

Sash

Vol. 27 No.1 May 1984 R2.00



Driefontein Remembers

Aliens Bill — Conference warns

The Black Sash views certain clauses in the Aliens and Immigration Laws Amendment Bill with considerable alarm.

We feel that the sinister shadow of the worst provisions of the Orderly Movement and Settlement of Black Persons Bill now falls on this piece of legislation as well.

We find it ominous that the R5 000 fine for employing or even harbouring an alien which appears in the original Orderly Movement and Settlement of Black Persons bill should now have materialised in this Aliens Bill.

All Tswana, Xhosa and Venda-speaking South Africans are now legally foreigners, ie aliens.

The Government says it is not its intention to use this legislation against these so-called aliens.

However, past experience does not encourage us to rely on government assurances.

In 1981 Transkeians were deported from Cape Town under Section 40 (4) of the Admission of Persons to the Republic Act of 1972.

Furthermore our fears are compounded by the fact that the Bill provides the government with the precise legal machinery required to act against these people.

Events which have flown in the face of the govern-

ment assurances include the following:

- August 1983, two months after the government agreed to accept the Appeal Court ruling on the Rikhoto case, a vital aspect of this ruling was negated. An amendment was promulgated removing the right of men to have their families live in the urban areas unless they have a house permit, an almost impossible attainment.
- In Natal, Administration boards persistently promise that people living in areas due to be annexed to Kwa Zulu will not lose their section 10 rights. But immediately the transfer has taken place (eg in Umlazi and Kwa Mashu) people do lose these rights.
- The same assurances have been given to people due to be incorporated into KaNgwane. We suspect that they will be equally meaningless.
- The government has in the past successfully used the strategy of withdrawing unpopular measures in the face of public outcry, only to re-introduce them later on relying on a lack of opposition energy the second time round.

In the light of the above the Black Sash alerts all South Africans to expect the worst when the Orderly Movement and Settlement of Black Persons Bill is re-introduced by Parliament in the near future.

UDF — Conference reaches consensus

The Black Sash wholeheartedly endorses the declaration of the United Democratic Front and its opposition to the new constitution and the Koornhof Bills, and welcomes its formation as an event of great political significance. The 1984 national conference of the Black Sash has decided not to seek affiliation with the UDF but to seek full co-operation with it, observer status for its general council, and participation in its campaigns wherever and whenever possible.

New constitution —

Conference leaves boycott issue open

Whether or not to fight elections:

1983 Sash conference urged boycott:

'The Black Sash urges its members and the public to a total boycott of any election which may be called in terms of the new constitution'.

1984 Sash conference withdrew the call to boycott and advocated opposition to the new constitution by whatever means might seem the most effective.

'The Black Sash urges its members and the public to oppose the new constitution in whatever way possible'.



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Cover picture of Beauty Mkhize, by Ingrid Hudson; cover design, Pierre Hinch and Alky Georgiades; conference photos, Gill De Vlieg

THE LAW IN SOUTH AFRICA — PREDATOR not PROTECTOR

An overview of the 1984 Black Sash National Conference, including analyses of the advice office and regional reports.

Obtainable from the Black Sash offices at Khotso House, 42 de Villiers Street, Johannesburg 2001, or 5 Long Street, Mowbray, Cape 7700. Price R1.



Presidential address

Sheena Duncan

The trouble with having to make a speech on a fixed occasion which recurs annually is that one has to look back at what one said the year before to guard against repeating the same theme. One also has to try and measure what has changed since that time.

Tonight I could very well repeat almost everything I said at the 1983 conference. For us and for the people with whom we work, nothing has changed except to become worse. The process of exclusion of the black majority through removals and new influx control provisions continues apace. Poverty and deprivation outside the walls of our cities deepens while the foolish illusions about reform are propagated on all sides.

For us, working in the Black Sash and in this country, life is always lived on two levels. There is a kind of surface level on which changes occur, and there is a much deeper level where we move slowly in the darkness of deep waters, where changes are measured in terms of increasing pressures and the heaviness of trying to progress along the seabed against strong currents, while people drown all around us.

Some of the things which concerned us last year, like the constitutional proposals, are now matters of fact. The Referendum has been and gone, and August 22 elections will come and go. By the end of the year the new Parliament will probably have met for the first time. We will see social changes in housing, education, health care, for some communities.

Our newspapers will be full of earnest discussion about, and analysis of, what this statement by the leader of the House of Representatives or that statement by a member of the opposition in the House of Delegates means. We will spend a good deal of time wondering who will be the chairman of the House of Assembly or who will be appointed to hold the portfolios in the Councils of Ministers.

We will speculate about who will be the first South African ambassador to the state of KwaNdebele. We might even have some suggestions to make. We are sure that the current expert on mobile homes in the present Cabinet would have much to contribute to an independent State whose citizens are almost all refugees and used to carrying their homes on their heads as they move 'voluntarily' from one place to another.

All these things will go on as usual and thousands of trees will be cut down to ensure that our morning newspapers will be delivered to our front doors to bring us the most up-to-date news possible.

Some of the words will convey matters of greater import. Reports of the developments in the relationships between ourselves and our neighbours in Southern Africa will tell us something of what we need to know but we still will not have access to *all* the facts we need to come to an informed opinion. Lack of solid facts leads to too much dangerous and uninformed speculation in a very precarious and sensitive situation. If the people who live on the other side of our borders can only live for a while in peace we will be thankful. We can only pray that this will be so.

But not many words will be written about the places where we spend our days or the things that happen there. Down on the seabed all that is somewhere up above in the distant sunshine.

The real life in this country goes on in places like the destroyed ghost village of Magopa which six weeks ago was a joyful thriving community and is now a waste of destruction, a monument to the ruthlessness of the people who whizz around in their power boats on the surface.

Real life goes on in places like Ezakheni, Ekuvakeni, Onverwacht, Atamelang, Frischgewald, Khamaskraal, Eerstehoek, Pachsdraai — the dumping grounds in what someone has aptly called the backyards of apartheid.

Real life goes on in the ghettos of the metropolitan centres where overcrowding grows worse as expensive houses are built for the few who can afford them but little is done to provide shelter for the homeless poor.

Real life is Khayalitsha, a concentration camp in the fairest Cape where soon will rise the new Parliamentary edifice floating on an ocean of human suffering.

Real life is lived by those wives and children from whom their rights to family life were brutally wrenched in 1983, only last year, by a quiet amendment to the Urban Areas Act. And this happened just at the moment when a long, hard, 19-year-old battle seemed to have been won.

Real life is lived by those who are retrenched and who are not permitted to look for a new job, and those who are not permitted to work in any job they might find for themselves.

Real life is people watching their children go hungry to bed because they are not permitted to work to feed them.

Real life in South Africa has nothing to do with what we hear on radio, or watch on television.

'Reform' and 'change' in South Africa have brought nothing but increased suffering to the majority of people in this country.

About a year ago we received a letter from a man in the Eastern Transvaal. He is one of the dispossessed whose property and freehold rights had been taken from him and who had been cheated of his inheritance. He asked in his letter, 'Is the law not a protection anymore?'

The answer is 'No, the law is not a protection anymore.' It is the law which takes away people's land, their citizenship, their right to family life, their homes, their freedom of movement.

The law does this in South Africa and every day it does it to more and more people. The law is not a protection. It has become an oppressor.

It is in this light that I want to consider tonight what the Eloff Commission has had to say about the South African Council of Churches:

'The SACC would better serve the needs of the nation if it were steadfastly to preach against violence as a means of effecting change.'

Participation in civil disobedience is a very dangerous operation which can easily lead to incalculable harm'.

The Eloff Commission does not attempt to answer the question: 'When law is no longer a protection what are we to do?' The Commission does not even pose the question.

The Eloff Commission is not alone in this. Over and over again during the Referendum campaign, during the black local authority elections, in discussion of the August 22 elections, we are told that participation in gov-

ernment created institutions is the only alternative to violence. We are told that we must obediently tread the path laid down for us, a path that is designed to preserve and protect the essential structures of the apartheid system. It amounts to being told that we must co-operate with evil-doing because it is the only alternative to using violent means to bring about change.

That argument is totally unacceptable to us and to the majority of people in the country. We cannot and will not co-operate with the evil-doing but nor do we wish to take up arms or to use violence against fellow human beings for any cause at all.

We have to start by declaring that we will not co-operate with those who present this choice to us in their pretence that there is no other choice for us.

We are obliged to continue to seek a third way as we have done in the past.

The South African Council of Churches is exhorted to steadfastly preach against violence as a means of effecting change. The problem is posed in that statement. We are expected to condemn the violence used by the victims and to condone the violence of the oppressor. All the clamour of voices raised in the condemnation of violence is strangely silent when the violence of the State is made manifest.

Where were those voices which condemn violence and criticise those who seek alternative ways of addressing conflicts when conscription was extended to white men up to the age of 55? Where are they now as more legislation is discussed to enable the sons of white immigrants to be conscripted? We do not hear them declaring that preparation for war is preparation for violence or that such very serious steps need the same careful consideration as does the preparation for what the Eloff Commission calls 'a very dangerous operation' in referring to civil disobedience.

Where were those voices when a soldier was recently fined R50 for spit-roasting a man in Namibia?

Where are those voices when tear gas and batons are used against squatters in Katlehong or KTC?

Where are those voices when police in camouflage uniform carrying guns, set up road blocks in city streets?

Where are those voices when policemen in dirty tee-



Martha Oppenheim



Lyn Jackson (left) and Beverley Runciman. In background, Di Bishop



Molly Blackburn

shirts and jeans throw people into vans for not having a pass?

Where were they when Magopa was surrounded by armed police in the dead of night; when the people were forcibly removed from their homes, against their will to a strange, unwelcoming place?

We did not hear them even whisper about violence then.

Civil disobedience and non co-operation with the laws of a State is a most serious matter. It is not to be undertaken lightly. It is most certainly not to be undertaken wantonly. It is a last resort for those who believe that the means one uses to create a new situation shape the ends one will achieve. It is the answer, as a last resort, for those who believe that violent means used to achieve change tend to create a new kind of violent society in which the victims of the old oppression will also be victims of the new one. It is certainly not to be considered in any situation where the law can be invoked to protect the rights of the people.

But what is one to do when the law is no longer a protection?

What is one to do when law-abiding people patiently await the outcome of long drawn-out, often much delayed, legal battles which drag on for years, to establish legal rights which are then removed by new legislation designed to nullify judgements of the Appeal Court?

What is one to do when the law provides no protection against the predations of the State?

What is one to do when there is no redress for wrongs done and nothing at all one can lawfully do to prevent the State from doing wrong against people?

What does one do when the State becomes the adversary instead of being the embodiment of the will of the people?

There *are* choices and hundreds of thousands of people in South Africa have made their choice.

Some have given up and wait for death to give them rest.

Some have chosen to take up arms.

Some rely on God to intervene on their behalf and to visit vengeance upon their oppressors. As one of the people of Magopa said last month, 'God will punish those who throw His children around like stones.' It is doubtful whether the Prime Minister heard those words as he busied himself in preparing for the national day of atonement and prayer for rain held just one week after the wanton but lawful, oh yes, *lawful* destruction of Magopa.



Josie Adler and Glenda Glover. In background, Joyce Brown



Georgina Stevens, left, and Libby Collins



Annica van Gylswyk, left, and Mary Harrop-Allen

Tens of thousands of people in South Africa have had another choice thrust upon them. They cannot and will not obey the laws which seek to destroy them.

They are present in all our cities without papers or permits, working and living amongst us, motivated by the struggle for physical survival and by love for their families who must eat.

They are in all the squatter settlements all over South Africa, living unlawfully in order to maintain family and community.

They are in our prisons and in our pass courts, in all those black spots and urban townships where people are refusing to obey the law and to move to places where the law demands that they are taken.

Must we turn our backs on them and preach to them the dangers and wrongfulness of civil disobedience?

We cannot do so when laws have become humanly impossible to obey.

Deep thought needs to be given to these issues and there is a great need for open debate about them. If we are to condemn violence is it not an obligation upon us to find alternative and more effective ways of creating a just society?

It is understandable that authoritarian governments should fear disciplined non-violent action. Guns and tanks, bullets and bombs cannot prevail against the principles of truth and love, sacrifice and discipline which are inherent in such action. Also inherent in the thinking of those who are struggling with the morality of civil disobedience is love and concern for the opponent and the desire that he shall not be defeated but be won over into

understanding of the justice which underlies the demands made upon him. It is surprising that the Attenborough film about Gandhi has not led to more serious and wider consideration of these issues of violence and non-violence in our society.

It is much less dangerous to debate these things openly than it is to pretend that nothing is wrong and to go on condemning violence in thoughtless acceptance of what is being done around us.

We should be listening to those few voices in our society which are urging us to consider what we are doing and which are asking us to think deeply about where we are going, which are warning us of the inevitable consequences of our neglect.

War is a very terrible thing and civil war is the most terrible kind of war there is but it is not enough just to state that and to settle back hoping for the best.

If we think that war is terrible and that violence is to be condemned then we have an obligation to find other ways of effective action.

This government has itself destroyed the concept of law by continuing to use the law to prevent legitimate

opposition, by continuing to make laws which deprive people of their citizenship, their land, their family life, their ability to shelter and feed their children.

They have made disobedience to the law the only way out of an intolerable situation for many thousands of the people of this country. On them lies the responsibility for this.

On us lies the responsibility to find the way in which we may begin to recreate a society in which justice and tolerance and peace will prevail.

I personally find it increasingly difficult to believe that that way can be found in obedience to the law. I personally find it impossible to believe that I must be obedient and that I must not support and encourage those who have chosen disobedience or those on whom disobedience has been forced by the very laws which they are expected to obey.

More than this, I personally find it difficult any longer to avoid the obligation thrust upon me to refuse to obey laws which demand that I must co-operate in the oppression of the men and women and children around me.

*Johannesburg
March 15 1984*



From left: Audrey Coleman, Julia Heaney, Betty Taylor



Ronel Scheffer



Bertha Beinashowitz, left, and Netty Davidoff

St Wendolin's reclassified black

— but incorporation into KwaZulu looms

After years of resistance and negotiation 12 000 blacks at St Wendolins near Pinetown have been allowed to stay there. (See Sash Vol 25, no 3, November 1982).

