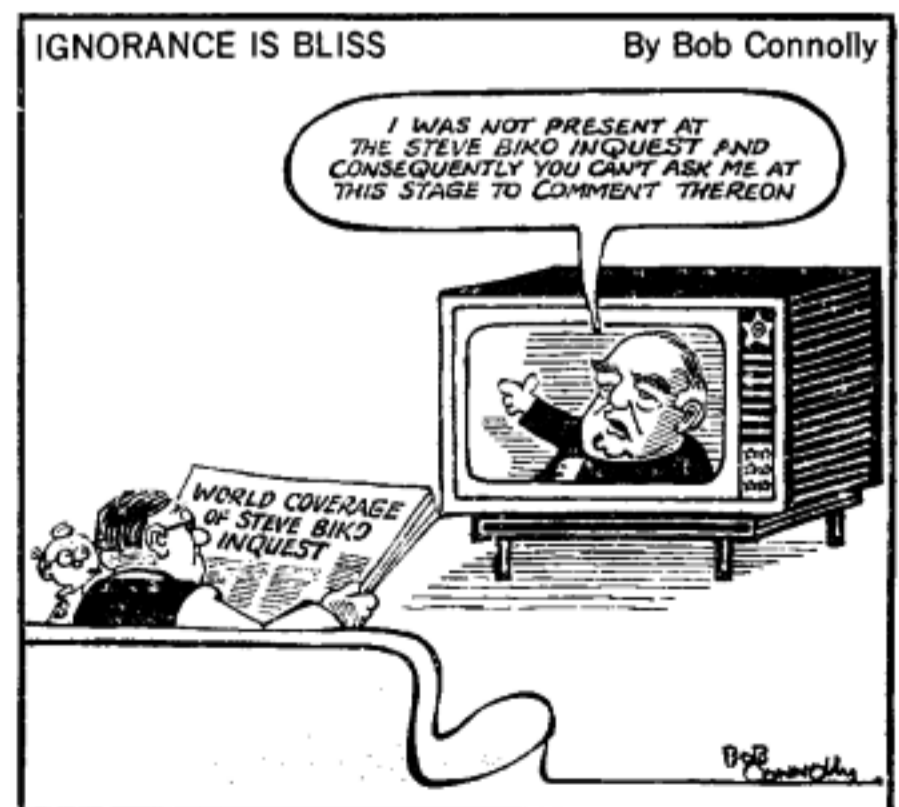
Like section 185 no person may have access to the detainee and no court may order his release, the writ of *habeas corpus* again having been done away with.

Finally, there is section 10(1)(a)bis of the Internal Security Act which deals with persons who are neither accused nor are they witnesses. The section empowers the Minister of Justice to order the arrest and detention of any person 'if he is satisfied' that such person 'engages in activities which endanger or are calculated to endanger the security of the State or the maintenance of public order'. These persons are detained because their activities, albeit lawful, are calculated to endanger the security of the State.

This provision was brought into operation in 1976 following the riots in Soweto and other parts of South Africa and 135 people were held under this provision during that year. The provision, providing as it does for internment or preventive detention, is to be in force for periods not exceeding 12 months at a time.

A review committee of three, consisting of a sitting or retired judge or magistrate and two other persons must investigate the Minister's action in respect of a detainee within two months of his detention and thereafter at intervals of not more than six months. However, the recommendations of the review committee are not binding on the Minister of Justice and as such are virtually meaningless.

The hallowed concept of *habeas corpus* is virtually dead in South Africa, and South Africa's system of criminal procedure is much the poorer for its passing.



'Love thy neighbour'?

SHEENA DUNCAN

The Minister of Bantu Administration, Mr M. C. Botha, and the Minister of Justice, Mr Jimmy Kruger, said that employers who take on black work-seekers illegally would from now on be summarily prosecuted. Admission of guilt fines would be refused and the accused would, without exception, be compelled to appear in court. Rand Daily Mail, October 1, 1977.

• 'My pass is not right for Johannesburg and the inspectors came to where I work. Now I must leave the job. There is no work where I come from and I am a widow without a husband. I have three children at home with my mother who is old and they have nothing to eat unless I am working.'

• 'I have been waiting at home for a very long time but no one has come there to offer us jobs. Now my wife and my children are hungry and there is no money to pay the rent for the house. No, I have no cattle. The GG's made us give up our cows when they moved us to the new place. Our gardens are too small there and we cannot grow enough food. It is like a town except there is no work.'

• 'I want to work in Johannesburg but they have stamped my pass that I must work only on the farms. The money on the farms is not enough for my wife and my children. I was at school and I have a good job here, but now they say I must go because Albert Street will not register me.'

These are the 'illegals', the people who will now be thrown out of their jobs in their thousands because of the latest threat by Ministers M. C. Botha and Jimmy Kruger that their employers will be brought to court for summary trial.

There is no doubt that the Ministers mean what they say. It must be borne in mind that the government legislated this year to double the penalties which may be imposed on employers who give jobs to black people without permission from the Administration Board.

The Bantu Laws Amendment Act of 1977 says that such employers shall be 'liable on first conviction to a fine not exceeding one hundred rand or in default of payment to imprisonment for a period not exceeding three months and on a second or subsequent conviction for a like offence in the same prescribed area within a period of two years, to a fine of *not less than* one hundred rand or in default of payment to imprisonment for a period of *not less than* three months or to both such fine and such imprisonment *or to such imprisonment without the option of a fine*'.

Everyone knows that the towns are full of 'illegal' black workers. These men and women are often those with a high degree of initiative and independence, who refuse to accept the fact that the law forbids them to fulfil their responsibility to their families and their communities. In any other society their qualities of self-reliance and determination would be recognised and rewarded.

In this society they are regarded as criminals and are subjected to repeated arrests, the humiliations of investigative procedures, prosecution and punishment. They are denied the right to freedom of movement within the borders of their own country and are subjected to the inevitable exploitation in relation to their work conditions which goes hand in hand with their 'illegal' status.

There are a number of laws and regulations which lay down which African people may be registered to work in a town, but in brief only those who have permanent urban residence rights in terms of Section 10(1)(a) or (b) of the Urban Areas Consolidation Act have a legally enforceable right to be registered in employment.

They are the people who have lived in a town continuously since birth, those who have had a permit to live in one town for 15 continuous years and those who have worked 10 years without interruption in one town for one employer.

For all other black workseekers it lies in the discretion of the labour officer as to whether they will be registered or not. He will refuse permission to all men who come from the homelands without an attested contract, all men from rural areas who come to town without a contract, all men who are legally resident in another Administration Board Area (unless there are special circumstances but, if such men are registered in a new Board area, they may lose their Section 10 rights in the place where they belong) and all women who cannot prove that they have been in the area since the late 1950s or early 60s.

Men and women who have always lived in rural areas and have grown up on farms have no chance at all of being permitted to work in a town

if the farms in the place where they are deemed to belong are short of labour. Their reference books are stamped that they are registered as workseekers for 'farm labour only' and they have no legal means to resist such an order. They are, in fact, forced to spend their lives as ill-paid farm labourers or to seek such illegal work as they are able to find in the towns.

The creation of Administration Boards which control both urban and rural areas has greatly aggravated the position of such people and has enabled the authorities to manipulate the labour supply in the interests of white farmers at the expense of black workers.

In the homelands the regulations demand that every black male registers at his tribal labour bureau as a workseeker within one month of turning 15 years of age (unless he is a bonafide scholar) and that he goes on so registering within one month of becoming unemployed until he is 65 years old.

But the fact that he is registered as a workseeker does not mean that he is allowed to seek work. He may not leave the area of his labour bureau without permission and this permission is not granted until he has attested a contract of employment. He cannot obtain work unless he has been offered a job by a licensed recruiting agent.

These agents may be licensed to recruit for one company or for a group of companies in the same industry or for a number of independent employers. Each may only recruit at specified labour bureaux and any labour bureau may be closed for recruitment except for a specified industrial area or for a specified industry. For example, one bureau may be closed except for recruitment for a nearby border industrial area and another bureau may be closed to all recruitment but for farm labour.

Registered workseekers in the homelands have absolutely no choice as to where they will work, what type of work they will do, what conditions of work will be offered to them or indeed whether any work at all will be offered. They must depend on which agents are allowed to come, which industry they are recruiting for in which areas and, if the workseekers have the temerity to attempt to negotiate a better contract for themselves, they are likely to be rejected as being 'cheeky' and to end up with no job offered at all.

If a man is offered a job and accepts it he will be asked to put his thumbprint to a contract which is often not read to him and of which he is given no copy. He will be registered for one year only and his employer is compelled by law to discharge him and to return him to the homeland at the end of that year.

If a man is not offered a job because no recruiting agent comes or because he does come but is recruiting for jobs which are not suited to the workseeker's capabilities or to the work category in which he has been placed, or if the workseeker is merely one of the unlucky thou-

sands who do not get picked out of the line-up, he then has no choice but to remain hungry or to seek work for himself wherever he can find it.

Women in the homelands are in an even worse position. They are not compelled to register as workseekers but many do so if they wish to be employed. But there are few towns which will admit women to work on contract and, if they do not move illegally to the urban areas, they will remain unemployed and unable to survive.

There are many employers who, when face to face with another human being in this predicament, feel called upon to obey the biblical injunction to 'love thy neighbour' rather than to be responsible for turning another person out on to the streets in a state of desperation and utter hopelessness.

