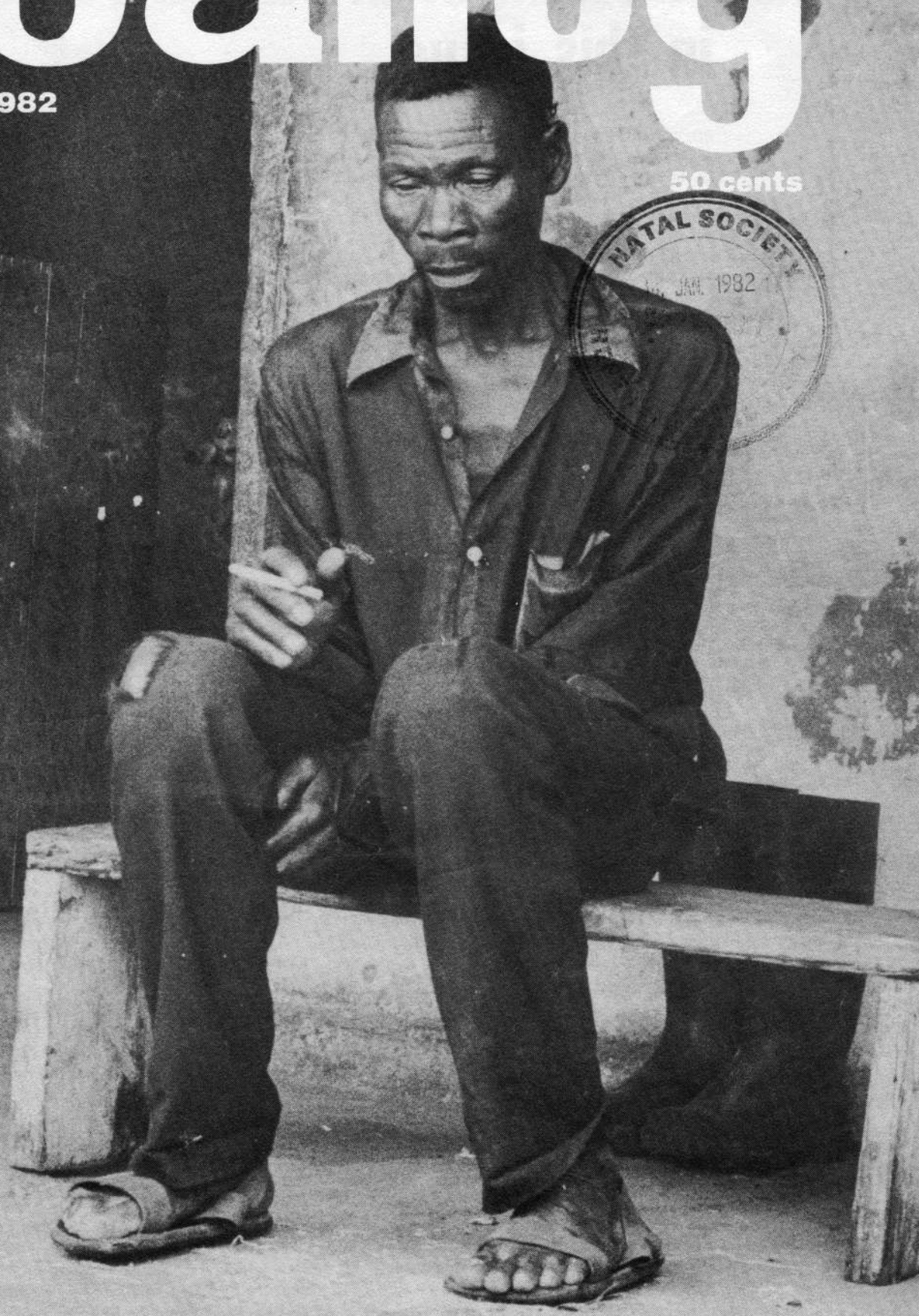
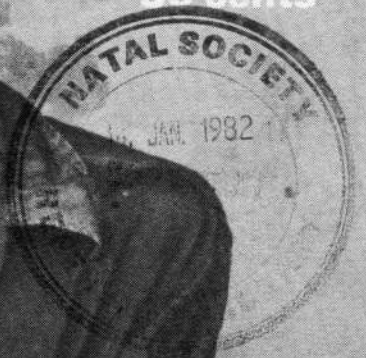


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EDITORIAL

THE EYE OF THE BEHOLDER

It's amazing the things you can see if you want to. Not long ago the Minister of Internal Affairs, Mr. Chris Heunis, went on an apartheid-boosting trip to the United States. There he is reported to have said "The majority of Afrikaners have matured and become more inclusive this heralds a beautiful new dispensation for all of us it is a dispensation where the principal of self-determination remains non-negotiable, but, at the same time, aims at the institutionalisation of multi-nationalism on a non-discriminatory basis."

Within a week the Indian community had decisively rejected its designated role in the beautiful new dispensation. In the first national election for the South African Indian Council a boycott campaign organised by those opposed to apartheid institutions, and led by the Indian Congress, resulted in a poll ranging from 2,07% in one seat, to 27% in the seat which recorded the highest poll.

The national average was just over 10% . Some government spokesmen and candidates in the election have blamed intimidation for this massive stay-away. It would need a quite extraordinary campaign of intimidation to persuade 90% of an enthusiastic electorate not to vote in an election anywhere in the world. Who seriously imagines that, in South Africa, our Security Police would sit back and watch it happen in an election for the chosen vehicle of government policy, and not lay their hands on anyone? Yet as far as we know there wasn't a single prosecution for intimidation throughout the whole campaign.

The truth of the matter is that the Indian people were not an enthusiastic electorate and they do not want separate representation in a multi-national institution. Even those who stood in the election insisted that they were only doing so in the hope that it would be a step towards an effective say in the central Parliament.

The Coloured people don't want separate institutions either. Those of them who tried to use the Coloured Representative Council closed it down to make that very point.

Most African people don't want separate representation either. Kwa-Zulu doesn't want it, to say nothing of the urban population whose numbers increase by the day. Nor do a growing number of white people, if increasing PFP support and the recent Constantia vote to throw that area open to all races mean anything.