Originally mission land, this area has been inhabited by blacks for a century, but 18 years ago it was declared an Indian Group area.

Now the government has accepted an offer by the Marianhill Mission to donate 300 ha to the community and guarantee the R20 million needed to develop 2 500 sites. A black town with freehold rights and its own local authority is envisaged.

However, the indications are that the area will be incorporated in KwaZulu, involving the usual loss of section 10 rights.

Dorothy Unite

The Sash, particularly False Bay branch, mourns the death of Dorothy on Easter Sunday, after a long illness bravely borne. She had been a member of the Black Sash since 1961 and despite her handicap she led an active life and often joined Sash protest stands.

A former President of the Roggebaai Rotary Annes, she was well known for her work among under-privileged groups.

During the war she played a key role communicating through the British Foreign Office with the French resistance movement. After the Allied occupation of Paris she was transferred there in order to continue her liaison work with the underground. Earlier in the war she was on the staff of the British embassies in Ankara and Beirut. But all this was only a part of her wonderful life.

She had a remarkable spirit and was always cheerful, optimistic and compassionate. Intellectually accomplished, she had a wide knowledge of many subjects. She was a lovely person and will be sadly missed and always remembered.

Lily Herbstein

The meaning of law and order in an apartheid society



1 INTRODUCTION

To understand the concept of *social justice* in South Africa implies an understanding of three other basic concepts: *power, dominant ideology and control*.

We live in a politically divided society with a white government regulating the lives of 'blacks', 'coloureds' and 'Asians'. It enforces its power through the ideology of 'apartheid' which is embodied in very specific and wide-ranging legislation, codes and rules. These restrictions affect the freedom of the majority of people in the country daily. Their freedom of movement, choice of occupation, choice of home, right to family life, right to political participation, to mention a few, are continuously affected.

I do not believe that the new political dispensation in parliament has changed this in any significant way. As for the peace treaties being signed with border states — how would this affect the increase of political violence within South Africa? I would like to examine particularly how law enforcement affects political minority groups, and how the demands for 'law and order' (a) often effectively form part of enforcement of government ideology and (b) regularly portray oppressed groups as 'deviants' or 'subversives' in society. The reasons why such groups break laws, are obscured in the process.

I would like to examine some of the institutions of the state, as it is through these institutions that the key concepts I mentioned — power, dominant ideology and control — are maintained. How are oppressed groups affected by these institutions and their functioning?

2 THE INSTITUTIONS OF THE STATE

The *repressive institutions* are the police force, courts, prisons, reform schools, schools of industries, the military establishment. The more specifically *ideological institutions* are the educational system, the economy, family, church and media.

These institutions are inter-dependent and influence each other in maintaining and enforcing dominant ideology and in affecting the freedom of political minorities.

I want to discuss a few of these institutions briefly and then focus in more detail on the media as one of the powerful institutions of the state.

I will be referring to statistics and would like to point out before I do so that statistics must always be regarded with caution. Some offences are not reported, others may suddenly rise because of more detection in a specific area of concern; definitions of what constitutes 'crime' changes, etc.

Repressive institutions

How fair and impartial is the criminal justice system? Research studies indicate that one's position of privilege determines to a large degree what one's chances would be to get arrested, for a fair trial, or for a reasonable outcome. ¹ Why are political minority groups the ones which fill the courts and the prisons? Why do we so seldom hear of white collar offenders and embezzlers being arrested?

I do not think any country can function without a legal system — but such a system should protect all equally.

Urban relocation and the subsequent social problems of uprooted individuals have done much to expose political minority groups more to arrest than privileged 'white' people.

Once arrested, it is the experience of many that there is no legal representation or it is difficult to arrange; it is not easy to understand court procedure; basic 'technical' rights — for example the right to opt for silence — are often not explained to the accused. Commissioners Courts often deal with cases at the rate of three per minute. The Black Sash has done much to arrange defences in Commissioner's Court for accused who appear on influx control and illegal squatting cases, and to assist with claims to rights under section 10 of the Urban Areas Act, but many still go to prison undefended.

Others go to prison when there is an option of a fine and they cannot afford to pay it. During the period of July 1 1981 to June 30 1982 there were 1 066 'non-white' (blacks, coloureds and Asians) in prison per 100 000 of their population as against 105 per 100 000 of the white population. ² (Ten times more non-whites per 100 000 of people in prison).

The prison experience is mostly negative and often leads to high rates of recidivism. The Hoexter Commission of Inquiry into the Structure and Functioning of the Courts disclosed that prisons encourage and generate gang formation and violence, prisoners are often bored and unproductive, and certain sections of the prisons are unhygienic and unsafe. ³ Much of activity centres around prison industry. Prisons indicate overcrowding percentages ranging from 4 to 309%. The rate of professionally trained staff to inmates is 1 : 256. ⁴

Children's institutions reflect the same picture. Children seem to come out of such institutions with a much more organised pattern of future law-breaking than they had when they were first committed to an institution. Concepts of 'rehabilitation' and 'reform' become as relative and questionable as concepts such as justice and quality of life.



From left, Dawn Ingle, Judy Hawarden, Laura Pollecott

The ideological institutions

The economic system

There are those in this country who own and control capital and those who don't. Labourers are continuously subject to pressures of restrict control, and the threat of redundancy. Much of the lawbreaking of political minority groups can be related to specific labour practices — such as influx control.

Furthermore, with the state moving increasingly towards more centralised and mechanised production there is an over- and an under-supply of labour. There is a lack of semi-skilled labourers and too many unemployed skilled labourers. Unemployment is one of the major causes of law breaking in South Africa. Unemployment statistics disclose that during 1980 more than five of the six million blacks in the homelands had no measurable income at all.⁵ The Human Sciences Research Council estimated that one out of every three blacks entering the South African labour market in the coming decade will not obtain employment, even with a reasonable annual growth of the economy.

*'The majority of these people will not be entitled to unemployment benefits and experts believe the only refuge for these folk and their families will be the informal sector of the economy — work opportunities created by backyard industries, hawking, and similar activities.'*⁶

As far as the other population groups are concerned, the Division Inspector for the Department of Manpower said registered unemployment in the Western Cape increased by more than 125% between August 1982 and August 1983. The number of unemployed coloured people showed an increase of 164% and whites 61%.⁷ This is just registered unemployment, so the figures are probably higher.

Many unemployed people resort to shebeens, drug peddling, prostitution and theft. Between July 1982 and June 1983 offences of an economic nature were three and three-quarter times higher than offences of a serious violent nature. There were 557 100 offences of burglary, robbery and various forms of theft reported to the police and 145 662 offences such as murder, rape, assault and

sabotage reported.⁸

Apart from these statistics, pass law convictions for 1983 were 142 067 which indicates an increase of 42% from 1982.⁹

These figures are not all due to unemployment, but often relate to the seeking of employment.

The educational system

We are all aware of the bitterness and frustration experienced by people subjected to inferior education. The educational system has controlled minority groups since the colonial days: Inequality in the educational system is reflected in the following type of statements (a) the Native Economic Commission Report of 1930-32 stated that 'the Native must learn to school his body to hard work' and (b) the recommendation of the Commissioner of Native Education in 1936 was that 'we must give the Native an education which will keep him in his place'¹⁰.

Last year, a thesis by Mrs Hanneke du Preez indicates that racialism hides between the covers of many school textbooks. Racial divisions are treated as an indisputable fact and children are encouraged to accept an unquestioning loyalty to the State (Argus May 28 1983).

The Soweto unrests of 1976 and subsequent school uprisings to date began with a peaceful demonstration and a demand for equal education and for Afrikaans-medium instruction to be scrapped. It turned into violent confrontations as the legitimate requests and demands were ignored. Many children today have left school or dropped out of school. A large number of those who wanted to develop their potential became involved in civic action or community grassroots education or left the country to train in violent warfare. Others joined gangs, and some can be found in institutions such as reform schools - defined as 'delinquents' or 'criminals'.

The usual commissions of inquiry were introduced (Cilliers Commission followed by the de Lange Commission) and the schools language rule was dropped but today we still see little change in the educational system.

The family as institution

The institution of the family is often seen and propagated as the primary setting for the socialisation of the child. Here is where he must learn various roles, values, moral standards and the other attributes around self-respect, dignity, responsibility. Here is where he is sheltered, fed, and loved. Here is where he develops expectations which he would want to realize in the world out there. The majority of the people in this country though are denied family life and/or have been exposed to processes of dislocation of family life. Yet there is a public holiday in July which is referred to as 'Family Day'.

The breaking down of extended families and removal of individuals to townships outside of the cities in terms of the Group Areas Act of 1950 has caused numerous social problems. Whereas the crime rate, especially in Cape Town where many of these removals took place in the 1960s was the lowest of all cities per 100 000 of the population at that time, it is now regarded as almost the highest rate.¹¹

The assistant editor of the Cape Times said in response to the SACC report which stated that 3,5 million people have been uprooted:

'It annoys white South Africans when their country is mentioned in the same breath as Nazi Germany or Stalinist Russia, understandably so. It is also greatly insensitive to the memory of the victims of the Nazi terror.'

Yet, it is not difficult to see why such comparisons readily spring to mind. As this report points out the figure of 3,5 million people removed is larger than the enforced migration imposed on various peoples by Stalin. Nazi deportations in World War II reached about seven million — twice South Africa's total' (Cape Times, Feb 11, 1984).

The effect of removals was that nuclear families who used to have extended kin such as grandparents looking after children in the day were now subjected to situations where young children had to be left alone in the day while parents work or look for work. Facilities for child care are very scarce. It was established that only between 5 and 6% of pre-school age children can be accommodated in nursery schools and creches.¹²

Many children neglected in this way are either to be found in state institutions¹³ or join gangs. It is estimated that there are about 80 000 gangsters on the Cape Flats alone¹⁴

Influx control regulations have also caused many families to be segregated. Those who break these regulations by following members of their family are declared 'illegals' and sent back to homelands or to prison.

The media

The media transmit belief systems to the public which justify or legitimize particular forms of social control. As was suggested earlier it is one of the most powerful institutions for enforcing dominant ideology. I am of course not suggesting that government controls all media directly, but SATV and some Afrikaans newspapers effectively transmit government ideology. There is probably no other area of news interest in which dominant political ideology and news media ideology is more explicit than 'law and order' or crime news.

Steven Box explains this as follows:

'The reason . . . why deviant behaviour occupies so much media space is not because it is intrinsically interesting, but because it is intrinsically instructive. It serves to

*reinforce the world taken for granted by restating social rules and warning subjects that violators will not be tolerated. In this way, the wayward are cautioned and the righteous are confronted.'*¹⁵

Or as Steve Chibnall points out — what is seen as healthy and praiseworthy is contrasted to what is seen as evil and degenerate.¹⁶

Strikes, muggings, rapes and other forms of violence, for example are often portrayed in the media as a breakdown of moral and social order. Such incidents are seen more often as sickness rather than social problems with definite causes. Oppressed people who resort to strikes, unrests, etc for example, are referred to as 'unruly mobs', 'subversive elements'. **The extent to which much of this law-breaking can be linked to their conditions of life in a capitalist society is obscured in favour of campaigns by government and media spokesmen for 'law and order', 'peace' and 'reasonableness'.**



Jill Wentzel, left, and Jean Sinclair



Tessa Branch, left, Sarah Christie

Unfortunately these campaigns have a very definite labelling effect in the sense that oppressed groups are seen as inevitably devious or criminal. It aggravates conflict and comes no nearer to a realistic acknowledgement of the causes of conflict. When 'peace' has been restored in the eyes of the public, the frustrations and disillusionments still simmer and boil under the surface.

When one analyses media reporting over a period and the reactions of various spokesmen on 'law and order' issues, one can, in fact detect a distinct pattern in the de-

velopment of a 'law and order' campaign. Often, a 'moral panic' precedes the ultimate campaign.

Stuart Hall *et al* describe panics as follows:

'Their typical form is that of a dramatic event which focuses and triggers a local response and public disquiet. Often as a result of local organising and moral entrepreneurship the wider powers of the control culture are both alerted (the media play a crucial role here) and mobilised (the police, the courts).

*The issue is then seen as symptomatic of wider, more troubling but less concrete themes. It escalates up the hierarchy of responsibility and control, perhaps provoking an official enquiry or statement which temporarily appeases the moral campaigns and dissipates the sense of panic.'*¹⁹

A mapping together of moral panics leads to a general panic about social order and we have a 'law and order' campaign. Let me illustrate this with an example. In 1979 a moral panic started developing around the prevalence of rape, especially in the Cape Peninsula. There were one or two specific incidents which were shocking and upsetting to many people. The press and other media highlighted and dramatized these incidents. This 'panic' which led to a 'law and order' campaign developed through roughly six phases —

Stuart Hall *et al* refer to these as signification spirals.²⁰ The first step was:

The identification in the media of a specific issue of concern — in this case, rape. Concern was expressed by reporters, editors, criminal justice personnel, government spokesmen, and the public. The general belief was that rape was increasing dramatically.

The second step was to identify a subversive minority as being more often the culprits (blacks) and the third step was to link various labels — what is referred to as convergence. Not only are blacks more often the

rapists, but rape across the colour line is on the increase, ie more blacks rape whites, plus it is a new form of terrorism.²¹

The fourth step is normally to indicate through the media that there are thresholds, or limits of public tolerance. This was illustrated by numerous letters in the press and other statements.

The fifth is the prophecy of more troubling times to come if action is not taken, and the final step is the call for firm steps. This final step may result in increased police activity in tracking down rapists, increase in prosecutions, and/or the introduction of a commission of inquiry to investigate the matter.

As far as statistics can be useful, what really happened is that Peninsula statistics on reported cases did not increase very significantly. Because of the media and public response, the Attorney-General gave specific instructions for the *prosecutions* of awaiting trial prisoners to be increased. He said in a press statement that he gave deliberate instruction for rape cases to be grouped together on the Supreme court role to make the public aware of the seriousness of the problem.²² These were cases already reported — not new cases.

I have indicated earlier that economic offences are about three and three-quarter times higher than serious violent offences at present, and were, for the past few years significantly higher than violent offences.