The Ministers said in their statement that 'should employers be allowed to carry on with this illegal practice, it would certainly be to the detriment of large numbers of black workers who already qualify to reside in white areas. The labour supply would exceed the demand to such an extent that it would result in lower wages, more unemployment, acute housing problems and other undesirable problems'.

The Ministers should be aware that South Africa's labour supply long ago exceeded the demand and that long before the current economic recession this fact has caused exploitative wages, unemployment, acute housing problems and many other undesirable social problems which their government has done nothing whatsoever to alleviate and has, in many respects, aggravated by its policies and discriminatory legislation.

If they should argue that race discrimination is not the foundation of influx control, then they must answer the question as to what would have happened to the ruling white minority had its members been prevented by law from moving from impoverished rural areas to expanding industrial towns and cities.

The pass law system is one of the cornerstones of government policy. Should it disintegrate then there will be nothing left of apartheid or separate development. By its very nature, it is particularly vulnerable to opposition by the black majority of South Africa's citizens. It has only been maintained with the unconscious co-operation of the black people it oppresses.

AN ENQUIRY was made from NICRO regarding remuneration for prison labour, and we were told that the law requires that employers pay a 'per capita' rate to the prison. But the prisoner receives nothing, except in a few special cases, where skilled workers get some small payment on discharge from gaol. CAPE WESTERN

Inkatha Yesizwe

ANN BERNSTEIN

ONE of the government's intentions in creating independent black nation states was to defuse internal black pressure for change within the urban 'flashpoints' of South Africa. They clearly hoped to divide blacks amongst themselves and redirect black political aspirations into more limited and negotiable areas.

In the process, however, rather than removing the black presence, the political dynamics created by the homeland system have established black politicians firmly within the white body politic. Despite their lack of effective political power Bantustan leaders have been given unprecedented opportunities for political manoeuvre in their confrontation with the white establishment.

Inkatha, the Zulu cultural liberation movement, is an organization which will test the very limits of this framework for political manoeuvre. Hitherto the Chief Minister of Kwazulu had opposed the government via the 'politics of rhetoric'. Now, with the formation of Inkatha, for the first time Buthelezi's criticism of separate development has entered the realm of action.

Simplistically, Inkatha is an attempt to provide an organizational mechanism for black liberation, operating initially from a homeland base to give it some immunity and a certain and definable constituency.

South Africa, a country with a highly developed industrial economy, dominated by an entrenched and permanent white minority, will demand a struggle for black emancipation of a totally different kind from those that triumphed elsewhere on the African continent. Similarly the internal circumstances of SA in the late 70s is quite different from those that confronted the ANC or PAC in the 50s and early 60s. Inkatha's nature therefore is a response to the peculiar circumstances of the present South African situation.

This involves the realization that the black struggle in the post-Verwoerdian era has to be fought not only in the cities and factories of SA but in the arena of homeland politics as well. It was the failure of any national black organization to attempt even to put a halt to the acceptance of independence by the Transkei that was to be a major motivating factor in Inkatha's formation.

The acceptance of independence by Matanzima and the Transkei National Independence Party highlighted two weaknesses in Buthelezi's position. Firstly he could no longer rely on the other homeland leaders to support his strategy

of undermining the homeland system from within. And secondly, his position within Kwazulu was potentially threatened.

This was as a result of the central government interference in Kwazulu's internal politics coupled with the possibility that elements within his homeland would also respond favourably to the limited but real material benefits available via a positive response to the government's offer of independence. Specifically, therefore, Inkatha is designed to prevent the manipulation of Kwazulu politicians and politics to suit Pretoria's ends. However, it is more than that.

The collapse of the Portuguese empire and the assumption of power by the liberation movements; the push towards majority rule in Rhodesia; the war in Angola and, most importantly, the effects of these actions on SA blacks, were all to influence Buthelezi's strategy for change.

Prior to these events, Buthelezi, although functioning within the black political arena, believed that the dynamics of the SA power game demanded that his efforts be concentrated in white SA — the rulers for the foreseeable future, the authorities with the guns and the bullets. It was this belief that had resulted in his original involvement in separate development; his emphasis in the early 70s on a concern for minority rights, compromise formulas and dialogue at all possible times with whites of all political creeds.

He clearly saw the homeland alternative for blacks opposed to apartheid as a viable lever for change, and exploited his role within the structure to maximum effect. Not only did he use the Bantustan platform to publicly criticise the philosophy and actions of the Nationalist government but, within the separate development matrix, Buthelezi insisted on pushing the government to extend the blueprint to its logical and honest conclusions.

However, the events in Mozambique, Angola and Rhodesia were to be a 'watershed' in SA politics. The pace and possibilities for change were speeded up and this in turn affected all black political groups in and concerned with SA. It is said that the men in the middle of the road stand the greatest chance of being run over and for Buthelezi, whose gradualist, non-violence stance is derided by more militant blacks internally and externally, his future will be decided by the race against time and his response to that race.

He is aware of the great flexibility in SA politics in the present situation — a fluidity multiplied enormously by the events sparked by

'Soweto 76' and this makes his use in March 76 of a Robert Kennedy saying, particularly instructive.

'A revolution is coming — a revolution which will be peaceful if we are wise enough; compassionate if we care enough; successful if we are fortunate enough; but revolution which is coming whether we will it or not. We can affect its character, we cannot alter its inevitability.'

Chief Gatsha Buthelezi knows that change is coming and there is no doubt that he wants a part in controlling that change. Thus Inkatha must be seen as a reflection of Buthelezi's new attitude to the liberation struggle in SA.

It is a means of formalizing and consolidating around the country, giving substance to his claims to speak, and ultimately to act for more than just the rural Zulus.

It is an attempt to counter those who attack him as merely a tribal leader created by the apartheid system and thus ultimately circumscribed by 'his masters'.

It is clearly hoped that Inkatha will help legitimize Buthelezi's claims to be a national leader in the eyes of the urban black community and the outside world. And so when he describes himself as the president of the national cultural liberation movement, Inkatha, rather than as the Chief Minister of Kwazulu, he is not indulging in semantic games but trying to distance himself from the apartheid network and the damaging inference of 'homeland stooge'.

What then is this organization Inkatha?

It is an updated and expanded version of the 1920s Zulu movement called Inkatha ka Zulu. This was an organization concerned with the Zulu community, its unity and upliftment which had been started by King Solomon in 1924 but which collapsed in the early 30s. Attempts were made to revive Inkatha in the 40s by the ANC, and by Gatsha Buthelezi and others in the early 60s.

The present-day Inkatha, whilst retaining some of the aims and aspirations of the 1928 constitution, reflects the changed circumstances that constitute the recent Zulu experience and its perception of that reality. This is perhaps best illustrated by the change of name — Inkatha ka Zulu to Inkatha Yesizwe. Yesizwe meaning 'of the nation', for in Buthelezi's words, 'we are not oppressed as Zulus but as black people'.

In common with Solomon's organization, the 1970's Inkatha Yesizwe is concerned with the unity and development of the Zulu people. However, this is only part of the broader aim that is the solidarity and assertiveness of the black nation as a whole. The years in between have enabled Inkatha to discard its submissive and conciliatory attitude to the white government whilst still retaining the Zulu tradition of peaceful co-operation with whites.

Inkatha Yesizwe has two major and inter-linked aims: the first is to prevent the possibil-

ity of Kwazulu ever being forced into or 'voluntarily' accepting independence. Secondly it seeks liberation for all SA blacks. This twin-fisted approach leads to the dualistic nature of Inkatha's aims and organization.

On the one hand the movement encourages a following and utilizes symbols which are exclusively Zulu orientated, for example the King is the patron-in-chief of Inkatha. Simultaneously there is provision for a far more broadly based organization relying for its mobilization tools on general African concepts and ideas, for instance the idea of African communalism.

Within Kwazulu Inkatha is designed to provide Buthelezi with a tightly controlled mass organization based at the local level on the traditional leadership and financial resources provided by the chiefs. It is envisaged as a far more directly representative organ of the Zulu population than the Legislative Assembly.

Thus when Buthelezi takes the major issues to the National Conference or Council of Inkatha for a more wide-ranging endorsement of his often controversial views, this is a means of proving that he is a truly representative leader.

By formalizing his support in this way he has a more solid springboard from which to venture outside the homeland arena. For example in July 1975 an Inkatha meeting at Nongoma, with more than 400 community leaders representing Zulus from all over the country, publicly endorsed Buthelezi's views, from the rejection of independence to support for black trade unions.

Inkatha is not envisaged as a political party in any normal Western sense. Inside Kwazulu Inkatha officials are keen to include all Zulus in the organization including those with different political views from Chief Buthelezi. This incorporation of all Zulus into Inkatha is an attempt to ensure that all opposition which does manifest itself is localized within the movement.

This provision also makes it easier to control outside interference. In July 1976 Chief Charles Boy Hlengwa, leader of the opposition Shaka's Spear Party, gave his consent to the formation of a branch of Inkatha in the district under his jurisdiction and he himself is reputed to be a member as well.

Inkatha is not a secret organization and its membership, although at present limited to Kwazulu citizens, does have provision for affiliation by other organizations. While no person shall be endorsed as a candidate for election to public office in Kwazulu by Inkatha, unless a member of this body, this does not mean that individual or corporate groups outside of the Inkatha structure cannot make themselves available for office.