The new dispensation Mr. Heunis was telling the Americans about is really the same old policy in slightly different clothing. It only looks beautiful from inside the Nationalist Party, for the benefit of whose members it has primarily been constructed. Other people, who bear the burden of laws which are necessary to sustain it, know that there is nothing beautiful about them. What the Indian people said to the Government on November 4th was that the present dispensation is no good. We doubt if that message will be received in the Nationalist caucus yet, but we still hope it will one day. □

ALAN PATON'S 'AH, BUT YOUR LAND IS BEAUTIFUL'

Reviewed by Peter Brown

Alan Paton doesn't just write biographies and fiction, he also writes history. The Hofmeyr and Clayton books are not just biographies, they are also the story of the times in which those two lived.

So is this new novel. The book covers the period from the Defiance Campaign to the coming to power of Verwoerd. It is a period during which many of the laws which are the real essence of apartheid, and which wrack and tear apart our society to this day, really began to bite.

Among them were the Group Areas Act, some of whose most recent manifestations have been the destruction of District 6 and Pageview and the sickening comments by a Johannesburg magistrate on the physical features of the accused before him when called upon to decide whether the person concerned was of the right racial category to lawfully live in Hillbrow.

Another is the Bantu Education Act, resistance to which is even stronger now than when it was passed.

Its cost is to be counted not only in the number of people who have been killed and injured in protests against it since 1976, and the number who have fled the country to escape it convinced that the only way left to fight it is violence, but also in its stunting effect on those left behind. This is something testified to almost daily by the desperation of white employers who cannot find black people with the necessary basic education to take over jobs which are crying out to be filled by them.

These were the years when the mass removals began, the most spectacular of which was the razing of Sophiatown and the other black, freehold suburbs of Johannesburg. St. Wendolin's and many others are today's Natal counterparts of that tragedy.

Those, too, were the days of the first of a new breed of security laws, the Public Safety and Criminal Laws Amendment Acts of 1953, the progenitors of that terrible brood with which we now live and which are a blot on the face of our country.

It is an indication of the divided nature of our society that these terrible laws mean nothing in the lives of most white South Africans and they mean everything in the lives of black South Africans.

With them and the events to which they give rise as background, Alan Paton tells the story of a group of people who came together to fight the apartheid steamroller with very few resources, but with the over-riding conviction firstly

that if you were fighting a policy of racial division, the only logical way to fight it was for all races to do it together; secondly that each one of us would only be fully free when every single other person was.

Spread across the full canvas of the South African scene — from the loyal Nationalist bureaucrat whose certainties are slowly threatened by the things he sees his policies doing, to the people to whom those things are being done — Paton has created characters with whom most readers, black and white, will easily feel they can identify.

Thus will white South Africans begin to understand what it is like to be black in our country, and black South Africans to feel what it is like to be white. This can only be good for both.

To me the book brings back sharply the memories of those days in which one tried so hard to check the grim advance of Nationalist policies and, as one did so, felt the hard and unsmiling menace of apartheid and its laws closing in. Sometimes the spirit of that fight was extra-grim; as often as not, for no reason I have ever been able to understand it was also extraordinarily gay.

Alan Paton's book tells it all. It is fiction, but it is a true story. It shows what actually happened in those years — that there was born then, in spite of all the laws and the conventions and the smears and the threats, an organisation drawn from every racial and economic segment of our country which could, without embarrassment, condescension or any consciousness of superficial differences, really work: And, in a small way, show what South Africa might one day be.

The Improper Interference Act of 1968 put an end to that for a while, but certainly not for good. Whether this book and the two to follow it will move people as *Cry the Beloved Country* did only time will tell. I hope they will. Black/white conflict in South Africa is neither pre-destined, nor inevitable. This book proves that. If it were merely fiction, one could doubt it. If one knows, as I do, that it is also history, one cannot. □

(from the Sunday Tribune)

(Another review of *Ah, But Your Land is Beautiful* — by Colin Gardner - will appear in the next issue of *Reality*).

GLIMPSES INTO SOUTH AFRICA – A PERSPECTIVE THROUGH JULUKA MUSIC

by Nhlanhla Ngcobo

INTRODUCTION

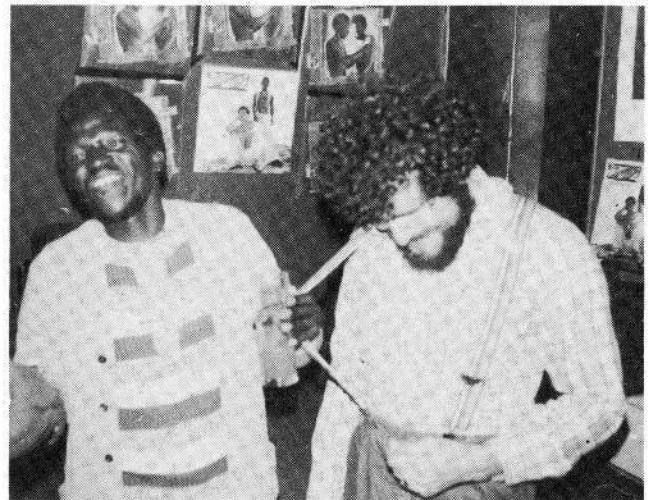
This paper is mainly a critical appreciation of a musical production by Juluka - a South African group. The appreciation is not only intended as aesthetic exercise, it also purports to reveal underlying socio-political issues conveyed by the music. The assertion is that Juluka music is a relevant and apt commentary on the goings-on in South Africa. An incident reported in one S.A.B.C. programme is taken as a concrete example of what is projected in Juluka.