These impressions, however, no matter how incorrect, influence public opinion and perceptions on 'crime' or 'deviance'.

Incredible harm can be done in increasing stereotyped thinking and in polarizing groups even more than is already apparent.

These significant spirals can be observed in almost any other area of 'law and order' news — uprisings, strikes, street violence etc. Their effect is to ensure political *status quo* and the maintenance of 'order' against



Sue Joynt and Lyn Jackson — behind them Aninka Claassens, Liz Rowe and Kate Watkins

'chaos'. Oppressed groups are regularly portrayed as violators, and increasingly linked to the threat of 'total onslaught'. The reasons for their dissatisfaction are 'papered over' most of the time.

3 Conclusion

I said in my introduction that one can only understand



Joy Harris



Pessa Weinberg, left, and Beth Franklin.

the concept of social justice by understanding the key concepts of power, dominant ideology and control. I tried to explain briefly how the various institutions of the state (the repressive institutions on the one hand, police/courts, prisons and the ideological institutions on the other: the economy, education, the family, the media) function to control the lives of oppressed people and create conditions within which they are often so restricted that breaking the law is inevitable.

No country is without crime and one would like to work towards a justice system which truly protects all equally against attack or injury. I have sympathy with the original policeman who has to enforce laws he did not make. But the majority of people in South Africa break the law in order to survive. In every major institution of the state they are denied very specific opportunities and freedoms. Real political freedom of speech is also denied by having effectively banned most organisations which represent their thinking. Organisations such as the ANC, we must remind ourselves bound itself for nearly 50 years to peaceful opposition. Its use of force is a response to powerlessness.

The only solution is major political change. I do not condone violence as a way of achieving it. But I understand why people resort to it. The work that various pressure groups such as the Black Sash is doing, is of course, vital in this type of society. Encouraging developments are also the fact that more law centres such as the Johannesburg Legal Resources Centre are being established. Striving towards macro political changes does not cancel out the need for organisations and groups to assist oppressed people in their day-to-day living.

The effect of an analysis as 'I have attempted to give is often depressing. But it is important for me that it should also be enlightening. The government propagates a 'total strategy' plan against 'total onslaught', but pressure groups and individuals concerned about injustice in South Africa are really resisting and fighting the government's 'total onslaught' plan of oppression against many in the country. It is a 'total onslaught' which gets rein-

forced in all the major institutions of the state.

The Black Sash has contributed in the past and still contributes at present immensely towards the struggle against injustice in the country. I hope this analysis and my attempt at providing an overview of the control system will be useful for your future work, planning and action.



Observers have their say

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- 21 See in this regard especially the speech made by F J Le Roux in Hansard col 3951 vol 7 September 14 - 18 1981.
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▲ The development of a new black township at Driftsands/Swartklip to cater for the consolidated housing needs of the Black people in the metropolitan area of the Cape heralds a completely new era as far as this question is concerned in the Cape Peninsula. This announcement is one of the most important replies to a question that has been put to me in a lifetime in Parliament.

Dr Piet Koornhof, 30 March 1983

This announcement seemed to mark

— a welcome thaw after the 1966-79 total freeze on black housing development in the Western Cape, and as such was welcomed by many of the 6 000 families on the official waiting list for houses as well as by the wider public; and
— a sensible move away from the assumption underlying the Coloured Labour Preference Area policy, namely that black Africans could ultimately be phased out of the Western Cape.

But did it?

KHAYELITSHA —

a completely new era — or the same old trick?

Jenny de Tolly and Margaret Nash

The 1979 Riekert report on Utilisation of Manpower spelt out the economic need for a better educated and more productive black labour force which could only be supplied by a stabilised black urban population. The question was how to meet the economic need without fuelling the political dynamism of urban blacks.

In the post-Riekert new constitutional dispensation, the three controversial Koornhof Bills of 1983 — to do with Black Local Authorities, Black Community Development and the Orderly Movement and Settlement of Blacks — emerged as the state's attempt to incorporate blacks on its own terms. The first was passed and is

already being implemented; the second has been before the current session and the third, having been tabled (a storm of protest led to its withdrawal last year) has been referred to a select committee for 'radical revision'. In the meantime some ugly aspects of this bill have appeared in the new Aliens Bill, which is examined on page 17 of this magazine.

Despite the Coloured Labour Preference policy, the need for a stable black work-force is as pressing in the Western Cape as in the rest of the country.

Khayelitsha, therefore, is part of the overall Riekert plan to modernize apartheid by creating black cities ad-

adjacent to white urban areas. These cities have been devised as a means of accommodating and controlling 'legals' and excluding 'illegals'. In other parts of the country the authorities have promised that the inhabitants of these cities (annexed to homelands) will not lose their section 10a and b rights, but have not kept these promises.

Judged by the criteria of urban and regional planning the Khayelitsha project is little short of disastrous.

Situated in an area of high sand dunes known as Driftsands, some 30-35 km south-east of central Cape Town the site is bounded by the sea to the south, the South African Defence Force to the north and west and by natural-cum-artificial barriers to the east. Until recently it belonged to the SADF and was used for training purposes.

Khayelitsha is intended ultimately to house up to 300 000 blacks in hostels, self-built homes and a relatively few elite dwellings, and to replace the existing townships of Langa, Nyanga, Guguletu, New Crossroads, Mfuleni and possibly Kaya Mandi. These would be converted into housing for people classified coloured. The long-term result would be a buffer zone of coloured

townships between the major industrial, commercial and white residential areas and a highly controllable black enclave.

Consolidating the black population would have the dual advantage of providing a stable black labour force as needed and enabling influx control and the policy of coloured labour preference (CLP) to be more stringently and effectively applied.

Leasehold rights are essential to successful self-build at Khayelitsha but the state is ambivalent about granting these because they constitute recognition of the permanent residential rights of the recipients. This ambivalence, too, makes it clear that the township project does not represent reform or a change of heart with regard to accepting blacks as an integral part of the Cape population.

Reluctance to grant leasehold rights, while appearing to cater for them in the new black township raises a question about the role of the Cape in total national strategy: is it being preserved, developed and organised as the final white and coloured stronghold and place of resort? If so, what does that say about the future of Khayelitsha and its projected 250-300 000 black inhabitants?

The first eleven months

— an exercise in reading between the lines

1983

March 30 — Introducing the Khayelitsha project, Dr Koornhof said:

'As a result of recent investigation in loco by the Honourable the Prime Minister, myself and others the government has laid down specific guidelines regarding the settlement of and township development for members of Black Communities in the Cape Metropolitan Area for purposes of guide planning and execution by the departments concerned.

a) The uncontrolled influx of Black people to the Cape Metropolitan area must be countered as far as possible by means of creating significant avenues for employment in development region D, in which Transkei, Ciskei and the Eastern Part of the Cape Province are included. Such creation of employment opportunities should go hand in hand with meaningful development in the physical, economical and social fields.

b) It is the government's conviction that the Western Cape as the traditional place of residence and employment of the White and Coloured communities should be retained as such and the importance of the development of Atlantis as the northern hinterland for the Coloured community is again confirmed.

c) It is necessary for the orderly development of the Cape Peninsula that provision be made for the consolidated housing needs of the Black population in the Metropolitan area of the Cape. For this purpose the de-



From left: Eileen Mendlesohn, Jenny de Tolly, Margaret Nash, Aninka Claassens

velopment of the Swartklip/Driftsands area to the east of Mitchell's Plain should be undertaken without delay and funds will be made available to ensure that the development of the residential area be started as soon as possible, on an imaginative scale. To promote these objectives, no further filling-in-between or increasing the density of the existing Black residential areas in the Cape Peninsula (including Mfuleni and Kaya Mandi at Stellenbosch) should take place.

d) With the development of the new Black residential area not only will the provision of housing be concentrated upon but the emphasis will also be placed on community development to stimulate the orderly and voluntary settlement of the Black community of the Cape Peninsula in that area.

e) As space for residential development in the Cape Metropolitan area is very limited, special attention will, with the development of the new Black township at Driftsands/Swartklip, be given to higher density accommodation to ensure the optimal utilisation of the limited space.

f) With a view to best utilisation of the available funds, the standard of housing to be provided will have to be controlled strictly to ensure that it will fit into socio-economic circumstances. In this connection methods (including the possibility of sectional titles) will have to be investigated to ensure the optimal and planned utilisation of the Driftsands/Swartklip area as the Black residential area for the Cape Peninsula.' (Hansard March 3 1983 cols 891-3)

Many reacted cautiously but positively to this announcement, seeing it as a 'major step forward in the government's acknowledgement of the growing number of black families in the Peninsula, and a recognition of their permanence'. (Cape Times editorial April 5 1983)

March/April The 2 500 site and service plots at KTC squatter area, announced by Dr Koornhof in February, were cancelled.

February to May The KTC squatter camp north of New Crossroads, where 'legals' were making a stand for housing and 'illegals' were claiming urban rights, was regularly raided. Shacks and plastic shelters were demolished and many people arrested. Police protected Administration Board officials and workers. Tear smoke, dogs and heavy armoured vehicles were regularly in use during these raids.

April 11 Faction fighting erupted in Crossroads between supporters of the 'Mayor', Mr Nxobongwana, and Mr Memani.

Faction fighting at Crossroads

Divided into two factions, the Crossroads community has been in a state of war for months now. Mr Nxobogwana's group is in the ascendance, and the rest support Mr Memani.

Mr Nobs (short of Nxobogwana) appears to have an active committee supported by vigilantes who collect dues, or perhaps protection money, from the bulk of the Crossroads residents. He has tried to build a brick house but the Western Cape Administration board brought a successful court action against him to stop it, just before Christmas. He drives a smart new car.

Needless to say the Black Sash does not see Mr Nobs at the advice office. They last met him in May or June last year when Bishop Patrick Matolengwe vainly tried to get the two sections of the community to organize proper elections for a new committee acceptable to all.

In December this all came to a head. Previously there had been much random intimidation of non-Nobites. On the night of December 28, prominent New Crossroads residents were taken to the bush where they were either beaten or threatened with beating. Elsewhere in Crossroads men wearing white doeks and armed with kieres and some firearms went on the rampage, burning some houses, demolishing

April 13 In reply to questions in Parliament Dr Koornhof stated with regard to the proposed new township: that the land is government owned, is approximately 3 530 ha in extent, of which 1 070 ha could be developed, is 40 km from Cape Town, that planning of the site had already begun and that both 'high rise (high density) and self-build housing under control' were envisaged. (Hansard April 13 1983 cols 956-7)

May 13 The first people to be housed at Driftsands/Swartklip would be 'legals' squatting at KTC. They would be housed there on an emergency basis within four weeks.

May 16 In a massive raid squatters are teargassed off the KTC site. 'Legals' are taken to disused beerhalls in Langa and Nyanga and 72 'illegals' arrested. Others vanish into the bush. KTC site sealed off with barbed wire and guarded against further use by squatters. Nearly 3 500 shelter demolitions had taken place since February (Cape Times April 26 1983).

In a joint statement with the chairman of the community council Dr Koornhof said the council had suggested Khayelitsha ('our new home') as the name for the new township. Construction begins on phase 1 of Khayelitsha, including removal of 500 000 cubic metres of sand in 3-4 weeks.

May 25 Replying to questions in Parliament Dr Koornhof said. 'It is intended to provide at Swartklip/Driftsands for the consolidated housing needs of the members of black communities in the metropolitan area of the Cape . . . the view is held that members of the black community will move voluntarily from existing black residential areas to the proposed township . . . From a regional planning point of view it is desirable to have members of black communities accommodated in

others with pangas. Shots were fired and two men killed. The area was cordoned off and the press denied access. The Black Sash urged the police to re-establish law and order there.

From some 135 statements collected by the Black Sash in an effort to ascertain exactly what had happened on that night, it appeared that the supporters of Mr Memani urgently needed police protection. Many went to the WCAB offices to ask for help and protection and were allegedly told by Mr Schelhase that they could go to the bush at KTC and camp there until Mr Memani was able to sort things out.

The station commander at Guguletu, Major Wesels, assured Sash that all the statements have been investigated and the docket has been forwarded to the attorney-general's office.

R — Johnson Nxobongwana
photo: The Argus

Far R — Part of the devastated area of Section four in Crossroads. Armed supporters of Mr Nxobogwana's Crossroads committee keep guard in the background.
photo: L. Hammond, The Argus,





The 'illegal' squatters remained at the camp while the barbed wire was being put up and were joined by about 200 whites who had earlier attended a Women's Movement for Peace protest meeting at St Saviour's, Claremont.

They heard at the meeting that the camp was being fenced off with barbed wire and left for KTC immediately.

Whites and blacks sang and danced in a wide circle as a large contingent of police and WCAB officials watched.

People who were asked by WCAB officials if they had a permit to be in the area, replied that they had the Lord's permit.

The picture shows the crowds at the camp dispersing amid clouds of teargas smoke.

picture: Pierre Oosthuysen, Cape Times May 17 1983

one residential area only. As and when progress is made with the development of the proposed residential area the possible accommodation of other population groups in the existing black townships will be considered.' (Hansard May 25 1983 cols 1390-1)

Subsequently there appears to have been a meeting at Old Crossroads at which Mr Nobs said that his vigilantes would no longer attack people. Memani's supporters could come back and re-erect their shacks. We heard unofficially that this would have to be accompanied by a 'levy' of R60 per shack — to Mr Nobs. However, those whose houses were destroyed in the raid were afraid to return and are still living at KTC where they are daily harassed by WCAB inspectors.

from Sue Joynt



Baby Nontuntuzelo Sithethi sits on a bed out in the open at Crossroads photo: The Argus

This statement caused an outcry of anger and dismay as the Government's plan became clear. Their solution to the housing crisis was a smokescreen to hide deeper political motives. To give effect to their 'new era' in the settlement of blacks in the Cape Peninsula (clearly spelled out on March 30 but not clearly understood), 'legals' would be screened from 'illegals' as they were allocated housing in Khayelitsha. This would include not only those in squatter camps and those on the housing list but also the 125 000 tenants in the existing townships. Uprooting, removal and destruction of the existing communities was strongly condemned. The existing townships of Langa, Nyanga and Guguletu, covering some 1 339 ha were to be replaced by 1 070 ha at Driftsands.