This clause, and the strict disciplinary code required of Inkatha members, is designed to counter external interference in Kwazulu politics and the infiltration of the movement by BOSS. According to Buthelezi, all the defunct splinter groups which have tried to emerge in

Kwazulu have been inspired by the Department of Information or BOSS and, in the Empangeni area BOSS agents have openly asked Inkatha officials for the right to join the movement. Buthelezi has stated that the formation of any political party which was a genuine expression of Zulu feeling was 'of no concern to us'.

The above notwithstanding, there does seem to be a certain degree of confusion concerning the exact nature of Inkatha and the desirability of the multi-party system of democracy. The constitution of the movement affirms the 'fact' that African political institutions are not undemocratic and rejects the cultural imperialism responsible for the belief that only the 'Western, partisan, political system is perfect'.

Undeniably the colonial experience in the rest of Africa and that of the blacks in SA cannot be claimed as the best possible advertisement for democracy in general and the Westminster political system in particular. Thus Inkatha's attitude must be seen as a reflection of this reality.

However, the search for other kinds of democracy is also a positive statement that African culture does have something to offer 'civilization' and the modernizing world and in addition it places Inkatha right within the mainstream of political thinking in the rest of Africa.

'Culture has proved to be the very foundation of the liberation movement. Only societies which preserve their culture are able to mobilize and organise themselves against foreign domination.' (Amilcar Cabral)

The Inkatha constitution states that the movement is a cultural one. According to the Secretary-General, Dr Bengu, Inkatha does not try to re-enact the past but recognizes that since culture embodies the totality of values, institutions and forms of behaviour transmitted within a society, national solidarity and models for development should be based on the values 'extrapolated from the people's culture and adapted' to the needs of the present time and situation.

Although Inkatha accepts that it has many aspects to copy from the Western economic, political and educational patterns of development, this does not exclude the incorporation of African ideas and cultural traditions. In fact it is suggested that there is much in African culture that the whites could well adopt, such as 'humanism' and patience.

Inkatha also advocates a form of African communalism which 'while not discouraging free enterprise also ensures that the people as a whole have a stake in the wealth of their own land'. According to Buthelezi this state of affairs would be achieved through state-owned organizations which would have controlling interests in all main economic enterprises, with the profits earned therefrom thus available for the use of the nation and ploughed back into its development rather than accruing to individuals. In this way individuals would still have the freedom for initiative and reward for risks whilst helping to

develop the entire country. It is the means which will help promote the 'radical redistribution of wealth' that Buthelezi desires.

Another aim of Inkatha is the achievement of 'African humanism', which is known in the Nguni language as UBUNTU and in the Sotho language as BOTHO. This philosophy, like that of Kaunda's, is an idealistic affirmation of the worth of individual human beings which is translated into community action and 'people-oriented' development.

At the present time Inkatha claims a membership of well over 100 000, the majority of whom are Zulus. Although non-Zulus can join the organization, Buthelezi has also called on other homeland leaders to form their own Inkatha-type organizations.

For many opponents of the homeland system not only is all collaboration with the government denounced but, in addition, the homeland leaders are seen as a party to the official encouragement of 'tribalism'.

Inkatha particularly is seen as a Zulu tribal movement which could be a danger to future black internal relations inside SA. It is asserted that, through Inkatha, Buthelezi might be aiding the government in its attempts to divide blacks amongst themselves by encouraging fears of Zulu domination.

Buthelezi responds to these criticisms by stating that no 'settlement' is possible in SA without the support of the Zulus, who are the largest single ethnic group in the country. He asserts that the Zulu record of participation in the ANC and PAC rebuts any accusation of a primarily tribal affinity prevailing in the Zulu community.

In addition he also believes that one cannot merely 'erase' one's ethnic background, and he sees no contradiction in a cultural concept of 'nationality' and an overriding African nationalism embracing the ideal of a single multi-ethnic SA state.

In accordance with this belief Buthelezi will encourage Zulu identification not only with the national struggle but also with past Zulu heroes. However, Buthelezi is well aware of the tribal and group conflicts that have been generated in Angola and Rhodesia, and he is a strong advocate of black unity and solidarity. Many appeals have been made by Inkatha for dialogue between the different black political organizations — these have been refused by SASO, BPC and the SSRC.

This Inkatha attitude reflects the belief that Inkatha can provide a 'forum' for the discussion of black tactics, and in that way internalize conflict rather than allow it to fester in public. Buthelezi believes that when blacks attack one another, as in the debate between himself and the more militant, it is only the government that benefits from these feuds.

In the wider black community Buthelezi has been severely attacked by the major proponents

of black consciousness. He has claimed, though, that 'among the so-called homeland leaders there are some like myself who believe in black consciousness and who believe they have done more in promoting the concept of black consciousness than those who arrogantly dismiss them as "irrelevant".'

The validity of this assertion would probably depend on what is seen as the necessary components of black consciousness rather than merely sufficient facets of this philosophy. Buthelezi's attitude with regard to African culture, African communalism, black pride and assertiveness, black solidarity, the inhumanity and inherent violence of the present SA system and the necessity for liberation are all thrusts in the same direction as the black consciousness movement.

However, it is in the crucial area of strategy that the two groups differ. The Chief Minister of Kwazulu's actions are governed by two important beliefs. He sees the brute force of the white power structure as inimical to ill-conceived strategies reliant on violent and emotional action, and he thus envisages the struggle for liberation as a long and difficult one.

Secondly he understands the word liberation to have two meanings — the *freedom from* injustice and the *freedom to* enact justice. In other words, liberation will not merely entail the destruction of the apartheid system in SA but it will also involve the creation of a new society. Thus he has said that no organization involved in the struggle 'should build into their strategy, principles and tendencies which could not be perpetuated in the civil society which will follow liberation.' Those two convictions help explain Buthelezi's attitudes to homeland involvement, violence and the role of whites in the struggle.

In December 1976 Buthelezi made a significant proposal when, at a PRP inspired conference, he called for formal links between Inkatha as an organisation and white opposition groups. He no longer wants dialogue between himself and individual prominent members of the PRP, with that 'good fellow' Gatsha making a speech at conferences every now and then.

He wants interaction at all levels between two organizations whose separate origins and natures have been legally confined. He can no longer afford to merely talk to whites, he has to involve them in black action for liberation.

'This meeting is not an example of black/white co-operation. It is no more than talking about it. The real thing will only come about when we join in action which mobilizes constituencies.'

Buthelezi believes in non-racialism, but he is also a politician. He is aware that his strength will lie in a broad constituency which includes Africans, Coloureds, Indians and Whites, and he is clearly aiming at a moderate consensus of all races, centred around the numerically most dominant organization, Inkatha.

The PFP might be a body small in numbers and influence in the white community but it is important that this growing group of whites be incorporated into the liberation struggle in some way. There was little opportunity for sympathetic whites to play any constructive part in the black stay-aways during 1976. However, Inkatha-initiated action might help radicalize these whites and provide them with an opportunity for a more positive response.

Buthelezi is the one black leader of substance who has publicly criticized the student action arising from June 76 and offered an alternative strategy for blacks. He has said that 'the tragedy of Soweto and other Reef townships lies not in the presence but in the absence of a political content'.

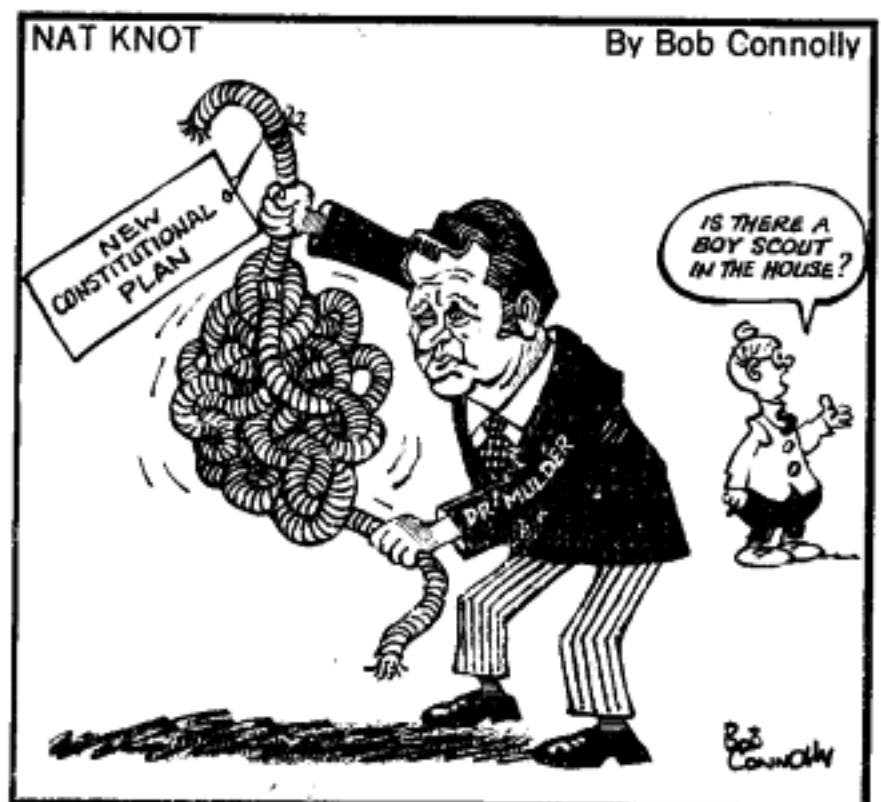
While he acknowledges that the situation in SA might be so desperate as to require martyrs, he realises that being willing to die is not going to liberate the oppressed, as he believes that commitment to change will require more careful tactics than merely 'to walk into a trap'.

