

THE AFRICAN ON THE FARM

BEN TUROK, M.P.C.

National Secretary of the South African Congress of Democrats and Member of the Cape Provincial Council representing the Africans of the Western Cape.

RENEWED attention has once again been focussed on the pass laws with the announcement early this year that nearly one and a quarter million Africans are prosecuted every year for petty offences principally arising out of the various restrictions on their movement. "Every African male in the cities can expect to be arrested at least once a year for some petty offence", the Johannesburg *'Star'* commented. And the tide of protest against these laws continues to rise.

Yet despite a hasty assurance by the Minister of Justice that the number of summary arrests would be curtailed, it is clear that the pass system is such an essential part of White South Africa that nothing will be done by the authorities to alter the position. White official sources still constantly insist that the pass system operates in order to keep a check on the movements of criminals, 'won't-works' and other 'undesirable elements' in the cities; the real reason for the pass laws—the direction of labour to the farms—is rarely acknowledged. The pass laws have become so vital to the steady supply of labour to the farms that agriculture as presently organized would face a very serious crisis were they ever to be abolished. As an International Labour Organization Report concluded, "It is in this direct sense therefore that a system of forced labour of *significance to the national economy* appears to exist in South Africa."

The Labour Bureaux make a great show of controlling and directing African labour in the urban areas. But in fact, if these offices were abolished, the ordinary labour needs of commerce and industry would be readily met by the thousands of Africans who constantly enter and work in the cities on the basis of supply and demand. The mines, on the other hand, have their own labour recruiting machinery operating in the reserves. Thus the Labour Bureaux exist at all only as channels for diverting labour from the towns to the countryside, with the pass laws as their sluice-gates.

The Contract System

Every African who wishes to enter an urban area to seek work

must first apply for a permit from the local authority. If the permit is refused, he must either leave the area within 72 hours and try his luck in another urban area, or else agree to apply for work at the Native Affairs Department Labour Bureau. His choice is a cruel one: he knows that unless he accepts farm work he may continue wandering endlessly from town to town, getting the same treatment wherever he goes. In many cases Africans agree to take farm work for a short period in the hope that thereafter they will be given a permit for urban employment. In Johannesburg, the City Council refused entry to 710 Africans in December, 1958 (a quiet month), and of these 232 signed farm contracts at the N. A. D. Labour Bureau.

What happened to the remaining 478 no one knows, but that many remained in Johannesburg is clear from the number of Africans who are arrested monthly for being in the urban area illegally. In the subsequent month, January, 1959, for example, 1,642 Johannesburg Africans were arrested for "petty offences", i.e. mainly transgressions of the pass laws. Many of these offenders are undoubtedly old residents of Johannesburg who have never regularised their right to stay, but others are newcomers who have failed to get the necessary permission to enter from the City Council.

These people are finger-printed by the police on arrest and then taken to the Labour Bureau, where they are screened and offered farm work. Those who refuse are returned to the police for prosecution in court, though the opportunity to refuse is not always given, and many instances have come to light where Africans have been forced into taking farm work without knowing that they had the right to submit their arrest to trial.

Meanwhile, those Africans who have agreed to accept farm work rather than face prosecution, are regarded as probationers—even though they have not been convicted of any offence.

The contract form is filled out in duplicate—one for the farmer and the other remaining with the Bureau. It is supposed to stipulate the period covered by the contract, usually 90 days, and the rate of pay, which is an average of 70/- per thirty days worked in the Johannesburg area—with food, quarters and medical attention supplied. Any period of illness is not paid for in any way, and taken together all the wages in cash and kind probably average £60 per year.

Bad as this system is at present, it will undoubtedly become worse when the application of the pass laws to African women

gets into its stride. For it has been officially admitted that the contract system will then be extended to include women as well, especially in harvest time. This will be a new departure in South Africa, since today even convicted women prisoners are prohibited from being forced to do farm labour by a Prison Act of 1911.

The contract signed at the Labour Bureau is unique in legal procedure, for not only does the African sign it under duress, but he may not break it even if the stated conditions of his employment are not fulfilled.

In terms of the Native Labour Regulation Act, it is an offence for an African to "neglect to perform any work or refuse to obey any lawful command or use insulting language to his employer"! The most that the African can do is report the farmer to the nearest police station or Native Affairs Department official. How much sympathy he would receive from either quarter depends on the individual concerned, but where there is so much hatred between White and Black (particularly in the countryside) and where the farmer is probably on social terms with the officials, most Africans would rather not take this course. Instead, they try and escape.

Officials admit that this happens frequently. Some say that on occasions as many as five out of ten contracted labourers escape before finishing their term. That the conditions on most farms are atrocious is also not denied officially. There has been too much publicity in the press for any denial to carry much weight. However nothing is done to improve matters, and, if anything, conditions are getting steadily worse.

Convict Labour

"Lack of labour is the farmer's greatest problem", said Mr V. R. Verster, Head of the Prisons Department in South Africa, speaking at Riversdale in February, 1959. "The Department of Prisons has become the focal point to the farmers from the Limpopo to the Cape. They all want labour from us, but we cannot supply it all. We are doing everything in our power to meet the emergency. More than 12,000 convicts are used daily for the building of dams in this area."