PERCEPTUAL SUPPRESSION – RACE FACTORS

On the 17th August, 1981 the S.A.B.C. programme "Radio Today" reported the case of a black woman who was discharged from a hospital in Johannesburg. The commentator stated that she was still very ill at the time of discharge. She could hardly walk. The hospital had not provided any transport for her. Two men were reported to have been heavily supporting the lady in an effort to help her walk. The person who reported this case was the one who gave these people a lift. In three minutes, he says, he had covered twice the distance these people had struggled to do in three hours. The questions asked by this kind gentleman are:

1. How did it happen that many motorists did not see these people and offer them help? The vicinity where he picked up these people, and the route they had followed from the hospital indicated that they had crossed a street at one stage. Seeing that it was traffic peak hour, it must have been impossible for motorists not to see them.
2. How did it happen that a hospital discharged a person in such a condition and yet provided no transport? (This last question could perhaps be reflected back to this kind gentleman, namely "What kind of a person is he to have responded with sympathy and concern to such an 'insignificant' incident?") The gentleman ends up by questioning what sort of people we are.

This unusual sensitivity by man to other man's plight and suffering as demonstrated by the kind gentleman's act appears to be one of the themes Jonathan Clegg and Sipho



Mchunu grapple with in their musical perception of the South African scene. Because of the South African socio-political fabric, an inclination towards human insensitivity, particularly across racial barriers, is generated. (In South Africa it has not been uncommon for an ambulance to leave a dying person because of loyalty to a political designation of vehicles as "Whites only" or "Non Whites"). In a social situation like this human attributes like sympathy and benevolence are fast becoming attributes nurtured (or at worst determined) along racial lines. For some people this limiting social situation can produce psychological distortions in appropriate human responses, if such responses are called for in different racial context. This is a typical psychological problem which can be conceived differently by different theoretical points of view. For instance Learning theories could see this as a conditioning of certain responses according to racial loadings of person stimuli. By invoking ethical or humanist value judgements, such a conditioning could be seen as negative racial learning experiences, which could lead to serious social-psychological deficits in person-perception and a socio-political dimension of race in a segregationist society. It is probably to such intricacies that the 'kind gentleman' addresses himself when he asks; "What sort of people are we?" Perhaps it is due to the complex operation of these factors that people cannot respond to certain situations.

LOST VIGNETTES

The condition of the woman described above invokes images of "Mama Shabalala", the Weenen county woman graphically painted by Jonathan and Sipho in a musical album — "Juluka African Litany." These two accounts "The Lady from the Hospital" and "Mama Shabalala" are not just incidental isolated cases — they are common vignettes of everyday scenes in the South African drama of life. However the truth is that they are lost vignettes because of the psychological dynamics of race factors in person-perception. It takes the courage of a few men and women to be aware of the position of other men across the race barrier and to do something about their awareness. Among many known for this, this paper deals with Jonathan Clegg and Sipho Mchunu; also the "Kind Gentleman" not known personally to the writer. Their awareness of the South African situation and their willingness to act is dealt with below.

DESCRIPTIONS

The two female characters in this paper are:

1. An imaginary personage of a woman, Mashabalala, as seen through the eyes of artists (Jonathan and Sipho).
2. A real living person i.e. a woman from the Johannesburg Hospital.

In both cases, imaginary and real, the experiences of women are seen, described and evaluated within their context. The descriptions of these women are made at different times by totally different people having no connection with each other — yet their version of description is similar in many ways. In spite of the fact that the levels and the situation of description are different, viz., Mashabalala is an imaginary rural woman and the other is a real living urban woman, the picture still remains basically the same. Can this be evidence strong enough for the argument that, in fact, these are regular experiences of most blacks and a few whites in South Africa? At this stage an analysis of cases involved might substantiate the point made.

MASHABALALA AND THE LADY FROM THE HOSPITAL

Here is an ill woman prematurely discharged from hospital. She is so ill in fact that she can hardly stand or walk on her own. She has morning shoes on her feet and is still wearing a hospital gown and head cloth. In the support of two men she struggles to walk home in spite of her condition. It can be imagined that her home is one of the many houses in the black townships with living conditions too well known to South Africans to need description. The experience of pain as well as thoughts and feelings going on in this woman are similar to those of Mashabalala described by Clegg and Mchunu. Mashabalala is:

"An old lady walking down the dusty farm road looking for a simple home . . . Living from hand to mouth, dodging the wrong arm of the Law. She is old and she is bent, her eyes can hardly see. And she is going home for ever to Weenen county."

Although Mashabalala might not be experiencing as much physical pain as the lady from the hospital, her age, nostalgia and destitution are objects of profound psychological pain for her. And this psychological pain of Mashabalala is emphatically felt when Juluka projects it in a chorus:

"Uhamba njalo we Mashabalala ukhumbula kuphi wena Uthwala nzima weMashabalala iyaphi indlela Uthwala nzima weMashabalala — Izinto zomhlaba" (You are set for a long journey Mashabalala Where do you remember as you walk. Yours is a heavy burden Mashabalala — where does your journey lead to. Yours is a heavy burden— Your being-in-this-world.)

Jonathan (Juluka) demonstrates an unusual ability to experience Mashabalala's position emphatically with her. The question "Ukhumbula Kuphi wena; iyaphi indlela" and the remark "Izinto zomhlaba" indicate a profound sharing of Mashabalala's nostalgic and desolate world. It is this same ability to empathise with a person's experiences which spurred the Kind Gentleman to act on the situation of the lady from the hospital.

Finally it could be said that in these two women, people who have been ejected from the main stream of life are represented. The impact of rejection on these people seems to have pushed them to a point of almost stoically accepting their position as their fateful lot. Asked what doctors had said about her illness, discharge, transport and treatment, the lady from the hospital simply reported being given no information.

The same for Mashabalala. She lived most of her life as a share-cropper's wife on Crown Land. Then she is old and her husband dies, she is ejected from the farm and "she could cry no more tears".

"So she picks up her walking stick and puts on her car-tyre shoes. And she is walking in a dream . . . Weenen county you took my man she says, you took my home, you took my land, you left me all alone Now I'm coming home".

Helplessness and passive acceptance of the difficult position are self-evident in both these cases. It is contended that the position of these two women is the plight of many more blacks in South Africa. And Jonathan and the Kind Gentleman fall in the category of the few white folks who are getting concerned each day about the position of their fellow-beings. (Here reference can be made to Mrs. Beans of the Cape Peninsula and her dedication to a point of personal risk, in relation to black squatters in the area.)