He advises against individual and isolated incidents and urges co-ordinated planning before 'jumping' into action. He has, however, described well-prepared mass action, through strikes and boycotts as 'the most important tool' in the struggle for liberation.

There seems little reason to assume that if Buthelezi were one day to call for mass action those, who are at present his detractors, would not support such a stance.

It remains to be seen whether the president of Inkatha will be able to mobilize his potentially far-ranging constituency.

The question here is twofold: what kind of action will he find it viable to undertake and finally will he be able 'to lessen the death toll' before the other forces, vying for some control of change in Southern Africa, sweep him aside?



A stabilising force

MARGARET AMBLER

This paper was presented to the 1977 National Conference of the Black Sash

IN SOUTH AFRICA today, the term 'trade union' has almost become a dirty word. The mere mention of trade unions provokes in many people thoughts of powerful groups with the evil intention of destroying the economy, disrupting progress and seeking to control the country.

In this respect, the most often maligned country is Great Britain, which has become synonymous in people's minds with strikes, inferior production, resistance to technological advancement, and lack of desire to work — the Communists are taking over! Before illustrating the needs for trade unions in South Africa, it is important to investigate these myths.

Are trade unions threatening Britain? Firstly, Britain is not merely a collection of islands in the North Sea, but a nation of people, the majority of whom are workers. The struggle, therefore, for better working conditions, is in the interest of the majority of the population and of consequential benefit to the country as a whole. The trick of ideology is to equate the nation, the country, with the interests of management only.

According to Hyman in his book 'Strikes': 'In 1970 when strike days reached a new post-war peak, the total was just over 10 million. By contrast, industrial accidents cost 20 million working days. An unemployment level near the million mark, is the equivalent of well over 200 million working days. In recent years loss of time through certified sickness has accounted for over 300 million working days'.

Therefore, other factors pose a far greater threat to the country's economy. The notoriety of strikes, promoted by the Press, has created the impression that workers are holding management to ransom (expressed in print, of course, as holding the nation to ransom) and 'unfairly' taking from the property of the owners. But in the last hundred years the basic distribution of wealth in Britain has not altered. As in the 19th century, the division of annual wealth between wages and profits remains fundamentally the same. Between 55 and 60 per cent goes on wages and between 40 and 50 per cent on profits.

Additional blows to the British economy have been the break up of the British Empire and the oil crisis which, as a result of her almost total reliance on OPEC, has had a far greater effect on Britain than on her international trading

competitors. The tremendous debt brought about by the Second World War, has been another blow to the British economy.

As far as the public image of trade unions is concerned, the South African Press, representing as it does mainly big business interests, has never had much sympathy for the trade union movement and, with a few exceptions, has aided and abetted in presenting a distorted image of trade unions to the public.

By over-emphasising the alleged inequities of British trade unions (which, incidentally, are only about sixth in the world 'strike league') and insinuating that the British trade unions in turn are controlled by the Communists, the Press has created public distrust and suspicion of trade unions in this country, and a fear that our own trade unions will become too powerful.

There is no doubt that Communists are active within the trade unions in Britain, where the Communist Party is allowed to operate freely, but the real trade union leadership is opposed to Communism, and the Communist Party has had no apparent success in winning parliamentary seats. This is surely an indication that the Communists are not taking over Britain.

It has been a common error in the past to transfer the European model of trade unions to the South African situation, which can be shown to be both structurally and historically different.

The basis of stability in the British society is an ideology which has the support of the majority who want to maintain the system, because they believe in it. Individuals are protected from unemployment, ill health and intrusion into their rights.

The image of the police force is the kindly, helpful British Bobby, there to assist you, whilst leaving you in no doubt as to his ability to protect you and handle what disorder may come his way. The handling of strikes and demonstrations by the British police is **not always done** very sympathetically, but this in no way undermines the esteem in which they are held by the population.

The Labour Party, which is at present the Government in Britain, differs only marginally in practise from the Conservative Party. The Labour Party has only superficially promoted the

interests of the workers, and in spite of its policies, has supported and maintained capitalism.

The trade union movement in Britain is highly developed, and its leadership strongly influences the Labour Party, having direct contact with the Government. The difference in popularity of the two parties is so marginal that, whichever happens to be the Government, has to appeal to the large group in the middle whose support is entirely floating, and the people generally have faith in the overall political system.

Britain has in many ways made great technological advancements and there is no abject poverty. There is universal suffrage and British society is largely ethnically homogeneous. Racial conflict is not legally promoted and where it occurs, it is between individuals.

The people of Britain have liberal rights and freedom of speech, movement and association.

By contrast, the South African society spawns one crisis of ideology after another. The ideology of apartheid has become transparent, even to some of its most staunch former supporters, who now see it as the discriminatory repressive agent that it is, offering no hope for the future.

There is a crisis of ideology in religion. Black churches are moving away from the white churches because the blacks feel that the white Christian has failed to identify with him in his suffering. White churches are themselves divided as to what action, if any, should be taken.

The South African police are no longer regarded as the upholders of peace, law and order, but have become the symbol of violence, oppression and terror particularly since June 16. All too often Blacks are arrested and branded as criminals for minor offences such as not carrying a pass, which can hardly be considered a crime. Is this not a crisis in the ideology of law and order?

For various reasons, the trade union movement, which has been in existence in South Africa since the late 19th century, is not highly developed. One reason is that the greater proportion of workers being black are excluded from belonging to registered unions.

Technology, although fairly advanced in South Africa, is not as advanced as in Britain and there is a great disparity in the distribution of wealth here, compounded by the fact that it is largely the whites that control the wealth, while almost all poverty is confined to the blacks.

The voting franchise in South Africa is restricted to a small percentage of the population giving no voice to the blacks, who constitute the majority of impoverished workers.

The Government policy of separating people into ethnic groups creates conflict by encouraging these groups to promote their own interest at the expense of another, and preventing individuals from discovering the similarity of needs, wants and ideals amongst all people.

The liberal rights of a South African are becoming increasingly restricted, making the urgent task of recognising, facing and attempting to solve all these crises almost impossible. The highly explosive situation in which we find ourselves today could be defused by the immediate establishment of non-racial trade unions.

The majority of black workers in SA are frustrated because of their powerless position in every situation, and their exclusion from many of the material benefits of this society. They have very few rights and almost no job security. There is little difference between the employed, unemployed and students, as there is general mass discontent, and the consequence of all this is a readiness to turn to ideas which threaten the social fabric.

In times of depression, such as we are facing now, workers are threatened by the unemployed, and historically trade unions have served as a stabilising force.

By recognising trade unions, the worker would have a stake in the negotiating machinery which secures industrial peace. He would have a significant stake in the country's economy as a result of higher wages, security of employment and improved living standards, all of which are essential if long-term stability is to be maintained. The issues dealt with by the trade unions are specific and are essentially economic; these contrast sharply with the generality and diffusion of issues which have arisen in the townships with the students.

Many people fear that trade unions are going to challenge the capitalist society. Historically this has never happened and it never will happen as trade unions are fundamentally defensive institutions not aggressive institutions. Trade unions have neither the machinery nor the organisation to either challenge or overthrow the State.

We are often told that what South Africa needs is a 'stable, middle-class black population'. There is no time left for us to create this, but there is time to create a non-racial united workforce that will do much for race relations in our strife-torn country. And when blacks see that through these non-racial trade unions economic change can be brought about, there will be some hope in their hearts, for it is hope we all need to face the future, in our beloved land.

TIDY WAR?

WE will fight to the last drop of blood to maintain an orderly community.'

— from the report of an election speech by Mr P. W. Botha

Due legal process

JUDY GREENBERG

Cape Western Region attended Bantu Commissioners' Courts as observers. For various reasons they found it almost impossible to keep an accurate record of court proceedings, but one of their members gives her impressions. This paper was presented to the Black Sash Conference, 1977.

THERE IS an appalling waste of time and energy and money expended on influx control. One sees the indignities that people have to suffer because of the influx laws and one can well imagine the feelings of the people who get caught up in the administration of them.

People are picked up the blue Bantu Affairs Board vans as they patrol the streets (no to mention the more frightening process of being searched for at home in bed in the early hours of the morning). Imagine how you would feel if you were picked up as one elderly man who came to court was: he and his wife came to Cape Town from a town some miles away to shop. She went into a store to buy some things and he, waiting outside on the pavement, was picked up by a Bantu Affairs Board van which happened to be passing by. She came out and did not know where he was and he had no way of telling her.

It is not hard to imagine how uncomfortable it must be being driven round in the heat in those overcrowded vans. In the courts, too, if there are a large number of cases to be heard and no room on the benches inside the court, the prisoners are crowded into the cells to wait with, very often, no room to sit.

While at the court the prisoners are given bread and water to drink and at night if they go back to jail they get a meal, but it is inevitable, with the numbers who have to be dealt with, that there are some who are missed out. I heard of one instance where a woman was picked up at 9 pm and had neither food nor drink till noon the next day.

I do not know if the people arrested are told anything of their legal rights. If the court procedure seems confusing to us then it must be equally confusing for them. Those waiting for their case to come up are usually lined up according to the order of their case and some of them are led in a line to wait in the courtroom.