It is accepted that there is an emergency in the supply of farm labour, but the emergency is nothing new. It is a product of the rapid industrialisation of South Africa during this century. As far back as 1932, strong measures were taken to alleviate the

shortage of farm labour with the introduction of the '6d. a day scheme'. First offenders serving prison sentences of less than three months were handed over to farmers for the duration of their sentences at the remuneration of 6d. per day, plus food, quarters and clothing. The scheme was compulsory and resulted in "not infrequent desertions and reports of unfavourable conditions of employment and treatment of escapees." (Director of Prisons Report, 1953.)

The scheme came under very heavy fire from the famous judicial commission on prisons—the Lansdowne Commission of 1947. The Commission Report found that the scheme was 'very undesirable', recommended that it terminate immediately, and that other labour be found to replace the convicts. Unfortunately, the Commission did not consider what would replace convict labour; and after a placatory suspension of six months, the scheme was restarted in response to heavy pressure from the farmers.

The objections of the Commission are important, for they still apply today. They held that cheap convict labour undercut the rates of pay of ordinary labour, that the frequent desertions were an undesirable feature, and that there were occasions when the prisoner was not released on termination of his sentence. The Report recommended that the Prison Department's accommodation difficulties should not be solved by sending short term convicts to farms, but by reducing the number of people sent to prison in the first place.

When the scheme was resumed, it was supposed to have been modified in certain respects. Prisoners were no longer to be forced to take on farm work, and the pay was raised to 9d. per day. Nevertheless, the number of convict farm workers has steadily increased. In 1951, the number was 28,000; in 1953, 40,553; and 100,000 for the two years, 1953/4. The only later figure available is that for the first six months of 1958, when 36,600 were contracted out in the Transvaal alone.

In practice the scheme, which operates from 165 jails scattered throughout the country, is mainly applied to "petty offenders" i.e. pass, permit and tax defaulters; and the prisoner is considered to be on parole while working on the farm. The farmers, however, seldom look at it in this way. They consider that, having been obliged to pay the wages of their labourers to the prison authorities in advance, they enjoy the rights and functions of prison warders themselves. Cases have been

reported where the labourers are kept locked up in the most primitive bars with no ventilation, and transported in home-made closed lorries under suffocating conditions; while periodic reports of assault and whipping to work appear in the press.

The prison authorities claim that "they soon get to know which are the bad farmers"; and the supply of labour is then stopped, or a particular matter handed over to the police. No black list, however, is kept by the Department of Prisons, and the number of farmers who have actually had their labour stopped must be very few indeed.

Long Term Prisoners

Long term prisoners are also hired out for farm labour under a number of different schemes. The first is the farm jail system. A number of years ago when the Government was faced with the problem of housing an ever-increasing number of convicts, it arrived at an arrangement with the various farmer's unions whereby the unions build a jail in their area with their own capital and then draw on prisoners from the Government jails in proportion to the funds that they have invested in the building. The Department of Prisons supplies the staff to supervise the jail, but the union is responsible for its maintenance. The Cape Province has five such jails, the O.F.S. one, and the Transvaal ten; and together these jails accommodated a daily average of 4,600 in 1953, the last year for which figures are available.

Although warders are supposed to be supplied by the Prisons Department, the farmers frequently supply their own warders, who are sworn in at the prison and guard the convicts while they are at work. All fees—normally 2/- per day per convict—are paid into prison funds, and the convict gets nothing for his labour.

Another variation of this system exists in which the gaols and warders are provided by the Government. In this case the prisoners are sent out to surrounding farms daily under official guard—a type of labour extensively employed by Government Departments.

Apart from the great number of convicts used for the building of dams, the railways use some 2,000 prisoners daily, while the Department of Public Works used 1,000 'units' and various other Departments 5,500 daily in 1954. The Department of

Labour has given its sanction to this labour scheme.

Farm Labour Supervision

It is generally agreed by officialdom that labour supplied through the intervention of Government Departments remains the responsibility of the Government as long as the contract is operative. Provision is made for the appointment of Inspectors of Native Labour under Act 54/52, and apparently one such person has actually been appointed to operate in the Transvaal. The Department of Prisons has official inspectors who tour the jails regularly, but with the shortage of staff and general lack of concern, the only time a farm is actually visited is when there have been a series of strong complaints.

Native Affairs Department Inspectors are given wide powers and may try any case where an African has refused to obey the farmer or has used insulting language. They also have powers, under the Public Health Act and the Native Labour Regulations, to recommend the stopping of the labour supply, and could, if they desired, do a great deal to improve the lot of the farm labourer. But in the Transvaal, where the worst cases of ill-treatment have occurred, only three persons have ever had their labour stopped, and then only for short periods.

Of all the agencies interested in the conditions of farm workers, the press has played the most important part in constantly keeping the injustice and brutalities of the system before the public eye.

Conclusion

Exposures of assaults and the ill-treatment of labourers by farmers, compound managers and boss boys have frequently stirred the city public, but no significant dent has yet been made in the armour of the whole farm labour system. For in the last thirty to forty years, a pressure group wielding great political power, with a vested interest in cheap forced labour, has grown up in the countryside. Its tentacles reach out into the prisons, the pass offices and labour bureaux seeking ever more efficient methods with which to seize the African worker and snatch him from the cities. The farmer cannot do without convict labour, and the African people must be scrupulously and, if necessary, with violence and waste 'controlled', in order that his needs might be adequately met.