JULUKA: SOME CRITICISMS:

A comparison of Juluka with the Kind Gentleman and Mrs. Beans may raise certain criticisms about the realism in what Jonathan and Sipho are doing. Can it be said that theirs (Jonathan and Sipho) is perhaps mere idealism coming through purely as a theatrical and musical subject? Instead of concrete action as demonstrated by the other two, is it that Juluka is stressing self-resignation and looking forward to a supposedly happy Jerusalem?

"Koze kube nini ngiphila lempilo. Sofika nini eJerusema" (How long am I going to live like this? When are we getting to Jerusalem?)

Other criticism could perhaps be that Juluka seems to reach the black community through capitalistic structures. However, one needs to be very cautious about this last opinion because promoters and 'show-biz' organisers seem to be instrumental in letting Juluka slip into this pit-fall, that is, if at all they do.

CONCLUSION

In spite of these criticisms it is accepted that Juluka is a strong force within black society at the moment. This is demonstrated by the wide acceptance and popularity it enjoys. It could also be said that in a complex situation like that in South Africa, political intervention can occur at different levels. And any of these is justified in its own way. Just as the Kind Gentleman and Mrs. Beans intervene at a level of practical action, Juluka is intervening at a socio-cultural level. It could also be said that the former are directed at short term goals with immediate results while the latter has long term goals with no expectations of immediate results. Perhaps it is for this reason that they say: "Sofika nini eJerusalema?" Juluka's socio-cultural modality is forceful in dissolving racial stereotypes and prejudice; it attacks the problem of racial stereotype and prejudice at its rock-bottom foundation.

The common error of equating "traditional" with "primitive" and "Western" with "civilised" is challenged and replaced by attitudes of compatibility and equality. Jonathan's profound understanding of and appreciation of black culture and language brings white and black cultures together in South Africa. When Jonathan performed at Umlazi cinema, one black woman said: "Umzulu phela le. Kanti kufunwani?" (Oh, this is a Zulu. What else is wanted?) Jonathan demonstrates this practically by his intimate and truly fraternal co-existence with Sipho. His being a university lecturer and Sipho's being an ordinary labourer offer no problems of relationship. It could be said therefore that Jonathan and Sipho strive for profound social change based on an ideology of cultural coalescence. They select this area of intervention, among others available as their particular target □



Sipho and Jonathan (and Moepya Mamelodi) at Rocky's Record Bar, Yeoville, celebrating the issue of their new record.

JUSTICE – TRANSKEI STYLE

by Tiresias

*'Twill be recorded for a precedent
And many an error, by the same example
Will rush into the state. It cannot be.*

- The Merchant of Venice, Act IV, Sc. i

A number of commentators have remarked upon the eagerness with which Transkei, under the guidance of the Matanzima brothers, has seized upon all the worst aspects of South Africa's legal system and then honed and tempered them into a uniquely malevolent political tool. The best example of this tendency which comes to mind is the Transkei Public Security Act, 30 of 1977.

This legislation is likely to be remembered as an extraordinary compendium of almost every objectionable principle culled from the legal systems of the world. It has borrowed heavily from the security laws of big brother South Africa, in particular. It incorporates some of the most objectionable elements of the Internal Security Act, the Terrorism Act, the Riotous Assemblies Act and the Affected Organisations Act. These South African laws have been the subject of considerable comment and criticism elsewhere.¹ But not content with this, it has created some new offences as well.

Section 2 of the Public Security Act reads as follows:

"Any person who makes any statement, verbally or in writing, or performs any act which is intended or is likely to have the effect of subverting or interfering with the authority of the State or any officer in the employ of the State, shall be guilty of an offence and liable on conviction to imprisonment for a period of not less than one year and not exceeding three years."

What exactly is required before a statement "is likely to have the effect of interfering with the authority of any officer in the employment of the State"? Clearly the section is aimed at stifling criticism of not only the Transkeian government, since in that land the distinction between State and government is hardly well-defined, but also of individual employees of the State. The section does not state that their functional efficiency must be impaired as a result of the statement or act, but only that their authority must be "interfered with". Criticism of a tribal chief would clearly fall within the ambit of the section. Even if statements do not fall within its scope, the mere existence of such a provision will provide a powerful brake on freedom of expression in Transkei. No doubt it is intended to do so. The imposition of a minimum sentence of one year's imprisonment is also highly objectionable since it takes away the sentencing discretion of the trial court. One would hope that the Transkei courts would follow the example of their South African counterparts when Dr. Connie Mulder's minimum sentences for drug offences were introduced, by suspending them partially or in their entirety in deserving cases.

But section 3 of the Act takes the principle a bit further. It provides that:

"Any person who verbally or in writing or in any other manner propagates any view or doctrine, or disseminates

or promotes the dissemination of any view or doctrine, which defies, or is repugnant to, or aims at the subversion of the sovereignty of Parliament or the constitutional independence of Transkei, shall be guilty on conviction to the penalties provided by law for the offence of treason."

At first sight, the section does not seem particularly bad. Why shouldn't those who attempt to subvert the sovereignty of Parliament be punished as if they had committed treason? The sting lies in the words "or the constitutional independence of Transkei" and in the history of Transkeian Opposition politics. It was the policy of the Opposition to attack Transkei's "independence" and to urge that it should be abandoned in favour of a re-unification with South Africa. Only in that way, it was reasoned, would Transkeians eventually inherit their birthright. The enactment of this section was intended to silence those who promoted that line of argument.