June 2 Phase 2 of New Crossroads (1 200 homes costing R18 million), postponed in October 'for lack of funds', is cancelled, according to Commissioner Timo Bezuidenhout.

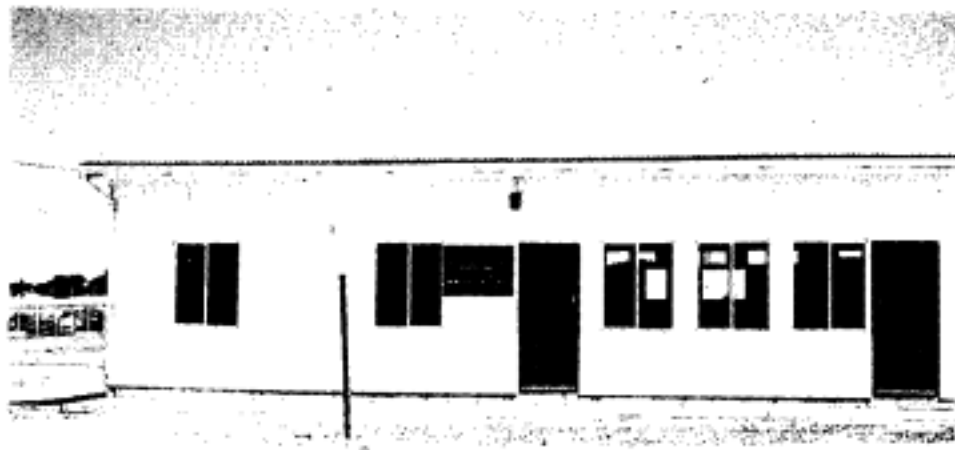
June The 'bed people' at Crossroads sleep out in the rain as they were forbidden to erect shelters.

June 6 The first families move to Khayelitsha. They are housed in zinc 'Fletcraft' huts situated on 170m² plots. There are gravelled roads, one pillar tap per four plots, one bucket toilet per plot, rubbish removal service and high mast lighting.

A L Jordaan, Nationalist MP for False Bay, refers in Parliament to the eventual removal of existing black townships (Hansard June 6 1983 col 8697)

June 8 Dr Koornhof assured House of Assembly that people would not lose their section 10 rights as Khayelitsha was in the prescribed area of the Divisional Council of the Cape (Hansard June 8 1983 col 1841). See Black Sash resolution on Aliens Bill, cover (ii).

June 9 Government reiterates its determination to go ahead with Khayelitsha despite criticism from head of UCT Department of Urban and Regional Planning, Professor D Dewar, and other. The scheme was 'the result of sound planning over two years by some of the best planners' (Koornhof)



Clinic



Mobile shop



Primary school

June 15 436 people living at Khayelitsha. The realities of their new home are tough, including the high cost of transport and difficulties of commuting to work. A single fare bus trip to Cape Town costs R1.46 return though a state-subsidised ten-journey clipcard costing R7.30 has been introduced. Facilities include clinic and a mobile shop.

Access to the township is tightly controlled with common law husbands barred from living with their common law wives.

A rail link was still 'under study' but not promised despite Cape Town City Engineer's warning that people travelling to and from Khayelitsha would seriously overload the metropolitan road system.

June 17 Boundaries of new black residential area at Driftsands gazetted. Government Gazette 8759, notice 1287.

June 27 Minister of Education and Training Mr Steyn announces a 1 000 pupil 24 classroom primary school

and a 750 pupil 20 classroom secondary school to be built at Khayelitsha in 1984.

June 29 Cape Town City Council decide to give no further technical assistance to Western Cape Administration board on Khayelitsha but an official with housing experience at Mitchell's Plain is seconded to WCAB.

August 8 Shawco refused permission to establish permanent medical facilities in Khayelitsha. Later given permission to visit Khayelitsha with a mobile clinic.

August 22 439 people (112 families in 115 huts) reported to be living in K (Hansard August 24 col 1951)

August 30 Cape Divisional Council agree to undertake the planning and development of coastal facilities at Swartklip. At request of Minister of Constitutional Development Mr Heunis, the Government has provided R2 million for this in current financial year.

September 15 Two primary schools, each accommodating 1 000 pupils, to be completed at K by March 1984 (Argus)

September 27 Deputy Minister of Co-operation and Development Dr Morrison tells Cape Nationalist Congress, 'Crossroads is a symbol of provocation and blackmail of the Government, and we want to destroy that symbolism at all costs . . . We want to destroy that unlawful philosophy by dispersing them to Khayelitsha' (Cape Times Sept 28 1983)

October 2 In response several thousand Crossroads residents vote to resist removal to K and call on Dr Koorhof to honour his 1978 and 1979 promises by going ahead with construction of phases 2 and 3 of New Crossroads (Cape Times Oct 3 1983)

October 8 WCAB chairman Dr Franco Maritz announces that first phase of K has been extended to include a further 4 000 families; development of their stands in addition to the approved 1 000 will be commenced immediately.

November 31 Cape Regional director of Education and Training, Dr G Merbold announces that no more schools will be built in the existing black townships in the Cape: new schools and additional facilities will be provided only at Khayelitsha.

December 1 Despite the freezing of certain housing, business and education projects in the existing black townships Dr Morrison assures blacks in Langa, Nyanga and Guguletu that the Government had 'no immediate plans to move them to Khayelitsha'.

December 2 WCAB disclose details of the plan for K which is to mushroom into a city for 200 000 within 15 years. Eight suburbs are planned, four on each side of projected railway line. First phase would house 25 000 people and take three years to complete. Government states intention of moving at least 20 000 people from Crossroads.



Crossroads residents cover their faces as they run to escape teargas fired at them

photo: Cape Times, Sept 1983



Administration Board inspectors carry away the frame of a squatter shelter during a raid on the camp. The shelters were put on a bonfire and burnt, but after the inspectors had left, the squatters retrieved some of the branches from the fire.

photo: Cape Times, June 1983

December 6 Crossroads residents reiterate their determination to resist all attempts at forced removal to K. Meantime demolitions of squatter shelters at Crossroads continue. (December 12)

December 27 Violence and faction fights erupt at Crossroads, leaving two dead and 60 shacks burned down. Supporters of Mr Memani flee and squat at KTC.

1984

January 20 UCT summer school course on Forced Removals hears K described as means of creating a 'coloured' buffer zone between white and black, and black spokespersons reject removal threat.

February 2 Commissioner Bezuidenhout again emphasises the 'voluntary' nature of removals to K from

existing black townships. People at Crossroads will have to be 'persuaded' that it will be better for them to live at Khayelitsha.

February 3 WCAB offer to house 'legals' amongst 200 Memani followers squatting at KTC but Mr Memani insists that all are legal and they will move only as a group.

February 8 Dr Morrison rejects a proposed amendment to the Black Communities Development Bill which would include 99-year leasehold rights for blacks in the Western Cape. It was 'old Nationalist policy' that such rights would not be available in the CLP area.

The same day Dr Piet Koornhof states that his Department is taking an in-depth look at leasehold for blacks in the Western Cape.

February 10 Dr Morrison states in Parliament that development of Khayelitsha clearly indicates that blacks legally in the Western Cape were considered permanent . . . despite the fact that leasehold rights will not be available to them.

February 11 The 5 000 sites available at K this year will be for Crossroads people.

February 17 Tenders invited for two contracts of 2 000 houses each, on wet core plus two rooms, 28m²: construction to commence mid April, houses to be completed at rate of 100 each contract per week to end of November. These 'starter homes' could be extended in a controlled self-help scheme (see also Argus Feb 23 1984).

February 15 to 26 Authorities ban all film and television crews, local and foreign, from entering black townships and squatter areas in Western Cape, to 'maintain order and peace'.

March 2 In the Cape Provincial council Di Bishop MPC reiterates warnings given by many community organisations (CAHAC, UWO, etc) against moving so-called coloured families into homes from which Langa, Nyanga and Guguletu residents had been evicted. 'The so-called coloured people know what forced removal is all about. They also despise the fact that they are being used to assist you in establishing the Western Cape as a last redoubt for whites.' (Cape Times)

A survey conducted last year by the Carnegie Inquiry Into Poverty and Development in Southern Africa (SALDRU/UCT) reveals widespread opposition among 'legals' in Crossroads to moving to Khayelitsha. (Cape Times)

March 9 Minister of Transport Mr H Schoeman said that a railway line to Khayelitsha would take 1-2 years to build even if it were approved later this year. (In June 1983 he had said there was 'no finality on a rail link to K'. Cape Times June 18 1983)

Reports were expected by June 30 from the Metropolitan Advisory Board and the Cape Town City Council. Meantime bus fares were receiving a 70% subsidy. Mrs Helen Suzman MP pointed out that people earning R10 per day were still having to spend R3 a day

to travel to and from work.

March 10 The late 1983 freeze on a R2,5 million business development in Guguletu has been lifted and the Small Business Development Corporation is taking prompt action to implement the project. According to community council chairman Mr R Njoli this has 'eased fears of a mass relocation of township residents to Khayelitsha'. (Argus March 9 84)

Had the intention been as benign as the March 30 and April 14 announcements by Dr Koornhof implied, that would surely have been reflected in more moderate and compassionate handling of the KTC, Crossroads, 'Cathedral' and Dunes Squatters. In stead, during April and May KTC became the focus of public outrage at the institutionalised violence of winter demolitions and confiscations of food and medicines.

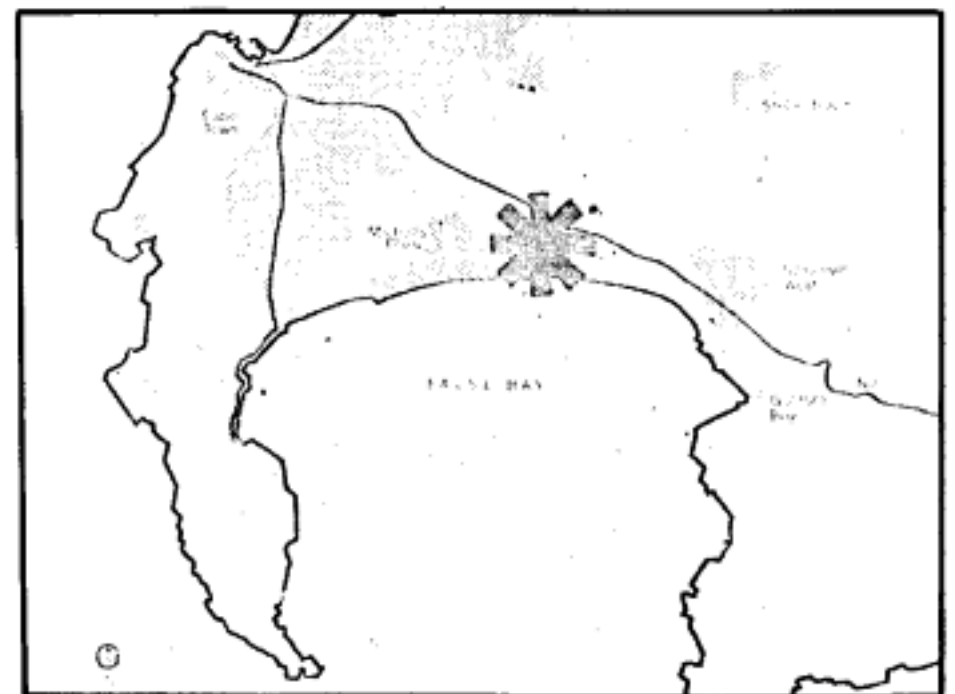
Gentle persuasion . . .

'Motivational efforts' to encourage residents of existing black townships to move 'voluntarily' to Khayelitsha include:

- no further infilling of existing townships; a freeze on development schemes including some already approved eg a Guguletu business centre (unfrozen March 1984); also on Urban Foundation projects and other applications to do with provision for old people and handicapped children; no further schools or school extensions;
- a 25% increase in service charges for all Western Cape Townships (Khayelitsha rentals instituted in March are R10 pm);
- restrictions on use of community halls and even church halls for meetings called by civic associations to discuss Khayelitsha.

By comparison with the perennial shortage of money for the existing townships there appears to be little problem about finding hundreds of millions of rands for Khayelitsha.

The location of Khayelitsha



The big cheat

Sheena Duncan

The Bill amends many sections of the Aliens Act, the Aliens Registration Act, the Departure from the Union Regulation Act, the Admission of Persons to the Republic Regulation Act.

This paper deals only with those aspects of the amendments to the Aliens Act which are likely to be relevant to the work in the advice offices and which could have the most serious implications for black people who are aliens in South Africa.

An alien is defined as a person who is not a South African citizen.

The Aliens Act provides that no alien shall:

- (a) enter or be in the Republic for the purpose of permanent residence unless he is in possession of a permit to enter the country for that purpose which has been issued to him in terms of Section 4.
- (b) enter or be in the Republic for the purpose of temporary sojourn unless he is in possession of a temporary permit issued in terms of Section 5 (1) or unless he has been permitted to enter under Section 7.

Section 7 provides for certain exemptions not relevant to the present discussion.

Permanent Residence permits are not issued to black foreigners who come to South Africa.

The Act lays down in Section 4 (3) that the Immigrants Selection board shall not authorise the issue of a Section 4 permit unless the applicant therefore *'is likely to become readily assimilated with the European inhabitants of the union'*.

A 'European inhabitant' is defined as being a white person as laid down in the Population Registration Act of 1950.

In South African language black people are not 'readily assimilated' with white people.

There are many thousands of black people who were born in South Africa and who have lived in South Africa all their lives who are still foreigners. They have no claim to South African citizenship if both their parents were born in another country because their fathers have never had a right of permanent residence in South Africa even if they have been living and working lawfully in this country for decades.

This is in marked contrast to the children of white immigrants who are automatically deemed to be South African citizens if they were born in South Africa. The difference is, of course, that their white fathers are granted permanent residence permits.

All black foreigners who have come to South Africa from neighbouring countries and who have been given permission to live or work here have *temporary permits* only and are therefore very vulnerable to changes in government policy regarding their continued residence.