The courtroom is usually a big, bare room with long benches for the accused and spectators to sit on. At one end are tables for the magistrate, prosecutor and clerk of the court and defending attorney (if there is one). There is also a place for the interpreter near the magistrate.

The atmosphere of the court is one of people being 'proccessed' rather than being accused of something. One has to keep reminding oneself that the results of the cases will often affect someone's life in a radical kind of way.

Those being charged act in different ways — some are obviously used to the procedure, some are confused, most seem fairly impassive and some even seem to find it amusing. Very little information is given in court about the accused. You get no idea of what jobs they do, how they live or any picture of them as people.

Almost nobody is represented by an attorney. When they are, this slows down the proceedings considerably, and, of course, you get a much broader picture of the circumstances of the case and who the accused is, eg a case conducted by an attorney may take 20 minutes, whereas it is quite common to get 44 cases dealt with in 35 minutes without an attorney.

Most people plead guilty. This means that if there are any mitigating circumstances they are not taken into account in the same way they would have been if the accused had pleaded not guilty. I do not know if the people understand this. I suspect that most of them find it easier to plead guilty, as the case is finished with more quickly and most of them know that in terms of the law they are guilty anyway.

In one case, the accused pleaded guilty, the prosecutor pointed out to the magistrate that that person should not have been in court because his papers were in fact in order. He was discharged.

As far as legal representation goes, it would be time-consuming for these people to find an attorney, and possibly they do not know how to go about it. I would think that most people would not like to take the time off work for legal consultations and would also prefer not to seem to be troublemakers.

We have not liked the undignified way some people are treated, such as having to open their mouths to have their teeth examined, if they say they are under sixteen and therefore have no pass, or some of the women being told to take off their wigs in order that their age can be assessed.

There is a tremendous difference, too, in the way court officials conduct the cases, and I am sure this affects the ability of people to tell their story adequately. Some are sympathetic, but a magistrate can be abrupt and impatient. Sometimes the prosecutor will lean over and shout at the accused and sometimes the interpreter, who wields power as he is the chief communicator, acts in an overbearing way.

Administrators cannot change the laws, but if they administer them with humanity it would make a great difference to those helpless in the face of them.

On a busy day at Langa 70 cases may be heard in 110 minutes, as happened on February 8 this year. All were charged with being illegally in the Cape area, most were also charged with not having a reference book with them. Nearly all pleaded guilty and nearly all were fined.

The fines have just gone up. A first offender pays R40 or spends 80 days in jail for being illegally in the area. For not having a reference book they are fined another R5 or 10 days. The

maximum for second and third offenders so far has been R60 or 90 days. If there are mitigating circumstances the fine is usually R10 or 20 days or R20 or 40 days.

Occasionally people are discharged or given a suspended sentence, eg on another day a woman with four children in the Cape and three of them sick was referred to the Aid Centre so that the matter could be taken up with the authorities.

The magistrate is a busy person. He acts as 'prisoners' friend' after the proceedings are over, and he and the police help to contact friends and relatives to obtain the fine money.

On a 'good' morning in Court well over R1 000 can be collected (not to mention fines employers have had to pay the authorities for having employed these people, if they are picked up at work).

We must remember that the Magistrate is merely administering the law, and all that we can hope for in the way of real change is that some day, the law will be changed.

Poor you!

ELEANOR ANDERSON

X What a sweat! Every finger aches.

Y Poor you. And poorer you for choosing Housing for Blacks as the subject of your speech.

X I don't see why. Having one's own home is a pretty nice thing, as we both know.

Y Of course I know, but I also know these Blacks. Give them a house and the first thing they do is fill it up with family.

X Isn't that more or less what you and Sally have done?

Y That's different.

X Ah.

Y Must you say 'Ah' in that superior way?

X I'm not trying to be superior, but I do suggest that Black and White people have lots of habits in common.

Y Nonsense. Black men just want a hut and three wives.

X I expect some of them do, but does that go for Philemon who works in your office?

Y He's different. I've been to his house in Soweto and you can talk to him just as you'd talk to anybody. His English is excellent.

X Philemon is the sort of urban Black my speech is about.

Y I tell you he's an exception. For one thing, most Blacks have more children than they can cope with.

X Wasn't that roughly how it was for you and Sally when your little afterthought James came along?

Y That's different.

X I suppose it is (X chuckles). I wonder if Philemon thinks you had James so you could fill up the house? Or, for that matter, bought a third car to fill up the garage?

Y Your'e being ridiculous. How could Philemon know why I do things?

X How indeed? I don't suppose he ever will until you and he are no longer strangers.

Y We're not strangers! I tell you I went to his house once. (X resumes typing and Y has to raise voice in order to be heard.) BUT THERE'S ONE THING I'D LIKE TO MAKE QUITE CLEAR TO YOU.

X Hmm?

Y I flatter myself that I'm as broad-minded as they come, but I could never, never live under a Black government. I'd find it intolerable to be told what to do and where to go and who I am by somebody who hadn't the least idea of what I value and what I'm really like.

Alexandra's agony

SHEENA DUNCAN

YOU are hereby notified that you will be resettled to the City Deep Compound on Thursday the 29th day of November 1977.

Transport will be available for yourself and your personal belongings such as mattress, suitcase and blankets.

Please note no furniture...

NB Your housing permit will be cancelled as from the above mentioned date, and as the room will be demolished on the same date, you are requested to remove all your belongings as early as possible'.

TOWNSHIP MANAGER, WEST RAND ADMINISTRATION BOARD 9/11/77

'No married man would be moved from Alexandra Township to the single men's hostels at City Deep, the deputy chairman of the West Rand Administration Board, Mr Carel Venter said yesterday' — Rand Daily Mail 7/12/77.

I HAVE been notified that I am to be moved from the above address to single quarters at City Deep Compound. I maintain that I am entitled to be resettled to family accommodation in the West Rand Administration Board Area.

I was born in Alexandra on 6th March 1936.

I have always lived at Nos... X Avenue, Alexandra which properties were occupied by my family since long before I was born... I am married to DISEGO... who entered Alexandra lawfully and was given a permit to reside in the Women's Hostel.

We have one child who was born in Alexandra in 1971. I have made application to the Township Manager on many occasions for a family permit but have always been refused'... Affidavit

WHAT they are creating is a vertical filing cabinet where they file away humanity and which they surround with barbed wire prejudice. It is a potential time bomb'... Mr Joe Sibiya, social worker, speaking of City Deep Compound — Sunday Express 20/11/77

THE chairman of West Rand Administration Board, Mr Manie Mulder, yesterday accused some Alexandra Township residents of abusing the Board's goodwill... "It is correct, I have said the transfer of single men will not disrupt family life in Alexandra. However, it now appears that many of the men who have been notified of the transfer are bringing women from the homelands into Alexandra for the purpose of marrying them... According to the Bantu Affairs Commissioner there have been numerous applications from Alexandra men wanting to get married since the transfer commenced"..."... Rand Daily Mail 9/12/77

I WAS born in Alexandra on 21st March 1940. Since October 1968 I have been married by customary union to... In that month he paid lobola for me to my brother.

We have five children.

On the 1st November 1977 my husband was ordered to get ready to move to City Deep Compound. We went together to the Township Manager at Alexandra to appeal against this order. He told us to go to the Bantu Commissioner to get a marriage certificate. We did so and were married by civil rites on 14th November 1977. When we took the certificate back to the Township Manager he still did not help us because my husband does not qualify as 10(1)(a) or (b)'... Affidavit

WE have more than 500 documented cases of married men who have been moved or are under orders to move'... The Reverend Sam Buti, President SA Council of Churches, RDM 8/12/77

Dear Sir

This letter to the Minister of Labour resulted in a visit to Durban by the Secretary of Labour to discuss the issues raised with Mrs Piper. All the points dealt with in the letter were investigated, improvements have been made, and the Secretary of Labour expressed his appreciation to Mrs Piper for her work in this regard.

Dear Sir,

In 1976 we drew up a paper entitled 'A brief analysis of the Unemployment Insurance Fund with specific reference to the African contributor'. You may recall having received a copy from our organization, which was based on actual practical experience at our Durban advice office.

In view of the near critical unemployment situation in South Africa at present, we feel very concerned at the apparent malfunctioning of the Unemployment Insurance Fund, with specific regard to African unemployed workers.

From Jan 10, 77 to May 27, 77, we interviewed 350 African workers who had problems relating to Unemployment Insurance Fund benefits. It must be pointed out that many workers report to the Department of Labour where officials endeavour to sort out their difficulties with employers, and therefore this report reflects probably only the 'tip of the iceberg'.

At the same time, it does reflect the many difficulties encountered by African workers in obtaining Unemployment Insurance Fund benefits. Although the advice office can account for some 350 interviews, it can account also for a worker having one or more problems arising from categorising his difficulties into problem areas, namely those relating to employers, those relating to administration of the Fund and miscellaneous.

Problems relating to employers

Nine different problem areas have been encountered. Broadly speaking, these nine problem areas relate to bad or faulty administration, complete lack of communication between employer and employee, ignorance and/or carelessness on the part of personnel clerks. They are:

- *Firms who had not applied for UIF cards by the time the employee was dismissed — 121 cases*
- *Firms who had applied but the card was not available when the employee was dismissed — 13 cases*
- *Firms who had not assisted employees to obtain sick benefits — 21 cases*
- *Firms who had not assisted employees to obtain maternity benefits — 4 cases*
- *Firms who did not assist deceased employees' relatives to obtain death benefits — 8 cases*
- *Firms who did not explain to their employees how to obtain UIF benefits — 96 cases*
- *Firms who did not give cards to employees when they were dismissed although they had them — 12 cases*
- *Firms who filled in cards incorrectly — 17 cases*
- *Reason for dismissal thoughtlessly filled in — 15 cases*

The above figures are a very bad reflection of the attitude of many employers to the 'rights' of their employees. We feel strongly that the Department of Labour should not fall short of its duty and should prosecute these firms for so blatantly continually contravening the UIF Act.