It has been used against Paramount Chief Sabata Dalindyebo, who, as the hereditary Paramount Chief of the Tembus has long been an enemy of President Kaiser Matanzima, whose Paramount Chieftainship of the Emigrant Tembus he owes to the South African government. Paramount Chief Dalindyebo was charged with a contravention of this section, and of section 71 of the Republic of Transkei Constitution Act, 15 of 1977, which creates the offence of violating the dignity or injuring the reputation of the Transkei President.² On the charge of contravening section 3 of Act 30 of 1977 it was alleged that he had, at Qumbu and Umtata, claimed that:

- " (a) the President visited Pretoria at the instance of the White Boers and accepted independence on terms dictated by them;
- (b) only the President and his Ministers are free and independent but not the people in the land of their birth;
- (c) the authorities repossessed the residence 'of the King' (i.e. the accused) and allocated it to a concubine;
- (d) the Republic of Transkei is a 'pigsty';
- (e) as a result of the foregoing the adolescents of Transkei are idle, ruin their parents' homes, have no means of livelihood, pounce upon and throttle innocent victims - 'they should not be blamed: they are correct';
- (f) the people of Transkei are not free: they do not have either freedom or independence;
- (g) Transkei passports are valueless documents;
- (h) the citizens of Transkei are maltreated;
- (i) the citizens of Transkei are told untruths and caused to assimilate same as the truth; and
- (j) the educational system of Transkei is corrupt and inferior."³

In acquitting the Paramount Chief of this charge, the Chief Justice of Transkei, the Honourable Mr Justice Munnik, held that there were deficiencies in the State case and that "there is a fundamental difference between undermining the

Government's popularity and undermining the authority of the State or its officers." Paramount Chief Dalindyebo was convicted on the charge under the Constitution Act. His allegations that the President of Transkei:

- "(a) visited Pretoria at the instance of the White Boers and accepted independence on terms dictated by them;
- (b) has an abundance of the necessities of life whilst his people have to live on excreta⁴; and
- (c) maltreats his people"

were held by the Chief Justice to lower the President in the esteem of all right-thinking men. During the course of the Chief Justice's judgment a new figure appeared on the Southern African legal stage, the "man on the Ngqeleni XRT bus",⁵ who is evidently the Transkei's indigenous equivalent of the well-known man on the Clapham omnibus. The latter has recently had short shrift at the hands of the South African Appellate Division.⁶ The Paramount Chief was sentenced to a fine of R700 or 18 months' imprisonment, of which R200 or six months were conditionally suspended.

In the course of sentencing Dalindyebo, the Chief Justice observed that:

"The moment a man becomes the President of Transkei in terms of the Constitution he is no longer in the field of politics. He is not an Executive President as there is in America. He is the titular head of the State and it is clear that the whole intention of the Constitution Act is that he should represent and symbolise the nation as such, especially in Transkei with its nine different main tribes, act as a unifying force" (**syntax is original**).

Technically the Chief Justice was quite correct, but this merely illustrates the perils of allowing constitutional statutes and constitutional reality to diverge. In the view of several commentators, the Transkei President has never allowed the reins of power to fall completely into the hands of his brother, the Prime Minister.⁷ While the President continues to exercise executive powers it is highly undesirable that his actions should be protected from scrutiny by a law which is based upon an entirely different constitutional premise. The Muldergate affair made this point very clearly in regard to former State President Vorster.

A few months earlier, in another trial under the Act, the Chief Justice had sentenced one Ncokezi, the leader of the Democratic Party, to a fine of R500 or 18 months' imprisonment, plus a further three years' imprisonment wholly suspended for the following utterance made at a Democratic Party Congress at Engcobo:

"I saw the dreams turn into nightmares when on 26th October 1976 the Transkei people braved the inclement weather and attended the celebration that marked the final sacrifice of their future and the future of their children on the altar of Pretoria's independence. The Transkei people were the victims of that political swindle at the hands of that racist White minority Government of South Africa. During the last half of 1976 these people (the Transkei leaders) were trying to convince the World that Transkei independence was a progressive political venture in terms of Black liberation politics - there are a few words omitted - their political statements were simply glosses or deceptions lulling the people into acquiescence and civility. Their Koyana is trotting all over the world through the back door trying to sell this unsaleable commodity. To think that the outside World can recognise any of the independent Bantustans is an advertisement of political buffoonery. With the backing

of the OAU and the UNO we shall fight the independent Bantustans. Now the South African government in connivance with the TNIP has limited our scope of political operation by legally forcing us to operate within an area bounded by the Umzimkulu and Kei Rivers. We don't want to swim with the Whites on beaches, we want to swim with him in the legislative chambers of South Africa." ⁸

The Chief Justice added a further 18 months' imprisonment, wholly suspended, on a second count which arose out of the following statement:

"These Transkei leaders are living in luxury getting thousands of rands per month when the masses are floundering in poverty. They roam about under cover of darkness with women using Government cars without the public consent. They are rich because they have unduly enriched themselves and when we ask them why they do these things they react by locking us up in their prisons. The Transkei people are cursed with the worst Government in the history of mankind, a Government that is scandalously corrupt and is prone to suppress the DP which it always castigates - and I think the word 'them' was left out here - for their corrupt deeds. They waste money on propaganda and other trivial undertakings when people are smothering in poverty." ⁹

Detentions under the provisions of the Act were challenged in the Transkei Supreme Court in **Sigaba v Minister of Defence and Police and Another**¹⁰ (challenge successful), **Honey and Another v Minister of Police and Others**¹¹ (challenge successful) and **Mnyani and Others v Minister of Justice and Others**¹² (challenge unsuccessful).

In terms of section 44 of the Public Security Act, the Transkei President may declare the existence of a state of emergency when a breakdown of public order is feared. After the school unrest in 1980 the President, Paramount Chief K D Matanzima, declared a state of emergency.¹³ His brother, Prime Minister G M M Matanzima, acting in his capacity as Minister of Police, then issued certain regulations under powers conferred upon him by section 45 of the Act.¹⁴ In terms of these Regulations, certain persons were declared to be "affected persons" for the purposes of the Regulations. An affected person is:

- (a) any person enrolled as a scholar or student at any institution (this latter being defined as the University of Transkei, any Transkei school and any other institution declared to be affected by the Minister); and
- (b) any person in the employ of any institution whom any member of the Police has served with a notice declaring him to be such.