The most that they can hope for is that their repatriation will be suspended for five years at a time. If it is not suspended they fall under the 'Two Year Rule' which requires that they spend six weeks in every two years in the country whose citizenship they hold.

They are not eligible to apply for South African citizenship because a permanent residence permit is a prerequisite for the application.

The precariousness of their position is illustrated by what has happened to black Zimbabweans in South Africa since the independence of that country.

The South African government laid down new guidelines for Zimbabweans which dictate that if a black Zimbabwean cannot prove that he has worked in the *same job* since January 1959 or that he has been continuously employed in South Africa since January 1953 he will not be allowed to remain in this country at all, even if his employer wishes to renew his registration in a job he has held for some time.

Hundreds of Zimbabweans have been ordered to leave SA over the last few years.

The screws are also being tightened on workers from the BSL countries. Lesotho citizens for example, must have entered the labour market in SA by 1963 in order to qualify for a suspension of repatriation. This applies even to those who were in South Africa when they were not old enough to start working in 1963. Many of them have never been to Lesotho in their entire lives until they were ordered to go there to obtain a passport at the age when they must be in possession of an identity document.

Women born in a foreign country are finding it increasingly difficult to obtain permission to live in South Africa with their husbands, and this is the case even when the husband is a South African citizen. They now have to ask their own government to apply to the South African Department of Foreign Affairs. The application is frequently refused.

There has been a major cut-back in the number of foreign black people given permission to work in South Africa.

In 1975 there were 646 504 foreign migrants working here. By 1981 this figure had dropped to 301 758 (IRR Survey 1982).

All this means that there are thousands of black aliens in South Africa without permits of any kind. Women come to be with their husbands. Men who have spent their whole working lives in this country and who have married South African women do not leave when they are ordered to go. Their lives have been lived here and their homes established here. Many are very bitter because they know that if they had been white they would have been able to acquire permanent residence and citizenship. They look at their children who are forever temporary sojourners and they observe with cynicism the amendment to the Citizenship Act now before Parliament which will make young white immigrants, born elsewhere, into SA Citizens after five years residence to enable them to be called up by the army.



By courtesy of Rand Daily Mail

It must be remembered that white South Africa actively encouraged and recruited black people from neighbouring countries to come to work here on the mines, the farms and in industry, impoverishing the sending countries in the process.

Now that we do not need them anymore, we push them back across the borders.

This is gross injustice.

It is for these people that the amendments to the Aliens Act promise disaster.

The main Act prohibits a person from giving employment to or 'harbouring' an alien who is without a permit. (Section 5 ter).

The proposed amendment adds on a few other prohibitions — such as on the carrying on of any profession or occupation with an illegal alien, or the letting or selling to him of fixed property.

The really disastrous change is in the penalties to be imposed on conviction of these offences.

- The present penalties are a possible fine of R200 or six months imprisonment.
- The Bill proposes a fine of R5 000 or two years imprisonment for giving employment to or harbouring an illegal alien.

This is where the shadow of the Orderly Movement Bill becomes evident. In that Bill a penalty of a R5 000 fine or 12 months imprisonment is proposed for anyone who gives employment to a black person who does not have a permit to work in the urban area concerned, and a fine of R500 or 6 months imprisonment plus R20 per day for every day during which the offence continues, on any person who gives accommodation to someone who does not have the necessary permits to be present in an urban area between 10 pm and 5 am the following morning.

The new foreigners

The law has denationalised at least 8¼ million black South Africans since October 1976.

When any homeland becomes independent all black South Africans who speak the language of that homeland cease to be South African citizens on the day of independence.

Thus all Tswana, Xhosa and Venda-speaking South Africans are now foreigners in the land of their birth.

THEY ARE ALIENS

The government says it is not the intention to use this amended legislation against the citizens of independent bantustans.

We are not reassured by these statements.

When a new Bill is passed it becomes Law and a person from Transkei or Bophuthatswana is as liable to be arrested and charged as is a person from Lesotho or Botswana or a person from Portugal, Britain or Italy.

It is not good enough that government makes statements about its intention to use this draconian measure only against certain groups.

There have been many broken promises in the past. The Law is not to be made into a matter of selective executive decision.

March 14, 1984

The myth of voluntary removals

**Report to conference by
Aninka Claassens**

Paul Weinberg



'THE ERA OF FORCED REMOVALS IS OVER'

In the last few years senior government officials responding to increasing indignation over conditions in resettlement camps, have repeatedly stated that the era of forced removals is over.

In June 1983 the Deputy Minister of Development and Land Affairs, Hennie van der Walt, told the *Vaderland*: 'I readily admit that we made mistakes in the past. So much so that black communities had to be removed by force and often resettled in critical circumstances. Our biggest mistake was that we did not undertake these resettlement actions in co-operation with the black communities. A lack of consultation between the government and the black people concerned led to numerous unfortunate incidents. In 1980 the then Commission for Co-operation and Development found that resettlement of people where only a tent, hut or bucket latrine were available was no longer acceptable. The days when police had to help load people on to trucks and the resistance which followed certain actions amongst black people are past.' (Quoted in RDM, November 18 1983)

However, there have been no statements that the removal of black people from their homes to areas within the Reserves will stop. Throughout this recent period of 'reform', removals have continued apace. The SPP estimates that at least two million people are scheduled to be moved in the future.

But according to the State they are to be moved 'nicely'. A 1982 government circular sent to all officials in charge of individual removals says: 'In the course of the settlement process, persons must be treated with the necessary human kindness at all times. Those being settled must be treated with respect and with sympathy for their problems, and the impression must not be created that they are no longer welcome in the white areas. The sincerity and reasonableness of the government's policy of separate development must constantly, whenever the opportunity arises, be explained and emphasised. *Under no circumstances should action be taken which would give Black persons reason to be dissatisfied.*' (General Circular No 2 1982, pp 43 & 44)

Thus the State has ushered in the era of 'Voluntary Removals'. How successful will this new approach be? The basic question is whether sweet-talk alone is enough

to convince people to leave their homes and everything they have built up, and participate in their own removal.

Recent events in the Transvaal show that it is not. They also show that the sweet-talk runs out very early in the process of 'persuasion' — in fact as soon as there is any sign of resistance. The State follows a fairly set pattern in dealing with communities under threat of removal. The stages of this pattern involve an escalating use of force. If the Community crumbles at the first attempt to divide it the removal issue becomes lost in a confusion of 'leadership splits', 'tribal disputes' and 'voluntary removals'. Co-operation and Development has kept its hands clean (publicly anyway) and can sigh sadly at the blacks' propensity to squabble amongst themselves. However, if the gentle nudgings of parked bulldozers, no pensions, no passes, smashed schools and no water are ignored, and the people still refuse to move, the gloves come off. The Community is given a D-Day and told that, on that day, they will be moved.

It is at this point that the issue is recognised as a 'Forced Removal' and factors such as local and international support and pressure come into play. It is precisely this arena the State wishes to avoid for its removal programme. In many cases it succeeds; removals become 'voluntary'. Not because the people concerned want to go, but because their resistance is not united enough and well organised enough to bring the force involved in removals into the open. In many cases people are terrified of challenging the State precisely because they know that this will bring force into play. For different and varied reasons some communities crumble at one of the early stages in the process of 'persuasion' and another 'voluntary' removal has been accomplished.

THE STAGES OF 'PERSUASION'

1 The timing

Communities first learn that they are under threat of removal when it is announced to them by the local commissioner and Pretoria officials at a specially called meeting. If there is an immediate strong negative reaction these officials may disappear for years and only return when there is evidence that the community is in a weak position, or there is some evidence of a split in the community.



The hated Jacob More who secretly negotiated the move. Having lived in one of the poorest mud huts at Mogopa, he and his cohorts now live in the best, formerly white-owned houses at Pachsdraai photo: Paul Weinberg

The example of **Mogopa** well illustrates this. The people boast about the number of officials they sent scampering over the years and the way in which they managed to preserve the status quo.

But in September 1981 the tribe voted to depose their headman, Jacob More, for corruption and failing to respond to tribal discipline. The local commissioner refused to accept their decision and created a furore by saying, 'I as a white man and magistrate of this whole area say Jacob More will rule until he dies'. (As an agent of the State President who is Paramount Chief of all blacks, he was legally quite within his power in making the statement). A commission of enquiry was set up to investigate the headman's financial dealings, hundreds of men came to give evidence over several weeks and during this time the Pretoria officials returned and informed the people they would have to move. There was the customary outcry and refusal. But this time the officials did not go away. They stayed to 'negotiate' with Jacob More.

A similar thing happened in **Batlokwa** in the Northern Transvaal in 1979. An area ruled by three chiefs was scheduled to be moved. Two of the chiefs were vehemently opposed to the removal, the third was scared and out of his depth. The government started with him.

With the vast number of South Africans still to be moved the State can afford to bide its time in any particular case and get busy in those areas where there are weaknesses in the community.

2 Divide and rule

Setting up your partner

The State places a lot of emphasis on 'consultation' these days. It doesn't really matter what happens in the consultation as long as it 'occurs'. However, it is obviously much easier for the Government if their partners in con-

sultation are friendly. To this end, in virtually every black spot removal, the person recognised by the State as 'chief' is offered all sorts of perks on condition that he co-operates.

In **Mathopiestad** in the Western Transvaal the chief was offered a big white farm house and proper accommodation for all his extended family at Onderstepoort if he agreed to move there. He did agree, and shortly afterwards died of an undiagnosed stomach complaint in mysterious circumstances.

The people of the semi-rural location at **Badplaas** were ordered to move on Wednesday, January 11, this year. The area designated for them is a tin toilet town 30 kilometres away. It has none of the now usual brick schools and clinics. The people were told they would get a R200 'parting gift' from the Public Resort at Badplaas but no compensation for their houses or improvements. Their chief, on the other hand, was offered a white farm of his choice for the use of himself and his royal kraal, on condition that he did not obstruct the removal of the villagers to the tin toilet town in Ka-Ngwane. (He is Johannes Dlamini, a senior Swazi chief and ex-homeland leader). He refused the offer and not one Badplaas resident complied with the removal deadline of January 11.

At **Mogopa** the removal was negotiated secretly, behind closed doors, between Co-operation and Development officials, Bophutatswana officials and the deposed headman and some of his cohorts, named a 'planning committee'. The Mogopa people applied to their lawyers to have the meetings made open to the villagers. But this never happened. Then in June '83 bulldozers smashed the schools and churches at Mogopa and some of the houses. A minority moved to Pachsdraai. All the facilities at Pachsdraai were given to the deposed headman and his 'planning committee' to allocate. They allocated themselves the white farm houses there. The doors and window frames and roofing materials from the

MYTH OF VOLUNTARY REMOVALS

smashed schools at Mogopa are now in a big shed in the deposed chief's yard at Pachsdraai. Mogopa was bought communally in 1913 and divided equally amongst the buyers. Now the allocation of all the fields and grazing land at Pachsdraai is controlled by Jacob More, a man deposed because of his corrupt use of the tribe's resources.

There are many places where Co-operation and Development officials cannot find leaders prepared to negotiate the removal and so set up certain individuals as their consulting partners. An example of this strategy is shown in the **Kwa Ngema** story. Kwa Ngema is a very fertile and beautiful black spot next to Driefontein in the Eastern Transvaal. A certain Stuurman Ngema was given the land in 1904 by King Edward the Seventh. Since then his heirs and successors have lived there as a large extended family with tenants who hire some of the land from them. As privately owned land, Kwa Ngema is not part of the tribal authority system and the system of chieftom does not apply to it. A loose system operates whereby a member of the family is chosen to be a representative in dealings with outsiders. If this person is seen as unsatisfactory he is changed.

This happened in 1982. One Gabriel Ngema, the family's representative, was rejected by the family because of his willingness to negotiate the removal of Kwa Ngema. He was replaced by the Ngema Committee, chaired by Moses Ngema. Both Gabriel and the Ngema Committee went to the Magistrate in Wakkerstroom to inform him of the change of leadership. And there began a long battle. Co-operation and Development officials continued to deal with Gabriel, for example in numbering houses and organising buses 'to view the new area'. The Ngema Committee has proved its community support to officials in numerous general meetings. Again and again all assembled say: 'We support the Ngema Committee, not Gabriel, we are not prepared to move'.

In September last year Co-operation and Development sent a Government ethnologist to Kwa Ngema. He decided that 'Gabriel Ngema is the successor of the late Stuurman and, therefore, the Government has no other option but to deal with him alone'. This is not how Alfred Ngema, the oldest person at Kwa Ngema, sees the situation: 'Gabriel is not a chief, and they are wrong when they say that if our chief leaves we must also go. Gabriel's role was that of being a watchman, the same as a security guard at a firm. I don't remember a single case of a security guard selling a firm. Even that role of being a watchman he no longer has. We threw him out in 1982 and he knows that very well. That is why he wants to move, he wants to ruin everyone here because he has no power over us since his position as a watchman was cancelled. He has never ever been a chief in any way. They know he was put to one side by the people. Let him go in a bus by himself on the 15th to those new places he wants to see.' Gabriel Ngema died in February 1984. As yet there has been no indication from the State as to what its next step will be.

The most recent, and one of the most disturbing examples of the setting up of leaders, is taking place in **Driefontein** at the moment. Driefontein is the black spot in the Eastern Transvaal where the resistance leader Saul Mkhize was shot dead when police arrived at a com-

munity meeting on April 2 last year.

After his death Koornhof had a meeting with representatives from Driefontein. He met not only the Council Coard of Directors (Saul Mkhize's committee), but also Steven Msibi and his committee which had been ousted by the community in December 1982. Koornhof urged the two groups to come together and form a 'Planning Committee' to negotiate with the Government. On June 4 the Chief Commissioner went to Driefontein and held a meeting there in an attempt to establish the committee. He was informed that the people were not prepared to elect such a committee, or participate in it. After that meeting there was a long silence from Co-operation and Development with no officials visiting the area or dealing with 'leaders' of any description.

Then on February 27 this year an unidentified Government official, accompanied by four policemen, held a meeting in Driefontein. Three chiefs from the wider Piet Retief area were invited, as were some people from Iswepe and Piet Retief. A member of the Council Board of Directors sat in on the meeting, although the Driefontein people were not invited to this meeting, which was on their land. The member reports that the official told the chiefs to recruit Driefontein people to be their followers. The Driefontein Committee is furious. They have never been governed by chiefs, nor did they invite these people to have a meeting on their land.