Problems relating to the administration of the Fund — 47 + cases

These relate to unemployed workers who have been signing the unemployment 'register', for many months, and who had or still have not received benefits.

In fact as a result of our investigating the complaints of eight workers from the Hammarsdale district, it was discovered that well over 200 people have been signing for benefits in that area — some since February 1976 and have still not received any money.

A large number of forms — Unemployment Register/Computation Sheet/Pay Sheet — UF 116, were found on a rubbish heap outside the offices. On investigation, the blame was laid on a single clerk (who is to be transferred shortly) and on the fact that Hammarsdale is now under the jurisdiction of Kwazulu and has been for a number of years.

This may be so, but these are not justifiable reasons for hindering more than 200 people from claiming benefits to which they are legally entitled from a fund into which they have contributed from their earnings. This fund is ultimately administered by a central office, namely Pietermaritzburg. Hammarsdale merely serves as an agency.

Consequently had it not been for Black Sash alerting the Press (after numerous fruitless phone calls to Hammarsdale and Pietermaritzburg Labour Offices) who in turn alerted the Department of Labour in Pietermaritzburg, the malfunctioning of this Fund may not have been discovered at the Hammarsdale agency.

Pinetown office is another such agency, in this instance for Durban. The African clerks dealing with the Unemployment Insurance Fund benefits expressed total frustration at the length of time it takes to finalize claims, despite their continual requests for information etc from the central office, which seemingly go unheeded.

One case in point is that of a 55-year-old man who had been retired from the regional post office service in October 1976. He had been signing every week since November 15, 1976 and eventually at the end of May 1977 received his benefits. Letters were written to Durban re his claim, forms were misplaced and had to be completed again by his ex-employers plus he was awarded a six week penalty for 'losing his job by his own default'. It took one phone call by our office to his last employer to establish that this was not the case and only when we had pointed this out to the labour officer was the penalty clause withdrawn.

This is by no means an isolated case and there would appear to be without doubt a breakdown in the administration of this fund at the 'claims' level. To quote one official 'we have so many claims to deal with, we cannot cope'. If this is in fact so, then surely the answer would be, to refer more personnel to this section and so alleviate both the overloading of the officials and the starvation level of the unemployed African workers.

Perhaps with a less rigorous workload officials would be able to serve the public with more understanding of their needs and frustrations, something which is very sadly lacking in many labour officials.

Umbumbulu and Umzinto are two other areas where the efficiency in dealing with Unemployment Insurance Fund benefits, and also pensions, is extremely questionable. People are frequently prevented from initially applying for UIF benefits or pensions on the excuse that 'there are no forms'. This void in administration equipment can and does continue for some while.

Miscellaneous problems

In one instance, it has come to our notice that all Durban Corporation employees working in the townships of Umlazi, in, for example the housing scheme for that area, are excluded from contributing to the Unemployment Insurance Fund as they have been categorised under Section 2(2) (c) in terms of the UIF Act 30 of 1966. This would presumably now also include people working in Kwa Mashu since it became part of Kwazulu on April 1, 1977.

We obtained a legal opinion on the validity of these workers being excluded from the Unemployment Insurance Fund, which clearly shows that the Durban Corporation has acted incorrectly in so doing.

It appears from our communication with the Durban Corporation that they obtained a directive from the Chief Bantu Affairs Commissioner giving clearance for the above. We would very much appreciate your comments on this matter.

Yet another inhibiting factor pertaining to the claiming of benefits is that of people whose magisterial district is in a remote rural area, for example people living in the Molweni area have to travel to the magistrate in Ndwedwe to sign weekly for UIF benefits. The cost of this journey is R4,00 return per person per week. This can only be seen as being counterproductive.

How can people who are not earning, afford to travel just to sign for benefits they hope to get in some distant future? Perhaps this is why there are so few applications received by the magistrate in this district. There are obviously many many more unemployed people who simply cannot afford to apply for benefits.

We have spoken to one chief in the Molweni district, who is very willing to act as an agent for the nearest central labour office. This would enable more people to apply for the benefits to which they are entitled, more easily. Please give this suggestion your consideration.

In conclusion we would like to reiterate our concern at the inefficient administration of the Unemployment Insurance Fund by both employers and officials, as illustrated in this report to you.

We trust you will give this matter your serious attention.

Yours faithfully,

SOLVEIGH PIPER (Mrs)

Advice Office Supervisor

Natal Coastal Region

Desolation

PATTIE PRICE

DO THE NAMES Modderdam, Cross Roads, Vrygrond, Unibell, Werkgenot, mean anything more to you than 'Squatter Camps'? Or are the syllables of the word 'Demolition' etched on your brain — forever?

You see the smoke and flames from the distance, but come on them more suddenly than you expected. You do not know what you thought to find, but this was heartless destruction at its worst — total destruction of homes before the very eyes of 'people living there'.

You see the instruments of demolition at their work. Bulldozers — alias 'front-loaders' — tearing up, battering down, and men finally setting alight the miserable shacks of the poor — their only shelter from the icy blasts of the Cape winter. And the people — not squatters, but *people* — fathers, mothers and children — standing around in shivering immobility because there is nothing else they can do.

They are wet and miserable, some agonisingly tired, the smaller children cling to a mother. Here is a woman sitting on a wet box giving her newborn baby the only comfort she could give — her milk.

Responding to the call of the churches, the Sash, the Institute of Race Relations, the Cape Flats Interim Committee and Cafda, concerned citizens move in, sloshing through the rain and mud with hot soup, food, blankets, clothes. And the suffocating smoke of destruction over everything, makes tears flow — if they did not flow before.

The aftermath, next morning, in all its starkness, hits you in the face. It might be a war-devastated area. And this was a community of people a day ago!

The early morning mist across the Cape Flats is mixed with smoke from fires here and there, for the work of destruction is almost, but not quite, complete. Right before you a bulldozer is busy on a remaining shack, determined not to leave anything upstanding, not even a tree, which sullenly refuses to be battered over and recovers after each assault.

A desolate, haunting picture. Here and there through the mist you can see grey and ghostlike figures moving about to beat the bulldozers, snatching what can be retrieved and adding to the small pathetic piles of belongings, waiting the response of the call to concerned citizens to put their Christianity to the test and turn up with cars, lorries, carts and bakkies — anything —

to help to transfer these people and what can be salvaged of their belongings to some form of shelter.

One of the grey ghosts deposits what was once a chair on one of the pathetic piles at the roadside awaiting transport, and rushes to snatch something else from under the very jaws of the bulldozer. As he does so he sees two minions of the law (or BAAD?) dragging out a homemade wooden bed (the work of some ingenious husband or father) and flinging it on the dwindling fire. Unbelievably a large mattress follows but produces nothing but smoke.

The ghost, with a look of utter incredulity (or implacable hate?), stands without moving, then turns, shrugs, and crosses the highway.

The destructors turn to another burnt-out pile, and kicking the edge, pull out a little grey cat. Could it still be alive? Seizing a stick the worker cracks it on the head (an act of mercy?) and throws it on the fire. You do not watch the cremation but turn away. There is an inclination to be sick.

How did other animals fare? You wonder about this in a sudden horror. As you are sickly wondering, you notice a small, anxious brown dog, hardly more than a puppy, appearing from nowhere and nosing distractedly around. He picks up a scent, is off to the side of the highway, plunges regardless into the river of death. You find your breath being held until he emerges on the other side, still following a trail. But the homeless man is out of sight.

A cold mist hangs over the ashes of Modderdam. The occasional bakkie turns up, snatches its load and is off. The little grey cat has gone to a Heaven of No Pain. On the other side of the highway the homeless man emerges from the trees, a little brown dog at his heels — the only joyful soul in a sea of misery.

As you drive off, the glow on the other side of Modderdam increases. New fires have been lighted up. Help will be wanted in this area. The miasma of mist and smoke form a shape hanging over the place.

Not unlike a sword.

Around the advice offices

ATHLONE

April to July — 1977

During May the Advice Office was approached with a request for assistance by representatives of a squatter community at Kraaifontein, the area being known as Everite and comprising almost entirely Africans. Adjoining it is a more mixed area, Jabulani, and several of the Africans from this section also wanted advice.

Workers from the Advice Office went out to Kraaifontein on several occasions and interviewed 66 residents of the Everite Camp in a nearby church hall to which they came.

Nearly all the residents of Everite are illegally in the area. Many of the men have had contracts which have expired. They have been joined by their wives and families who have mostly come into the area illegally from country districts.

They have constructed homes of a sort where they live despite the total lack of amenities such as water, sanitation, refuse removal and, on top of these discomforts, the constant risk of fines. Arrests are quite common in the vicinity and are followed by charges under Section 10(4) or Section 12 (for Transkeians).

The accused are brought to the Court at Kuils River and the usual fines with alternative prison sentences follow conviction. This is a long way out of town and it is proving very difficult both to get the necessary information and to arrange for attorneys to defend cases with pleas in mitigation such as have been found very helpful in the Langa Court.