The plight of an affected person is not a happy one. Amongst other restrictions he/she may not:

- (a) if resident in a municipal area depart from that municipal area without the permission of a magistrate or police station commander;
- (b) on any day, other than a Sunday, be in any street or public place except for the purpose of proceeding to an institution to attend any class which he is required to attend or for the performance of his official duties there;
- (c) on any day be outside the boundaries of any premises, kraal, hostel or other place at which he is residing **outside a municipal area**: (i) at any time between the hours of 18h00 on that day and 06h00 on the following day; or (ii) at any time between the hours of 06h00 and

18h00 except for the purposes of attending a **bona fide** funeral ceremony or if otherwise exempted from this requirement; or

- (d) if required to attend any class absent him/herself from such class without the permission of the designated authority of the institution concerned.

The penalties prescribed for breaches of these Regulations are those set out in section 23(b) of the principal Act, which include a fine of R1 000, imprisonment for a period not exceeding five years and a whipping not exceeding ten strokes. The onus of proving his/her innocence rests upon the accused person at the trial.

It is not always easy for the visitor to Transkei to acquaint himself with his rights and obligations during his visit. A friend of the writer who had the misfortune to be both British and a student dutifully reported to the border post at Umzimkulu. He was issued with two documents. One, a temporary permit, issued on form TI 417, authorised him to enter Transkei for the purpose of a holiday visit and to remain there for six days. The other, a notice of prohibition on form TI 433, declared him to be a prohibited person and refused him permission to enter the country. The border official could not throw any light on the matter, but the friend entered the country and had a most enjoyable holiday on the Wild Coast.

Life in a Transkeian goal is not to be recommended, according to Nimrod Mkele, who spent a month there after criticising the banning of the Black Community Programmes in a report in the Daily Dispatch.¹⁵ He was another in a long line of people who have learned the hard way of the Matanzimas' thin skins. Others include Humphrey Berkeley and Jimmy Skinner.

Unfortunately it would appear that this hypersensitivity to criticism is not confined to the executive arm of government in Transkei. It has manifested itself in the judicial branch as well. In a trial for murder in Transkei before Chief Justice Munnik and two assessors, the Chief Justice made certain findings relating to the demeanour and credibility of the accused, one Mpopo.¹⁶ He made the following comments:

*"His evidence in the witness-box and his demeanour have been completely unsatisfactory. One of my assessors is a fluent Xhosa linguist, I myself understand the language sufficiently to follow the evidence and to form some impression of his demeanour and we are both satisfied that his demeanour was that of a lying witness."*¹⁷

In the corrected transcript of the judgment which was used to complete the record of the case on appeal the italicised words did not appear. How they came to be omitted was explained by the Chief Justice in his judgment granting leave to appeal as follows:

"After the trial the Attorney-General drew my attention in Chambers to the fact that the references to being a Xhosa linguist, the assessor being a fluent Xhosa linguist and my understanding the language were inappropriate as the accused had given his evidence in Sotho. I confirmed this with the interpreter as I was somewhat puzzled because during the trial when the accused gave evidence, I had found myself able to follow the gist of his evidence. It may well be that this is due to the fact that the accused comes from the district which borders on an area occupied by the Hlubi tribe who are Xhosa-speaking and to some extent the Hlubi influence may have crept in. Be that as it may, I was under the impression that he had spoken Xhosa and I was apparently wrong in that impression, in so far as demeanour was judged by his use of language.

When the transcript came back to me from Lubbe Recordings, I felt that it would be unfair to the accused to include in the judgment this reference to the ability to understand Xhosa and the fact that my assessor was a Xhosa linguist, in that it might add to the judgment a valid point of criticism of his evidence which in fact, in view of the information conveyed to me by the Attorney-General, was not a valid point of criticism and I then deleted this passage from the judgment, i.e. the passage to which I have just referred."¹⁸

Mr. Justice Corbett of the South African Appellate Division, which at that time, was still Transkei's appeal court in terms of section 54(1)(e) of the Transkei Constitution, gave the judgment on appeal. With Judges Trollip and Klopper concurring he held that:

"It seems to me that what happened in the Court a quo amounted to an irregularity. Generally speaking, where a witness gives evidence through an interpreter, what occurs is that:

'A species of expert witness is telling the Court in a language understood by the Court (and by any recorder) what it is the witness is actually saying. What the expert or interpreter tells the Court becomes the actual evidence in the case put before the Court and recorded.' . . .

What the Court must, thus, have regard to is what the interpreter tells the Court, not what the witness himself says in the language which is being interpreted. For the Court or certain members of the Court to give their attention to what the witness himself is saying and to rely upon their own individual knowledge of the language used to form views or impressions as to the veracity or otherwise of the witness' testimony amounts, in my view, to an undesirable and potentially dangerous procedure. In the first place, as already emphasized, it is what the interpreter tells the Court that constitutes the evidence and it is this that the Court is required to evaluate. It is true that the interpretation procedure is not altogether satisfactory in that it often puts the cross-examiner at a disadvantage and does not enable the Court to obtain such direct and clear-cut impressions of the demeanour of the witness as it may gain when no interpreter is employed. These disadvantages, however, do not justify recourse to the kind of practice followed in the present case. Secondly, the interpreter is the chosen expert whose function is to translate the words used by the witness into the language of the Court. For members of the Court, having perhaps an imperfect knowledge of the language (as appears to have been the position in the present case), to endeavour to go behind the translated evidence and, thereby, to reach certain conclusions seems to me to be fraught with danger. I have no personal knowledge of the Xhosa and Sotho languages or of the differences between them but, judging from the reaction of all parties concerned to what happened in this case, I must infer that the differences are substantial and that a Xhosa linguist would not necessarily understand fully evidence given in Sotho or be able to judge the demeanour of a witness testifying in the latter language. Thirdly, the competence of the different members of the Court to understand the language used by the witness may vary considerably or in the case of one or more members may be non-existent. In the latter event a wholly anomalous situation would arise because the member (or members) who did not understand the language would have to rely upon the impressions of the member (or members) who did. That would not be a proper basis for a member of the Court who did not understand the language to come to a decision (albeit perhaps a joint decision) in the matter.

And that, it would seem, is precisely what occurred in the present case. There is no mention of the third member of the Court being conversant to any degree with the Xhosa language and one must, therefore, assume that he was not. Consequently, even if appellant had been speaking Xhosa, this third member of the Court could not have formed his own direct impressions of the demeanour of the appellant from the way he gave evidence in his own language. To a lesser degree similar problems could arise where there are varying degrees of competence on the part of the members of the Court to understand the language used by the witness.