Thus we see how when a true leader is killed, and a discredited leader refuses to co-operate, new leaders are made.

The process of dividing communities by setting up, bribing and manipulating leaders is generally effective, from the State's point of view. Once a 'leader' has agreed to move and the new area has been bought and developed by the State, the resisters, even if they are in the vast majority, are utterly insecure. It is a primary necessity for the State that someone agree to go somewhere. Then that somewhere can be developed and the physical removal set in progress. This explains the strong focus and convoluted manoeuvring around the leadership issue.

But there are other methods of dividing communities.



'My name is Alfred Ngema and I want these things to be known because they are causing suffering'. An interview with Aninka Claassens
photo: Paul Weinberg

Legals and illegals

An unknown number of the locations of country towns have been moved and are under threat of removal at present. Field work is just beginning to uncover the vast scale of these removals. Sometimes the whole location is meant to go into a nearby homeland (eg Badplaas), in other cases a kernel of people is to be retained in a model township and the rest endorsed into a homeland. This is the situation in the Eastern Transvaal township of **Leandra** where the 'legals' are going to live in a model township and the 'illegals' are to be sent to Kwa Ndebele. The township is a settled community and the people there say that there are no 'illegals'. But right now Administration Board officials are sorting Section 10 (1) a and b people from the rest.

Landlords and tenants

Virtually all black spots are densely populated. This is because they provide a haven for blacks evicted from white towns and farms. Sometimes these people live as farming tenants and sometimes as refugee-guests, 'squatters' in Government terminology. Officials often try to drive a wedge between these people and the original occupants who have title to the land. In some cases they offer the landless access to land in the new area; for example, a high proportion of the Mogopa people who moved to Pachsdraai were landless. In other areas they move the tenants before the landlords, for example, at Matjahaneng, near Brits. This leaves a few now vulnerable landowners to be dealt with at leisure.

Men and women

Officials often visit threatened areas during the week while the men are away at work. They end up dealing with the people left at home — the very old, the very young, and women. Often the women ask the officials to return at an arranged time over the weekend and they refuse. This can work both ways. In Mogopa it appears that many women agreed to move. In Makgato (Northern Transvaal) the women picked up spades and picks and drew a line between themselves and the officials, and said: 'You cross this line by your own decision'. They didn't.

One at a time

The majority of people moved have been moved as individual families, one by one off white farms, or out of locations. Those are the saddest and most lonely removals of all. They happen with eviction notices and endorsement-out stamps. They generally happen to people with no legal rights. Often these people refuse to leave their houses, or they are arrested, or their houses are burnt down, but in the end they have to go.

Late last year all the people in Driefontein and Kwa Ngema got individual letters from Co-operation and Development asking them to visit the Magistrate in Wakkerstroom. Oddly enough, this strategy was short-lived — on arrival in Wakkerstroom the Magistrate refused to see them.

Stratification

The 1982 Government Circular quoted above lays down the conditions under which people will be 'resettled'.

Those who own land and have urban rights get tarred roads and lots of taps. Those with more tenuous rights get less and less. At the bottom of the pile are evicted farm workers, who get dumped in the veld with nothing. What this means in practice is that some people may be moved to make way for others further up the hierarchy.

The Kwa Ngema people have a deed of gift which shows that the farm Kaffir-Loctie is for their occupation. Black spot dwellers such as they, are meant to be moved to equal land with equal resources, and they have been offered **Lochiel** as their new area. But there are already people at Lochiel who have been living there for close on a century. This community has no title deeds. They have been told that they are to be moved into Ka-Ngwane to make way for the Ngema people who want (!) their land. The Lochiel people would leave behind their land, on which new schools would be built for the Ngema people, but no new schools would be given to the Lochiel people in Ka-Ngwane.

These divisions have a debilitating and disorganising effect on communities under threat of removal. But in all the communities we know about, people have continued to resist despite the attempts to divide them.

When the attempts to divide fail to get rid of the people the State brings the next stage of 'persuasion' into play.

3 Restrictions in the threatened area

Prohibiting meetings

In many cases the people resisting removal are not allowed to hold public meetings to discuss their situation and plan their response — even when these meetings are indoors on their own land. At Mgwali in the Eastern Cape the only public means of communication is through church services. Saul Mkhize was shot dead on Easter weekend last year while addressing a meeting inside the school grounds at Driefontein. The meeting was 'illegal' because he had not applied to the Magistrate for permission (An earlier application for permission had been granted on condition that only 'landowners in Driefontein will attend the meeting'.)

Recently at Kwa Ngema a meeting of residents held under a roof, in the school, was told to disperse because the magistrate had not been applied to in advance.

'Creating slums'

In some cases communities have been resisting removal for over 10 years — and in these years the facilities in the area, such as schools and roads and clinics, are not extended or maintained by the local authorities.

In Driefontein people collected money to improve the roads and gave this to the Wakkerstroom Commissioner. No improvements have been made and in bad weather it is impossible to drive from one end of Driefontein to the other. Critically sick people have to be carried out.

In **Huhudi** in Northern Cape the residents have tried to take matters into their own hands, but no-one is allowed to so much as add a room to a house or fix a broken wall. This strategy is particularly effective in urban areas. Families have to squash more and more people into already over-crowded houses because no new ones

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are being built. In desperation people move away.

The East Rand Administration Board has not had the 'finances available' to provide housing on the Reef, but has just built a model township at **Ekangala** in Kwa Ndebele near Bronkhorstpruit for Section 10 people who will have to commute 90 kms to work and lose their urban rights in the process. People are moving there, some we spoke to said they had been on housing waiting lists for many years. During that time they were squashed into township houses with other families. Poorer people, who don't have rights and come from white rural areas go to a less fancy place, Hartebeesfontein, near Brits, where the lucky get a tin shack, the less lucky a tent, and most a bit of veld.

One old man in Huhudi was three times refused permission to fix his roof. In desperation he repaired it, for which he was arrested, fined R40 and jailed for five months.

Cutting off services

The degeneration of the place where people live influences some people to go elsewhere, but I don't know of any case where it has persuaded people to move en masse. Those remaining can now expect that their existing services will be cut off.

In **Mogopa**, for example, pensions were not paid, annual labour contracts were not stamped, the bus service was cut off, and shop owner's licences to trade were not renewed. In early January 1984 the Mogopa committee managed to correct most of these problems by confronting the local magistrate at various times. It now appears that he succeeded in lulling them into a false sense of security so that no-one would expect the pre-dawn police blitz and forced removal on February 14.

There is an ongoing battle in Driefontein to get pensions paid and young people issued with reference books, and no easy solution is in sight.

If the community refuses to move after a non-representative 'leader' and a small band of followers have left, the schools and churches used by those remaining behind are smashed down.

When Jacob More left Mogopa to go to Pachsdraai in the middle of last year only about 10 families went with him. (Because all his negotiations with the State thus far had been secret, very few people knew what was going on). After this rather feeble exodus a new effort was made to convince people to leave. It was during this time that women were approached during the week and told they must agree to have their houses numbered. The majority refused, but some agreed. Lorries came to fetch them, and bulldozers smashed their houses as they left, then the bulldozers moved on to the schools and the churches. Officials took the engines from the water pumps away and the story goes that Jacob More threw diesel in their remaining water. The bulldozer was left camped next to the demolished school.

The same thing happened at **Makgato** in 1979. There the people were able to run away and stay in neighbouring villages when the officials came. After their houses

were smashed down they came back to rebuild them. Eventually they won a reprieve from the Government and Makgato is now a settled flourishing community once again.

The neighbouring Batlokwa villages were sufficiently well organized to resist removal. In 1979/80 their protest was backed by sustained publicity here and overseas. Partly because of this, mostly because of the strong internal cohesion of the tribe, and partly no doubt because the Lebowa boundaries could be redrawn around them, they have been left alone.



'Hold our hands.' Recognising Sash members on the roadside, the Mogopa people cry out to them, 'We are being taken away. What is going to happen?'

photo: Paul Weinberg



Gill de Vlieg is told how the 'peaceful and orderly' move took place. An old woman on this bus told how she was sitting in her home and was picked up bodily by four men and flung into the bus 'like a pig.' Earlier that day, she and photographer Paul Weinberg had visited Pachsdraai where they had been arrested and charged with illegally entering the area. They had found old Mr Isaac More sitting among his belongings in the heat and dust outside a tin hut, so dazed that he was unable to recognise them. The next rainfall would ruin what had taken a lifetime to collect — wardrobes, chests of drawers, table and chairs and a piano.

photo: Paul Weinberg

4 D-Day

If the cutting-off of services doesn't work, the Government brings the use of force a little closer. The **Badplaas** people are meant to have moved about a year ago, but not one person has left. So in November 1983 Co-operation and Development brought a removal squad and camped it at the entrance to the location. Scores of lorries, buses and tractors are lined up next to the tents where Co-operation and Development labourers sleep. Notices were issued to the villagers that they must move by January 11. Still they didn't go. Instead the international press converged on Badplaas on January 11 and nothing happened.

The same D-Day tactic flopped in **Mogopa**. There the villagers took legal action to have the removal squad parked on their land removed — on grounds of trespass. They were successful, but immediately the camp was dismantled they received an Order signed by the State President and Dr Koornhof that they must leave Mogopa by November 29 1983 and never return there. The Commissioner who read the Order told them that if they didn't leave then they would be loaded up and moved by force.

There was an international outcry and church leaders, political groups, students, the Black Sash and press camped at Mogopa waiting for the police and trucks to arrive. Needless to say they changed their plans and did not come, then.

5 The waiting game

What does the State do once they have smashed the schools, stopped the transport, cut off the water, threatened force — and people still refuse to move? One of the most effective things to do is to do nothing. It waits. There is a limit to how long people can live without schools, without pensions, without migrant labour contracts and with daily uncertainty about their future. If it is a matter of who can sit it out, the State is the more likely winner.



The people were adamant that they could not stay here, and with the help of Churches, the Black Sash and young volunteers, in hired and borrowed trucks most of them moved during the next month to Bethanie. Despite lack of water, grazing land or any other facilities, it is at least nearer to towns where job opportunities might emerge, and far away from the hated Jacob More. However, they are now understandably having difficulties with the people who were already living there.

After the June demolitions in **Mogopa** families began to drift off. Not to Pachsdraai and the hated Jacob More, but to relatives in Bethanie and on the Reef. This meant they got no compensation, either for their land, with its white-owned diamond mine, or for their houses and all the communal improvements their families had contributed to since 1913. It makes the removal cheaper for the State. (One wonders why Pachsdraai cost R8 million, according to Koornhof).

However, in early December the Mogopa villagers met together and decided they would take joint action to rebuild Mogopa. They installed a new pump and collected money to start building a new school. People stopped leaving. In January they went to the Commissioner about the pension and pass problems and managed to solve these. On January 9 they began rebuilding the new school and fixing the roads. Men and women left their jobs to work full-time on the reconstruction of Mogopa. Within a month the school was finished. Everyone was convinced they would be left in peace. Hadn't Louis Nel (Deputy Minister of Foreign Affairs) told them in front of the foreign press that they would not be thrown out into the street? Hadn't Koornhof said that the era of forced removals was over? But more immediate than any other reason — hadn't they suffered enough?

Through their great courage and hard work the Mogopa people had won the waiting game. So the government had to act.

6 Brute force

In the early hours of February 14 Mogopa was surrounded by armed police. At 4 am the people were informed through loud hailer (by Jacob More) that they must load their possessions into trucks and go to Pachsdraai. Nobody was allowed to leave their houses. Jacob More took the police and the officials to the houses of all the leaders first. They were handcuffed and put into police vans. Their families refused to pack their possessions, Government labourers did so. Women were carried onto the lorries and buses. People tried to run away and children were loaded with the furniture and despatched to Pachsdraai. All of this happened in the presence of scores of armed policemen who had dogs at their disposal. People caught standing together outside their houses were beaten with batons. Parents desperate to find their children got on to the buses to Pachsdraai to look for them there.

No outsiders were allowed into Mogopa. The press, diplomats, priests, lawyers and members of the Black Sash, were turned back at the entrance to Mogopa. Those who managed to sneak in through the back door were caught and charged. The police initially said Mogopa was an 'Operational Area' but subsequently corrected this; they said that since it was black land, no whites were allowed to enter — excepting the police, of course, and the white farmers who had free access in and out to buy the people's live-stock at a tenth of its value.

Here we are, back in the era of forced removals

So here we are, back in the era of forced removals. But we must realise we never left it — force underlies every

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step of the 'process of persuasion'. To talk about 'Voluntary Removal' is a contradiction in terms. Dr Koornhof's own words indicate the contradiction. He said in Parliament in February 1983: 'I therefore want to tell the honourable members that when they rise to their feet here and try to make everyone believe the falsehoods which they wish to bruit abroad about thousands of people who are going to be moved, as was said again this afternoon, when they also imply that those are forced removals then they do not know what they are talking about.' Yet, significantly, in the same speech he said: 'I am on record as stating that the government and I will do everything possible to abolish the forced removal of people *as far as practicable and possible*'.

There are laws remaining on our Statute books which make talk of reform and voluntary removals utterly ridiculous. There is the 1927 Black Administration Act which states that the State President may order any black tribe or black person or group of blacks to move from any area to any other area. This law takes no account of any process of expropriation, compensation or negotiation. In the Mogopa case lawyers argued that the order must be discussed by Parliament before it could be executed. The Supreme Court rejected their argument and the lawyers were refused leave to appeal against this judgement.

There is also the Black Prohibition of Interdicts Act of 1956, in terms of which black people have no common law right to apply for an interdict to stop a removal, whether the removal be legal or not. There are too many laws like these to list them here. They are described in Volume I of the Surplus People's Project Report on Forced Removals.

However unequal the struggle, in terms of the law, in terms of the State's access to military and police force, and its access to money and resources, people continue to resist removal. They know too much about the lives of the 3½ million people already moved to accept the same fate meekly.