The most distressing feature of the information given by the Everite squatters has been their accounts of not just demolition of their shanties but their total destruction by deliberate burning.

During late January, February and early March this year, according to all 66 of the people who brought their troubles to Advice Office workers in the church hall, shanties were demolished without notice, the zincs were removed by the Stellenbosch Divisional Council workers under inspectors responsible for the demolition and these same individuals then set fire to the piles of belongings of the occupants, destroying their pitiful all.

Cash was scraped together and more second-hand building materials bought, new shanties replaced the old with scantier contents and the people resumed occupation after a period of extreme discomfort, living under plastic sheets and other makeshift shelter in the bushes.

They naturally want to claim compensation for their destroyed belongings, and the value of the contents of the meanest hovel is high in the pre-

sent state of the economy. Lists of losses have been compiled in as much detail as possible and an attempt must be made to redress the grievous wrong of these acts of vandalism.

Injustice of a different kind seems to have been inflicted on a group of 17 township youths, involved in a long-drawn-out court case. During February of 1976, there was an unpleasant disturbance on a suburban train when groups of coloured and African youngsters ganged up against each other. An ugly fight developed, windows were broken and people were in danger of getting badly hurt when Railway Police intervened.

What happened to the coloured youths is not known to the Advice Office, but the 17 Africans, aged between 16 and 19 years found themselves facing charges arising from the violence. Initially the accused were not held in custody and after several remands the charges were dropped. Then in August a witness from the coloured group came forward with evidence which led to the reopening of the whole case. More remands followed.

From September, 1977, the African youths were all held in custody, the reason apparently being to prevent them from venting their anger on the State witness. One would have thought that he might have been protected more simply than by locking up 17 others.

Most were school-children who in the event missed no schooling because of the disturbances in the Peninsula throughout the time of their confinement. Others were already working in regular jobs. Their parents hurried to seek legal assistance but bail applications were refused.

A number of the parents at this stage brought the whole problem to the Advice Office and although this type of case is outside the usual scope of our work it was possible to refer them to the Legal Aid officer and thus to minimise the expenses incurred by the anxious parents.

Bail applications were not successful until two were taken on appeal. This was dealt with by an advocate as the case was scheduled for hearing in the Supreme Court. The appeals were finally successful and the other youths were then also granted bail of R50 each, but it was not until after a bleak Christmas in Pollsmoor Gaol that they were released with the stipulation that they report weekly at a police station.

The case was then transferred to the Regional Court and advocates prepared to defend the boys but remand again followed remand and finally, during April 77, all the charges were dropped. No explanation was offered nor were any regrets expressed for the youths' long period (four months) of pointless and possibly damaging confinement in Pollsmoor Gaol.

One of our drawerful of cases of couples seeking permission to reside together has been successful. This particular husband is in very bad health and it looks as if a senior official has used his discretion to make an humane and wise arrangement on their behalf. There are of course many others whose case seems no less deserving, especially several cases of wives entering the area from other prescribed areas to which they cannot return and yet not being able to get permission to join their husbands.

These husbands live with their parents or as lodgers in family housing but not as the 'occupiers' of houses, to be which they would have to have been recently widowed as one cannot become the 'occupier' of a township house unless one's wife is already lawfully with one.

The impasse is complete. The burden of struggle and disappointment suffered by couples in this predicament is the constant concern of the Advice Office.

A high proportion of cases seen concerns the Unemployment Insurance Fund, contributors who are out of work experiencing difficulty in placing or realising their claims at every stage of the complicated procedure. The steady stream of unemployed would-be workers passing through the Advice Office day after day shows clearly that the recession is the major anxiety of the present moment.

The case of GIDEON MTIMA, which is of the greatest importance to our work, was heard in the Appeal Court on May 20. Judgment was reserved and we await the outcome anxiously.

The sudden up-swing in the numbers of shanty-dwellers seen towards the end of July reflects the alarm of a long-established but hitherto little-known group living near Milnerton in an area known as Table View, or (among themselves) as Killarney. These people are facing demolition and the Press has already given much publicity to their plight.

It is to be hoped that the Divisional Council may yet relent. People have to live somewhere and the members of this community are earning their livelihood in useful jobs while maintaining peaceful if uncomfortable family homes.

It is often alleged by the authorities that Africans illegally in the area are robbing legal residents and especially coloured people of their avenues of employment. This is not the experience of the Advice Office, where we note that the majority of men in jobs are legally in the area, whether on annual contracts or permanently.

Women without passes are indeed frequently employed in domestic work for which they cannot get permits, however hard they try, but we observe that so pronounced is the preference of their employers for these particularly women, with their honesty and their eagerness to earn by decent work, that the jobs may probably remain vacant if they are forced to part with them.

More and more householders do without domestic help when unable to employ the women

of their choice. Much the same is happening with men caught illegally in casual jobs — employers often find it more convenient to retrench than to comb through lawful applicants for replacements.

From Crossroads, the Divisional Council's only emergency camp for Africans, there have been a number of accounts of misunderstandings with the inspectors administering the camp. In some cases the inspectors are no doubt justified in taking action against people who do not abide by the camp's regulations, bringing in new residents and selling them vacated shanties or making extensions which are not permitted.

It must be accepted that the Divisional Council will not allow the camp to grow any bigger. But sometimes great distress is caused to families evidently innocent of any offence through what can only be error. Care is taken to assist only people with genuine claims to appeal against demolition of their shacks, but so far these appeals lodged through lawyers, have met with little success.

The wet winter has brought serious problems for all at Crossroads, including the authorities administering the area, and it is a relief to know that arrangements to move to higher ground are now permitted when this is the only way to get out of pools of water.

MRS W is back in the Peninsula and back at Crossroads. She was one of our early Crossroads cases, having asked for help when arrested and charged with being illegally in the area in August and again in November 1975. After a third arrest in December 1975, the shack in which she lived with her husband and child was demolished by inspectors of the BAAB (this was long before the Divisional Council took over the area) and she was unceremoniously bundled onto a train at Bellville and forcibly 'repatriated' to Lady Frere.

Her husband was at work when all this occurred and she was obliged to sign a document requesting the removal of their household effects. These were sent off by goods train a few days after her, according to the consignment note. But they never arrived.

The search has gone on and on, the W's having strong feeling as well as needs with regard to their household goods. Mrs W has been backwards and forwards half-a-dozen times between Lady Frere, Indwe and Queenstown, the three possible destinations according to the railways, and is now for the second time back here having followed every clue in vain.

They still want their things, or compensation, which must now be sought, as is being done for another couple whose furniture eventually reached Natal badly broken. (The cases are in the hands of attorneys.)

Of the 600 odd cases seen during June and July, almost 200, ie one third, were people involuntarily unemployed. This is an unprecedented proportion. Some days we see nobody who is in

employment, and every case is seeking work and/unemployment insurance benefits.

We submit that more rigid enforcement of the long-standing policy of giving preference to coloured workers is not going to help the situation, nor even the coloured people who feel that when work is available they can get the employment they want on their merits and not by dint of keeping Africans out of it.

There has been an announcement in the Press that even Africans who are lawful and permanent residents of the area will not be allowed to take new jobs, and that all jobs must go to coloured work-seekers. What if these are not suitable or people do not care to do the work offered? What is to happen to the Africans who lose their jobs? How are they and their families to live?

How are they to pay the rent? Bantu Affairs Administration Boards are not subsidised, they struggle to make ends meet from income which they get from the rent on township houses, from their share of liquor takings at the township outlets and from employers' and employees' dues. It is most disquietening to consider how this arrangement affects the Africans in newer townships.

Rents are not subsidised, they have to be economic, and recently-built houses have cost a lot more than similar quality housing dating back some years. Thus in the new parts of Mbekweni, outside Paarl, and in the new township outside Somerset West, Mfuleni, rent is R25 to R27,85 per month, including water, a totally unrealistic figure for families subsisting on incomes which were on the bread-line without rental.

Many heads of households earn under or around R20,00 per week, and we have found cases where the family were expected to put fully one third of their total income into the rent, leaving far too little for the most basic food. The Government must urgently find a way of subsidising these rentals.

R. N. ROBB (director)
B. D. VERSFELD (organiser)

NATAL COASTAL

March to September — 1977

At least one third of all the people seen at the Advice Office during the period March to September 1977 had problems or queries relating to the Unemployment Insurance Fund. As a result we are doing an on-going analysis of the type of complaint received which we have divided into three categories, namely those relating to employers, those relating to administration of the Fund and miscellaneous.

Facts, figures and collected data from actual practical experiences, were sent to the Minister of Labour requesting that he urgently examines the maladministration of this Fund, both by employers and labour officials. (See page 18.)

In view of the present critical unemployment situation facing South Africans, the majority of

whom are Black workers, we strongly advise a thorough investigation into the labour market as a whole, with special emphasis on the UIF, influx control and perhaps a look into the almost daily occurrence of retrenching workers, very often hundreds at a time.

While firms will insist that economically they are faced with Hobson's choice, perhaps it is time for white South Africans who, although 'feeling the pinch' are still enjoying a fairly reasonable standard of living, to give a little and so allow a living existence for their fellow blacks.

Soup kitchens etc are fine and necessary in a crisis situation but are only temporary stop-gaps, and are a long way from solving the problem at grass roots level.