It is clear from the judgment of the Court *a quo* (in its original form) that the Court formulated its view as to the demeanour of the appellant in the witness-box to a substantial degree on the strength of the impressions gained by two members of the Court from listening to the evidence given by him in his own language. The Court's finding as to demeanour was one of the grounds for its rejection of the appellant's evidence. For the reasons stated above, I hold that in so relying upon those impressions the Court committed an irregularity." 19

With regard to the alteration of the record of the original trial by the Chief Justice, the Appellate Division held that:

"I have no doubt that, whatever may have led the trial Judge to alter the record in this way, he should not have done so – for two main reasons. In the first place, the record of the judgment in its original form correctly reflected what had actually occurred in Court and there was consequently no valid ground for the alteration thereof. Secondly, it seems to me that in this instance and at the stage when he acted the learned CHIEF JUSTICE was *functus officio* and had no power, *mero motu*, to amend the record in the way he did. As far as counsel's submission is concerned, however, I do not see how that which was done by the trial Judge some time after the conclusion of the trial can affect the trial itself. As I understand the submission, this fact, i.e. the deletion from the record, is cited as further proof (*ex post facto*) of partiality on the part of the trial Judge during the trial. This is a matter of inference. It is not an inference that I am prepared to draw." 20

This judgment was delivered on 27th February 1977. In 1978 the Transkei Constitution was amended by the Republic of Transkei Constitution Amendment Act, 11 of 1978. One of the consequences of the amendment was the severance of the link with the South African Appellate Division and the establishment of an Appellate Division of the Transkei Supreme Court, which would have a quorum of three judges. No judge might be a member of the Appellate Division when it was considering an appeal where he had been the judge of first instance.

It was not long before the question of assessment of demeanour arising out of a judicial officer's own linguistic proficiency arose again. 21 In a judgment delivered on 4 June 1980 Chief Justice Munnik set the record straight with the following statement:

"Now, the Appellate Division of the Supreme Court has held in a case emanating from this Court that the Court is not allowed, where there is an interpreter, to use its own interpretation from the language in which the witness is giving evidence. With due respect to CORBETT J.A., who delivered judgment in that case, he completely misunderstood the point in issue. What I said in that case was that, because the Court understood the language concerned, it was in a position to gauge demeanour because it knew what was being said and obviously would

hear the tone of voice and see the reaction of witnesses when the questions were put and answered. It is not a question of putting an interpretation on the words different from that given by the interpreter and then relying upon this different interpretation for drawing conclusions which do not appear from the record. Decisions of the Appellate Division of South Africa are not binding upon me. In the context in which this Court uses its knowledge of the language, and particularly when my assessor here is a Transkeian and I understand the language, we are entitled, as we are doing in this case, to have regard to the demeanour of this witness as evinced by his reaction in his own language." 22

It would seem that the Transkei executive perceives itself to be beleaguered, both internally and externally, by hostile and destructive forces, only some of which are of its own making. Like the South African government, its reaction has followed the "total strategy" model, and repression has replaced resolution. With the South African example so close to hand, it should not surprise one.

Advocate Sydney Kentridge warned in a recent paper that:

"One day there will be change in South Africa. Those who then come to rule may have seen the process of law in their country not as protection against power but as no more than its convenient instrument, to be manipulated at will. It would then not be surprising if they failed to appreciate the value of an independent judiciary and of due process of law." 23

In the case of Transkei it would seem that his prophecy has already been fulfilled.

1. See, for example, A. S. Mathews *Law, Order and Liberty in South Africa* Juta 19/1; J. Dugard *Human Rights and the South African Legal Order* Princeton UP 1978.
2. This section is, of course, a duplicate of section 13 of the Republic of South Africa Constitution Act, 32 of 1961, which protects the South African State President.
3. *S v Dalindyebo* 1980 (3) SA 1049 (TkSC) at 1061.
4. The original language was a bit more robust. "Here again I pause to indicate that during the course of the translation the interpreter used the original word which was the rather crude word 'shit' which was used in the Xhosa . . ." Per Munnik CJ at 1058.
5. At 1057G
6. "... it is somewhat strange to see that the need is felt in Durban, in order to measure the standard of driving ability of the South African bus driver, to refer to the driver of the Clapham bus, whose passengers a long time ago were supposed to be models of reasonable Englishmen." Per Rumpff, CJ, in *Marine and Trade Insurance Co Ltd v Singh* 1980 (1) SA 5(A) at 12A.
7. See for example B Streek, "Transkei - The Weird Wonderland of the Matanzimas" in Vol 1 no 6 *Frontline* at page 22.
8. *S v Ncokazi* 1980 (3) SA 789 (TkSC) at 793C
9. *Ibid*, at 793H-794
10. 1980 (3) SA 535 (TkSC)
11. 1980 (3) SA 800 (TkSC)
12. 1980 (4) SA 528 (TkSC)
13. By Proclamation No 9/1980 of 4 June 1980
14. By Government Notice No 81/1980 of 4 June 1980
15. N Mkele, "Guest of the President" in Vol 1 no 5 *Frontline* at Page 18
16. *S v Mpopo* 1978 (2) SA 424(A) is the appeal case.
17. At 425G-H
18. At 425H-426
19. At 426F-427
20. At 428H-429
21. *S v Gandu* 1981 (1) SA 997(TkSC)
22. S Kentridge, "The Pathology of a Legal System: Criminal Justice in South Africa" in Vol 128 *University of Pennsylvania Law Review* 603 at 621

RUTH HAYMAN

by Alan Paton

General Smuts spoke immortal words at the graveside of Louis Botha. He said of Botha that he was the "greatest, cleanest, sweetest soul of all the land, of all my days". I myself would number the members of the Liberal Party of the 'fifties and the 'sixties amongst the greatest, cleanest, sweetest souls of all my days. And none more so than Ruth Hayman, who has now left us.