The **Mogopa** people have lost their land, their diamonds, and a great deal of their livestock and furniture, yet they continue to resist the government's plans for them. Within a month they had left the hated Pachsdraai and gone to settle in Bethanie, the home of their paramount chief. Because no-one is allowed to enter Mogopa now the Mogopa people had to get special permission to go back there recently. The purpose of their visit — to break down their brand new school which was left standing there. The same people who built it went to fetch the roof and the door and window frames. They are using these to build again in Bethanie.

from MOGOPA

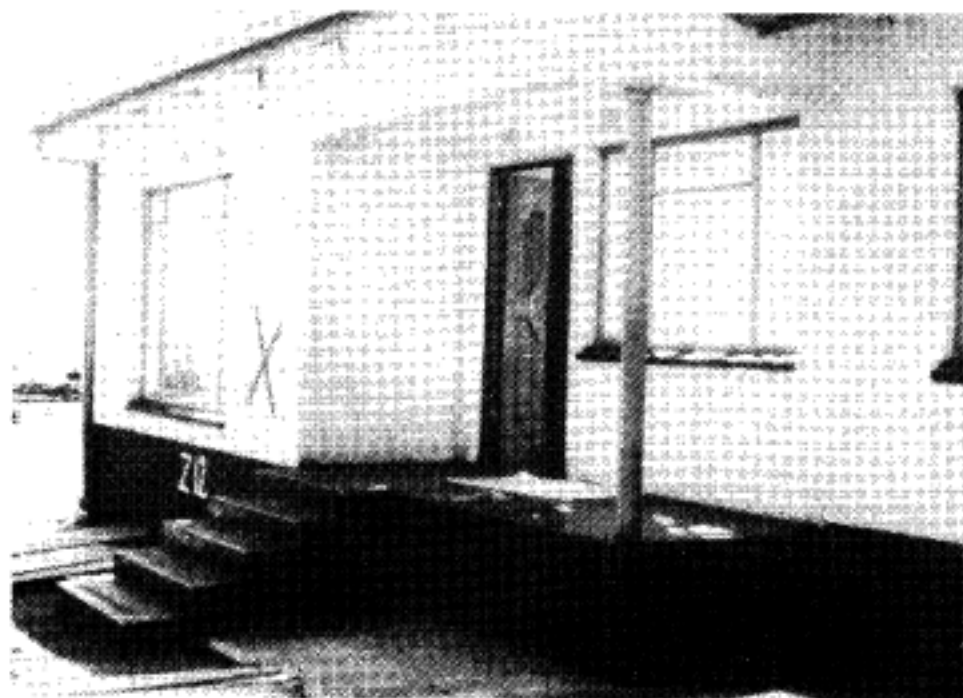


Above: The house of Elizabeth Kgatitsoe. A shop-owner, she was told by Jacob More that she would never get a trading licence at Pachsdraai.

photo: Gill De Vlieg

R: Philip More's house before and after

Twenty one years of saving and the laborious transport of building materials went into Mr Philip More's house at Mogopa. With seven large rooms, it had a bathroom and separate toilet nearly completed. For this and his mother's four roomed stone house and kraal he was given R24 000 in all



to BETHANIE

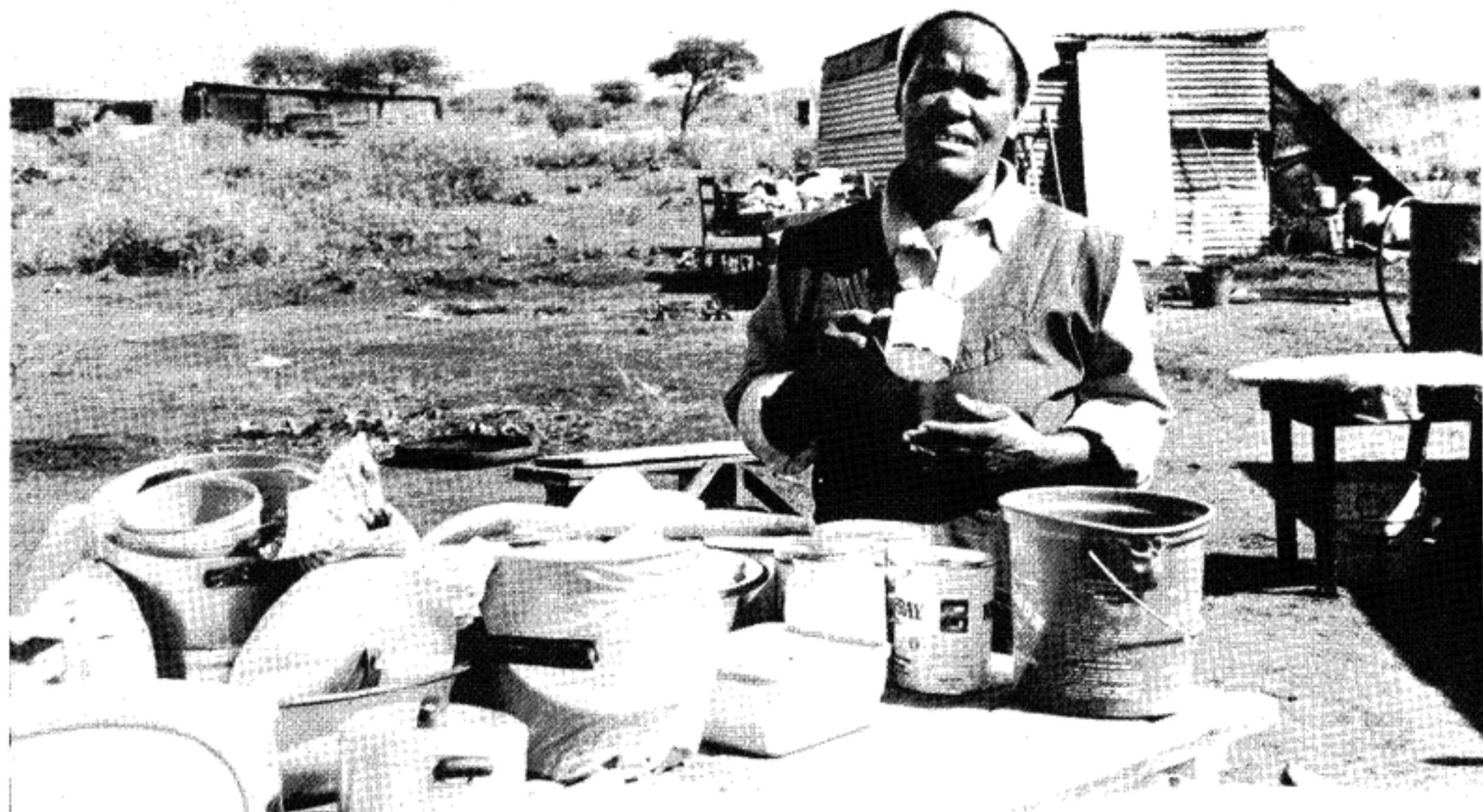


Photo: Gill De Vlieg



Susan and Catherine More do the best they can at Bethanie. They used to live in a six-roomed house with a veranda and two outside houses. Judging from the amounts paid to others, they estimated their compensation would be roughly R12 000. But they were erroneously given R3 460 for Mr Alan Mashabela's house and he got the money for their house. When they complained they were told to sort this out themselves. This picture was taken when delegates to the Black Sash National Conference visited the area.



Black Sash field worker Marj Brown talks to Mr Piet Mosweu, who was paid R1 971 in compensation (in all) for two houses, one with five rooms, the other with four. With her back to the camera is Mrs Boikanyo who lost four oxen in the move.

Compensation? *Some examples from the Mogopa removal*

No 'outsiders' were allowed into Mogopa. Apparently exempt from this ban were neighbouring white farmers who entered without hindrance. They left with trucks full of sheep and cattle, bought at giveaway prices. They sent their cattle in to graze in the fields of mealies, sunflowers and beans.

Some cattle prices: Mr Benjamin Modisakgosi sold two head of cattle for R190. Mr Ishmael Makhayane got R150 for three cattle and two calves. Mrs Harriet Voyisa got R700 for four cows. (At rural auctions milking cows fetch R600-R700 each)

Valuable possessions were left behind and most were never found — cows, oxen, goats, harrows, ploughs, basins, building and fencing materials, even tractors and cars; also stoves, wardrobes, dressing tables, radios. (Sash field workers have detailed lists of lost and broken possessions.)

Some house prices: Samuel and Elizabeth Pooe had an 8-roomed house consisting of four bedrooms, a bathroom, dining room, kitchen and front room. Plastered inside and outside; it had a corrugated iron roof and the kitchen floor was tiled. They received R6 629 in compensation. Mr Benjamin Mokgatwe had a five-roomed brick and stone house, for which he received R1 812. Mr Gershon Rampou had a six-roomed house with an outhouse, nine peach trees, a kraal and a reservoir. He received R1 300.

Due no doubt to world-wide publicity the compensation for individual Mogopa houses was much more substantial than was paid at any other removal we know of — but clearly not enough to replace anything like the original homes, to say nothing of the uncompensated loss of life-supporting fields, crops, mineral rights and position.

Often compensation money is used up on living expenses and the battle for survival in resettlement camps.

Easter weekend at Driefontein

the anniversary of the fatal shooting of Saul Mkhize

On Easter Saturday this year, visitors cars, surrounded by helpful residents, could be seen struggling at less than walking pace along Driefontein's neglected roads. Others were abandoned as their occupants, fearing they would tip over into one of the many deep dongas along the way, decided to walk to Saul Mkhize's home at the top of the hill. Churchmen, members of the Black Sash and the press went there to take part in a commemoration service for Saul, who last year, in the middle of the Easter weekend, had been shot dead by Constable Nienaber.

A year ago it had been easy to get to Saul's house along a short road running along the top of the Driefontein hill. This year construction on the new dam had cut off access to the top end of Driefontein. Bridges and roads not being a priority for voteless people, let alone a community due to be removed, it is now a major adventure for a vehicle to reach the upper regions of Driefontein. After heavy rains whole areas are inaccessible and sick people have to be carried out.

Just after Easter, a year ago, crowds had come from Johannesburg for Saul's funeral, somewhat bewildering the local people who were partially pleased and flattered, partially resentful when young urban leaders of

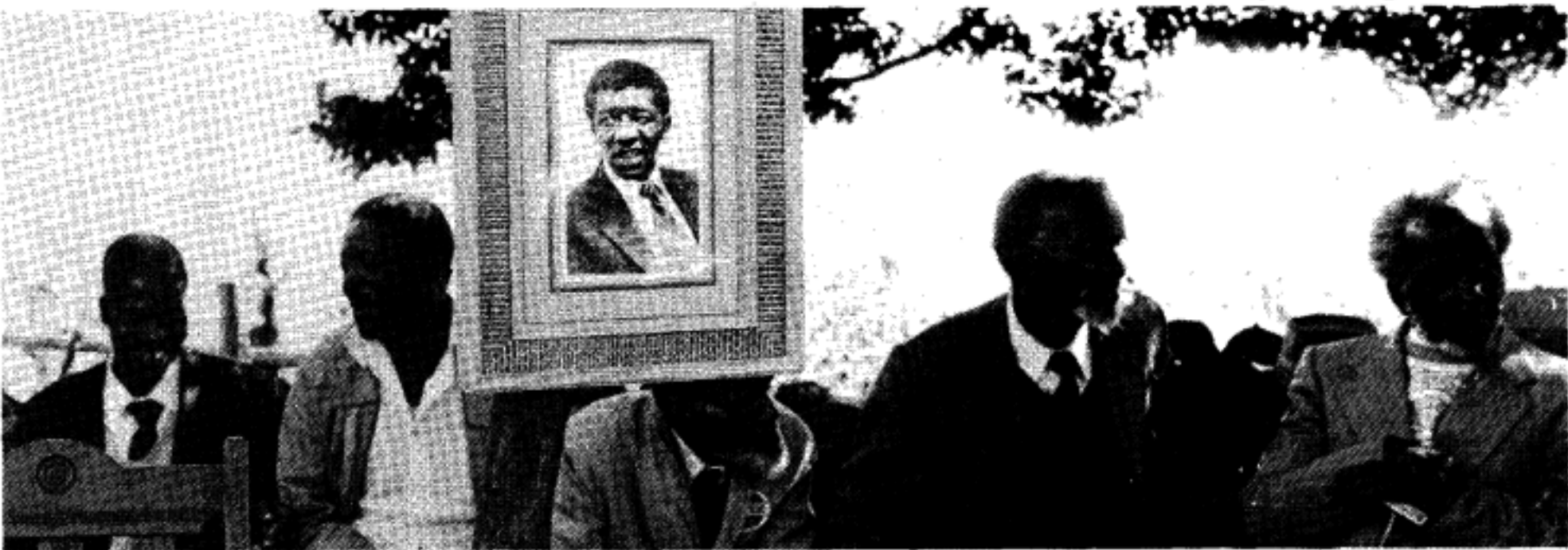


Constable Nienaber

photo: Gill De Vlieg



'The Black Sash cannot arrange for Constable Nienaber to be re-tried' explains Aninka Claassens. She re-iterates that lawyers and Sash are powerless to prevent forced removals and are no substitute for community organization
photo: Ingrid Hudson



Easter Saturday — the old men sit under the fruit trees around a photograph of Saul Mkhize, still discussing the Nienaber trial
photo: Ingrid Hudson

COSAS and the Workers Support Committee took over the proceedings and saluted 'the hero Mkhize' with clenched fists and freedom songs.

Now a year later, after a night of prayer and song, the community conducted a traditional commemoration service. It was a heavy day, for Saul's death had heralded a shattering year for the people of Driefontein, Daggakraal and KwaNgema.

A fortnight previously, on April 2, the anniversary of the day he was shot after an argument as to whether a meeting held within the school grounds was legal or not, Constable Nienaber had been found not guilty of his murder and not criticised for his conduct on that day.

Mr Justice J O P de Villiers had said there had been not one aspect of Constable Nienaber's evidence with which a Court could say it was not impressed. Saul Mkhize, he said, had been 'an arrogant, somewhat impolite man with a strong personality'.