To quote a senior personnel manager from a large company employing hundreds of black workers, 'A repeat of the 1973 Durban strikes should have happened yesterday'. He went on to say that he was scared of what the future held and also, it seemed, scared to do anything to alleviate this eventuality; mainly because his company (and many others) was threatened economically against taking any steps openly to recognize the needs of the majority of its labour force, as for example Black trade unions, equal pay for equal works etc.

We have an unemployment problem that is definitely getting out of hand, and unless we tackle it objectively and constructively it can and will only worsen.

Exploitation must be exposed and stamped out — if necessary by law. With \pm 7 000 unemployed African workers in Durban every month and another 1 000 more or less, in the Pinetown area it is so easy for people to be dismissed on the smallest pretext because the employer knows there are innumerable others waiting to fill that vacancy.

Working conditions should improve in such circumstances and not stagnate or deteriorate in the knowledge that people will accept anything just to keep their jobs. Workers are afraid to complain or discuss their grievances because of this threat.

Mr S K — worked for 27 years for one institution, and on losing his job received neither notice nor holiday pay. On questioning this his employer said he was not prepared to give him anything and anyway he (Mr K) is classified as a 'farm labourer'. There was no pension scheme either and he had to make special representation in order to get a certificate of service.

Mr M M — lost his job in November 1976, his work seeker's permit expired and he subsequently became ill. On recovery he went to apply for his UIF benefits which were refused as he was 'not willing or able to work'. Mr M is unable to get a further workseeker's permit as he has had a time-lapse from the expiry of his permit due to illness. Mr M is more than willing and able to work.

Mr M M — was treated for TB from January to June 1976 in hospital. During that period he only received nine days' salary from his employers. He lost his job in July and then applied for sick benefits under the UIF Act. Twice these were refused him on the basis that during his illness he received one third of his normal salary from his employer, despite his continuous objection that this was not so.

After one call to his ex-employer we established the true facts of the case which were presented to the Department of Labour and Mr M was paid out in full nine months after first making application. The Department of Labour offered no explanation except to say that Mr M's employer gave them the incorrect information in the first place. Mr M himself pointed this out to them on numerous occasions to no avail.

Mr E M — was dismissed on February 28, 1977, and only then did his employer make application for his UIF card. This was eventually given to him on June 3, 1977, and he has subsequently been refused UIF benefits on the grounds that the time allowed for making application has expired. Certainly through no fault of his.

The squatter problem, created by grossly inadequate housing, forced migratory labour, creation of homeland areas and influx control, to list but a few of its causes, is worsening as a result of the unemployment situation. In many instances people who are unable to pay their rent face resultant evictions and therefore have no alternative but to become squatters.

The Government overcomes this by introducing an 'illegal squatters' bill', making it easier to remove people from their dwellings and harder for them to seek any recourse to the law, for assistance.

In Clermont, two months ago, approximately 80 families (nearly 800 people) had their homes bulldozed without any prior notice or any alternative accommodation granted to them.

This was a callous, insensitive act on behalf of the housing manager who, while rightly adhering to a request by the landowner to have his property cleared, wrongly did so without taking into account at all the consequences this would have on the 80 odd families. Social concern for this community was completely lacking, as the bulldozers moved in and literally flattened every dwelling in sight.

There followed an outcry by people, churches and various organisations. A relief fund was set up and representations were made to the housing manager, BAC and CBAC for the area. These were to no avail, as the officials — without ever having met the people concerned — dismissed them as being illegal, unmarried, illegitimate and unemployed.

A survey carried out proved that many people had been in Clermont for well over 10 years, a large number were legally married and had

certificates to prove it, 90 per cent of the children were born in the area and many were attending school there, and most were in employment.

The official's answer was 'leave it to us to sort out'. When asked how this was to be done, because immediate shelter was urgently needed, the answer was that the men could go to the nearby hostels and the women and children back to the homelands — after all they (the men — husbands and fathers) can go home once a year to see their families!

Ten families were given alternative accommodation fairly quickly and subsequently a few more have been helped. Many have become absorbed back into the community, either by squeezing into already overcrowded rooms or back to squatting, and approximately 20 families are being housed in tents on the Catholic Church property in Clermont.

There has been no follow-up by the BAC or CBAC and the housing manager for the area has rejected the people's requests for re-housing. The powers of this housing manager are frighteningly autocratic.

However, the significance of this attitude on the squatter community has been an awakening awareness of their plight and their rights followed by a determination to find some means of acquiring, once again, a home where they can live as normally as this regime will allow.

Mr E MTHEMBU's father applied for a house in March 1971. Now 6½ years later his name has reached the top of the list and his house is available. However, unfortunately Mr Mthembu has recently suffered a stroke, and is at present bedridden but recuperating on a family farm.

In order to take possession of this house Mr Mthembu must personally present himself at the housing manager's office or lose his house. He has five school-going children in Umlazi who are at present lodging with his eldest son, who is himself a lodger and quite desperate about his father's plight.

Even though he has been assured that his father will get the next house that comes up one can understand this young man's anxiety and bewilderment at a system that will not allow him to sign on behalf of his father, no matter what the circumstances. The authorities have asked him to produce a doctor's certificate to verify his claim.

As Whites, we have become a nation of commissioners and inquisitors. If only we would stop to examine the necessity for the Wiehahn Commission into Labour, the Theron Commission on the Coloureds, the Cillie Commission into Black urban unrest, a committee to investigate the urban Africans etc, we would quickly realise that all the time, money and energy spent on these could and would be avoided if apartheid was abolished in its entirety and we became a nation of South Africans with equal opportunities and equal rights for all.

SOLVEIG PIPER

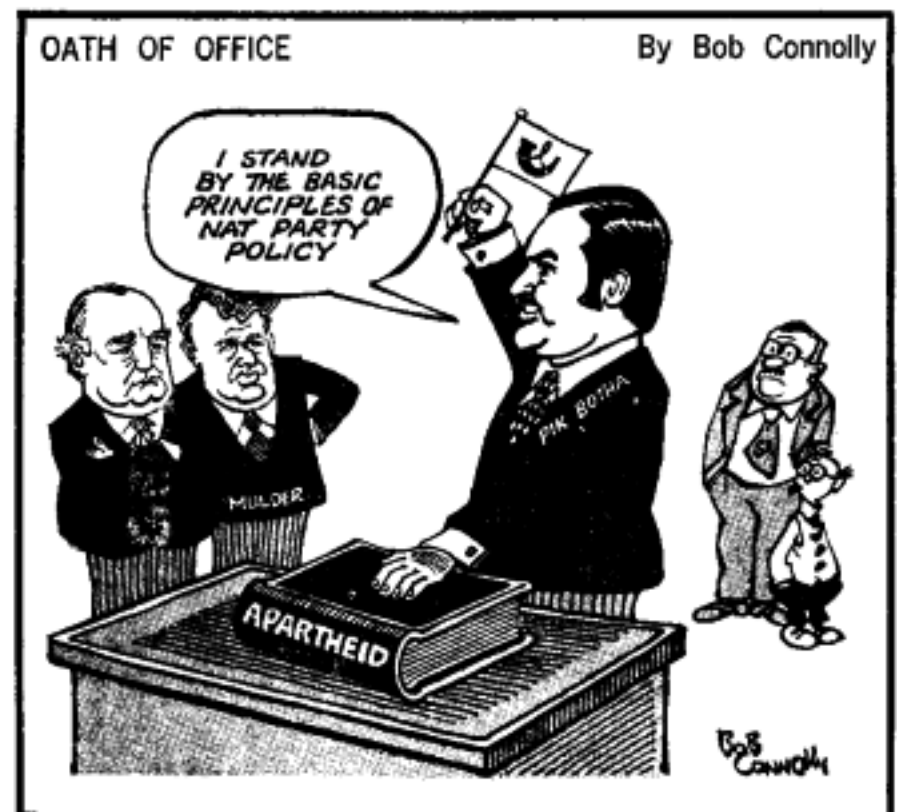
Apathy

PENNY WILSON

THE Cape Town Divisional Council is responsible for developing new areas. When all services have been provided and an area fully developed it is handed over to the City Council.

Only three of the 15 wards were contested in the 1974 elections, all the other candidates being unopposed. The percentage polls were 8,9 in Ward 8; 26,94 in Ward 11; 22,2 in Ward 14. This shows tremendous public apathy towards a committee that has a large say over community welfare.

It is worthwhile attending meetings and meeting the councillors, or at least being able to put a name to a face. It concerns me that so little interest is taken by the public in the duties of the Council. Having attended 18 monthly meetings I have been the sole person in the public gallery for 13 of them.



BOOK CORNER

FAREWELL TO INNOCENCE, Allan Boesak

A learned dissertation on black theology and black power and a must for every serious student of the South African scene. This is a thought-provoking and uplifting book, containing a wealth of original thought.

Obtainable from Ravan Press, soft cover, R4,50.

REMINISCENCES OF A RAND PIONEER, Renault Courtney Acutt

This readable autobiography of an adventurous and ingenious man covers the years from 1876 to 1973, and contains much of interest for the reader who would like to recapture some of the atmosphere and way of life in South Africa in the early part of this century.

Obtainable from Ravan Press, hard cover R9,50, soft cover R6,90.

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All political comment in this issue, except when otherwise stated, by J. Harris, of 56, Victory House, 34, Harrison Street, Johannesburg 2001, Cartoons by courtesy of Bob Connolly and the Rand Daily Mail.

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