Two other trials held during the same Volksrust Court Circuit (detailed on pages 31,32) had been equally traumatic for a community already shaken by all the usual official tactics which are beamed onto communities under threat of removal — the delay or withholding of services, pensions, permits, and licences, the constant intimidatory police presence, searches and as-

saults, and attempts to set up stooge leaders. All this combined with several other violent events during the year had bitterly estranged these quiet people, who two years ago had had unquestioning faith in the processes of law and order.

Throughout the trial the security arrangements there had hurt them deeply. It seemed to them that *they* were treated as the aggressors. Their group of mostly elderly people had been searched and closely guarded by heavily armed policemen. Windows had ostentatiously been opened on a freezing cold day after whites had complained of the smell in the courtroom. With doors being locked and unlocked as they entered and departed, they had been crowded onto the back benches of the court. They saw their Sash friends and members of the press treated with equal antagonism and suspicion: some had been searched while others were expelled from the Court for wearing trousers, even for not wearing closed shoes. They had watched Constable Nienaber laugh and joke with his friends during the court recesses.

The Court interpreter had not been able to keep up with the Judge during the summing up so they had barely understood his reasoning and afterwards many of them were not even aware that the trial was over, but thought the Court had adjourned for lunch. When finally they understood that Nienaber had been found not in any

way guilty they stood aimlessly on the pavement or sat in small groups on the grass, too stunned to give coherent interviews to an overseas television crew.

One of Saul's widows, Angelina, suffering from rheumatoid arthritis and hardly able to move, gathered her three sons around her and wondered who would now support them. Beauty Mkhize climbed into the bus and wept bitterly. It was bad enough that her husband had been shot and that her home and community would probably soon be destroyed. She also had serious problems with her son Paris who had been badly assaulted by men who had identified themselves as policemen, just before Saul's death — and the humiliations of the last week had been just too much. Apartheid had destroyed her life, and she was different, now. When asked if she had expected any different verdict at the trial she replied 'No'.

Back home at Driefontein, the people expressed their pent up anger at the shooting of their leader and the behaviour of the local police.

'What we cannot understand is that Nienaber admitted that he shot Mkhize, he actually agreed to that, and yet the Judge left him to go free. They said that Mkhize was killed because it was an illegal meeting. How could they say that? They shot him before the meeting even began, so how could they know what the meeting was going to be about or that it was an illegal meeting? They came with five guns and three teargasses which shows they were planning violence before they even got to Driefontein. The Judge asked about the Council Board of Directors and the removal in the trial — why did he do that? The trial was about one man killing another not about these things. In fact they wanted to say that Mkhize was guilty not Nienaber. Why did they come prepared to kill Mkhize? Because he was our leader and we loved him and respected him. So they thought that if they killed him we would leave Driefontein. But we never will, unless they can wake up Mkhize and he leads us out of this place. Otherwise if they are so desperate for our land, they better shoot us all dead here and then take it for the whites.'

Other families had been dealt with violently during the year by police and neighbouring whites, and there was now a bitter solidarity among the villagers who seemed to have developed the courage of despair. They said to

Aninka Claassens, "We are like dead meat now. We can be shot at any time, quite freely. We are like birds in the sky to be aimed at. If we shot a wild animal on one of the white farms we would go to jail for a long time, but the whites here can kill a human being and be congratulated.'

Meetings are virtually never permitted in Driefontein (or in other communities under threat of removal) so it is difficult to organize any cohesive protest or resistance. But the people of Driefontein, Daggakraal and KwaNgema are determined to resist removal and to act cohesively in support of each other. They plan in future to systematically chronicle and take up with lawyers all injustices and irregularities that occur in their area.

And so, this Easter, the Driefontein people commemorated their afflictions and, fearing the attentions of a now triumphant police force, contemplated an even more difficult future.

After the service Beauty gave everyone a delicious lunch on the terrace under the fruit trees — stew, salads made from her vegetable garden and her famous bottled peaches — the kind of meal that won't be possible if she and her neighbours are removed from these benign surroundings. Enjoying despite everything the soft hazy beauty of Driefontein and of Africa, we wondered where everyone will be, this time next year.



*Angelina Mkhize at the Nienaber trial with her three sons
photo: Gill De Vlieg*



After the commemoration service, the talking begins

photo: Ingrid Hudson

Life in the deep Transvaal

Driefontein during the year after Saul Mkhize died — as told to our members and field workers

April — Some time before April 2, the police came one evening to the house where **Lina and Philemon Mzizi** lived. They searched the house for dagga and did not find any. Mr Mzizi then said he wanted to go outside, to the lavatory. A policeman went with him. Shortly after that Mrs Mzizi heard two shots (at about 8 pm). She stayed inside. At about 10 pm the police came inside and told her she must come with them in the van. She got into the back of the van and found the body of her husband. She felt him and he was dead.

When they got to the police station (Amersfoort) she asked the police about her husband and they said they were taking him to hospital. She was locked up for a few days. Then she appeared in court in Amersfoort. In Court a small boy from Daggakraal answered some questions. Then the magistrate spoke to her. When he discovered that she didn't know what had happened to her husband but she believed that he had died, he was angry with the police and stopped the case. She was left to go free and has never heard of any follow-up action since then.

In May — **Mr Timothy Themba Manana** and his father **Mr Absalom Manana** were arrested as stock theft suspects and interrogated at the Dirkiesdorp police station. Timothy Manana was later found dead in his cell. He and his father had been assaulted and given electric shocks. The four policemen involved were charged with murder and attempted murder. On April 4, at the Volksrust Circuit, Mr Justice JOP de Villiers, found the policemen could not have foreseen the death of Mr Timothy Manana as a result of their assault on him. He said the electric shocks had been administered by a 'low intensity apparatus.'

Warrant Officer Gert Johannes Coetzee, for his assault on Mr Timothy Manana, was sentenced to three years imprisonment, suspended for five years and fined R1 000 (or one year).

Warrant Officer Christo Hattingh (33) received a three-year sentence suspended for five years and fined R1 000 (or one year) for assaulting Mr Timothy Manana. He was sentenced to another three years, suspended for five, for the assault on Mr Absalom Manana, with no fine.

Constable Dirk Kruger (19) was sentenced to three years suspended for five years and fined R500 (or six months) for assaulting Mr Timothy Manana. He was given three years, suspended for five, for this assault upon Mr Absalom Manana.

A fourth man, a black constable, was found not guilty and discharged.

Slamming the sentences, a Sash press statement says:

'The sentences seem startlingly low. One would hope that the Commissioner of Police will now reassure the public by announcing that all the policemen concerned, who are clearly totally unfit to be policemen, will be forthwith expelled from the force and never employed again as policemen.'

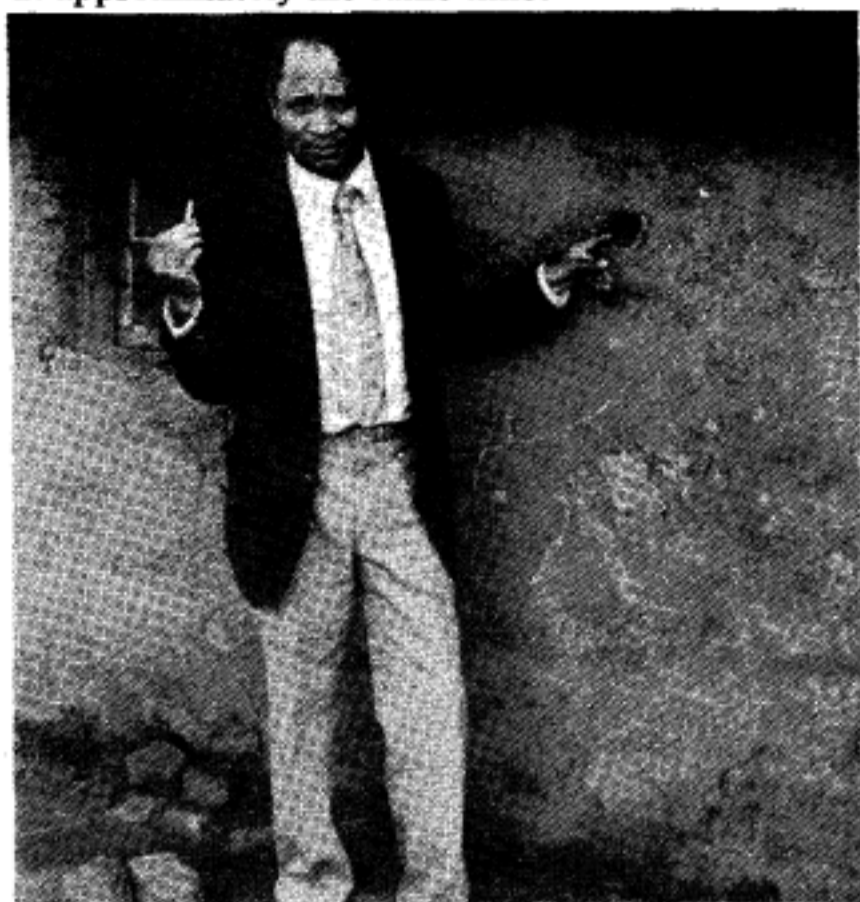
In May — **Zaphaniah Sibanyoni** was arrested at the same time as Timothy Manana. He was taken into custody by the police on approximately May 2, and died in the cells at Dirkiesdorp police station on May 4. His parents were informed some time later but were not told where his body was, and eventually with Sash help they engaged a lawyer to help them find their son's body. The lawyer, Cathy Satchwell, eventually discovered that the body had been brought to Johannesburg where a post mortem had been conducted and that the body had then been returned to a town where, in fact, neither the deceased or his parents lived.

In his post-mortem report Professor Scheepers concluded that the cause of death was possibly an epileptic seizure. His family were surprised at this conclusion and said he had never suffered from any sort of seizure. A private post mortem was arranged, from which Dr Jonathan Gluckman concluded, 'It is difficult to explain the incised wound on the left eyebrow and the fresh abrasions in that region. No comment has been made regarding the possible age of the abrasions proximal to the right index and ring fingers. Presumably this description applies to the back of the hand. . . . While one cannot exclude the possibility of death being due to an epileptic seizure, there is no definitive evidence whatsoever of this.'



*Zaphaniah's parents : Mgoti and Tabita Sibanyoni
photo: Ingrid Hudson*

Consequently Ms Satchwell has written to the Deputy Attorney-General of the Transvaal, Adv D'Oliveria pointing out that Timothy Manana had also been arrested at the same time as Sibanyoni, had been detained at the same police station and had died at approximately the same time.



Holding up the bullet casing Shadrack Nxumalo points to the bullet hole in the wall of his house

In October — Shots were fired into the house of Mr Shadrack Nxumalo, a teacher on a mission school and part of a community in the process of being ejected from a white-owned farm. The community were refusing to move because they believed they had a legal right to remain, and farmer Dietrichs had begun to eject them forcibly. Mr Nxumalo reported to the police that he had seen Mr Dietrichs walking away from his house after it had been hit by two bullets. The police had confiscated his gun but taken no further action.



Nobathakathi Mavimbela.

photo: Gill De Vlieg

THE MAVIMBELA'S — a story of Everyman

In October — Mr Mandla Elphus Mavimbela was shot and killed by a farmer, Mr J Delpont who had accosted him and accused him of trespassing across his farm. Mr Delpont told the Court that he had fired three warning shots with his revolver, one of which hit and killed the horse. He testified that he had his finger on the trigger when he stumbled over a rut in the road. The gun went off and Mr Mavimbela collapsed.

The magistrate Mr J D Jaquiry ruled that Mr Mavimbela's death was accidental, although Mr Delpont had pleaded guilty to culpable homicide. No alternative charges were put. Mr Delpont told the Court that trespassers had pushed his fence down and opened the gate between his farm and his neighbour's. (From a report in *The Star*, March 23 1984). The proceedings took one morning.



Mr Mandla Mavimbela worked on a farm in the Wakkerstroom district. His family lived with him and he was allowed to grow crops and keep some cattle. On Sunday October 9 1983 he went on his horse to go and look for another farm on which to live. He did not return on Sunday night. On Monday morning the police from Wakkerstroom came to Mrs Mavimbela and asked her where her husband was. They said she must come and look in the van — and in the van they showed her her husband's body. The next day at the Wakkerstroom police station they told her what they believed had happened, having taken a statement from the Delpont's.

The Delponts, father and son, work on a farm owned by a Mr Killelan (our field worker could not quite catch the name). They knew that black people used to cross the farm. So on Sunday December 9 they decided they would both sit on the stoep of their house and wait for the next person. They saw Mr Mavimbela on his horse in the road and presumed he had crossed the farm. They shouted to him to stop so they could talk to him. He didn't answer. They shouted again, he didn't answer. They shot him when he began to move off. They shot from behind him and the bullet went through his buttock. Another bullet went into the side of the horse. They loaded his body into their bakkie and took him to the police at Wakkerstroom.

The police told Mrs Mavimbela she must bring money for a coffin. She said she had no money. The police told her she must go and ask the Delponts for a coffin, and subsequently delivered her husband's body to her house. The family went to see the Delponts who gave them money for a coffin and food and mealie meal. On November 4 Mrs Mavimbela went to the Delponts to ask for help with ploughing, explaining that since her husband was dead she had no means of ploughing and she was asking for help from the people who had killed him. Mrs Delpont replied. 'I don't want any of this talk. If your husband had been killed by lightning, would you ask the lightning to plough your fields.'

**The structure of the law is loaded against
blacks (Nic Haysom) so, increasingly:**

Threatened communities get together



**More than 50 delegates from all over the
Transvaal attended a weekend seminar
organized by the Black Sash at St Ansgars,
Johannesburg in October, 1983**



'The struggle against forced removals is a struggle for the people facing removals and not for the lawyers' said Legal Resurces Geoff Budlender at the seminar

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SN ISSN 0036-4843

This Magazine, as the official organ of the Black Sash, carries authoritative articles on the activities of the Black Sash. The leading articles adhere broadly to the policies of the organisation, which does not, however, necessarily endorse the opinions expressed by the contributors.

Published by the Black Sash, Khotso House, 42 De Villiers Street, Johannesburg 2001, and printed by Pacific Press, 302 Fox Street, Jeppestown 2094, Johannesburg.

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LAYOUT: By Joyce Brown

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