Ruth had a gift that is given to few of us, an inner vitality, an energy that seemed inexhaustible, a restless eagerness to be up and doing. Perhaps she sometimes just sat and reflected and meditated, but I never saw her do it, and I find it difficult to imagine. She went some time in the 'sixties to visit her mother Ethel in Israel, and Ethel wrote to me, "I am worn out by the visit of my wonderful daughter!"

What made Ruth wonderful was not just her eagerness and her vitality. What won for her the intense admiration of the members of the Party, was the fact that she devoted these extraordinary gifts to the cause of justice. She was the champion of the poor and the oppressed. I do not think that she ever refused a call for help in her life. She hated injustice and would fight against it with all the strength of her slight body. She would go into any police station, any court, in any place, even in the white rural countryside that was venomously hostile to all that she stood for and believed in. She would treat judges and magistrates with respect, but she was as much an officer of the court as they, and nothing would prevent her from carrying out her duties.

Was she fearless? Or just brave? I am sorry I never asked her whether she ever felt nervous when she took up some unpopular cause. It was said of Smuts that he was fearless. It was said also of Horatio Nelson. But they were both men of power, and Ruth had no power at all except the vitality of her personality and her passion for her cause. She was one of the bravest of us all, and there were many brave people amongst us. She didn't make much money, but luckily for her she came of a rich family. Much of her work must have been done for nothing.

The consequence of her activities was inevitable. In 1966 she was banned and confined to her home. In one thing she was lucky — she had married again and very happily. She married Mervyn Lazar, a slow and quiet man whose very quietness was the perfect complement to her restlessness. There is no doubt that this marriage helped to a great degree to make her restriction tolerable. But her law practice began to melt away. For one thing she was now no longer allowed to enter a court, unless of course it had been to stand in the dock.

Why was she banned? It is of course "not in the public interest" to give the reasons for a banning. She was banned for the same reasons that Peter Brown, Jean Hill, E.V. Mahomed, Elliot Mngadi, and many others were banned. She was banned because she hated Apartheid, and because she was tireless in helping those who suffered under it. She was banned for no other reason than that she was a militant opponent of everything that the Government, the National Party and the Broederbond stood for.

Mr. B. J. Vorster, Minister of Justice from 1961 to 1966, was always angered by accusations that he banned some



people merely because they opposed the Government. He was capable of deceiving himself to an inordinate degree. The fact is that he banned Ruth Hayman because of her tireless championship of the victims of Mr. Vorster's government. It would be true to say that while the Liberal Party of the 'sixties disliked Dr. Verwoerd intensely, the members had for Mr. Vorster an unqualified contempt. No Minister of Justice ever did greater damage to the rule of law, and therefore the cause of justice.

Mervyn and Ruth decided that life in South Africa had been made intolerable for them, and they decided to emigrate to England. They did not like exile, but they did not allow themselves to be obsessed by it. Mervyn found a place in the business world, and Ruth turned her energies in the direction of social and community work. She was active in the founding of English classes for immigrants. The number of classes grew rapidly, and one local council after another took over responsibility for them.

After Mervyn's death much of the joy went out of Ruth's life. She missed him greatly and did not like being alone. I had dinner with her in London in March of this year, and she did not pretend to be happy. She made it plain to me that the great days of her life were over. When I left her I did not expect to see her again, and I did not.

Well now she has gone, one of the bravest women that ever trod the soil of South Africa. She was a heroine that had no honour in her own country, except among those of us who believed in the same things that she believed in, and loved her for her courage. If South Africa has any honour to talk about, it comes from people like Ruth Hayman. □

PLEA TO THE N.G. KERK IN S.AFRICA FROM THE NYANGA BUSH PEOPLE

We the people of Nyanga Bush, profess our Christianity and belief in God. We see you members of the N.G. Kerk as being part of this Christian family sharing in the common fatherhood of God. This makes us all brothers and sisters in this family.

During these times we have suffered greatly through actions undertaken by members of your church who profess the same faith we do and whom you support. We have been forcefully separated as families, we women forced to live apart from our husbands. We were even separated from our children during the number of deportations we were subjected to recently. We are being forced to live in places where we find no work or food and have witnessed the death of our children through starvation. We find our return to such places impossible. It is now in our utter desperation and suffering that we implore you in the name of God to:—

- Stop the continued separation of our families
- Stop the humiliation we suffer as a consequence of constant hounding like animals and criminals
- Prevent our removal to areas of starvation
- Enable us to live out our united family lives in a Christian way in areas of our choice.

We pray that you will hear our plea and put an end to our suffering through the guidance of those responsible who share in your membership. We pray too that soon we may all be able to live as one loving Christian family free from oppression and fear; and for your courage and strength to make this a reality.

Your brothers and sisters in Christ,
Nyanga bush people

This petition was handed to the Rev. C. H. Latsky of the Dutch Reformed Church in Rondebosch, on 11-10-81. He told the Cape Times that it was handed to him in good faith and after "a very nice meeting with the group", he had passed their message on to the Rev G S Moller, Moderator of the Cape Synod of the DRC.

Mr Moller said: "We have two congregations in Nyanga and Guguletu. We have an agreement with their ministers and church boards that we will provide money, food and clothing should these be needed.

"After the Crossroads evictions, our doors were open for aid for those evicted, and our liaison committee discussed the squatter problem with government officials.

"Ideally we should not have a squatter situation and we are working towards the provision of houses, schools and health services.

"But it cannot be done overnight. It is a hard fact that families are being divided, and my sympathies are with them. But personally, I cannot see how influx control can be stopped without chaos in the Western Cape."

Mr Moller said he had criticized the recent eviction of squatters in wet winter weather in the church's newsletter.

The country, he said, was faced with a vast unemployment problem which could not be solved overnight.

"To imagine that we can go to the government and ask them to stop the squatting problem is an oversimplification. The Church is not the State and the State is not the Church.

"Money is needed to provide housing, schools, hospitals. It does not just rest with the Afrikaans people. They only control 13 percent of the money and trade. The English and the Jews control 87 percent."

(from the **Cape Times**, 12-10-81).

PASSES & PLACES TO STAY

by L. F. Platzky

In the July 1981 edition of REALITY it was stated that the article "CROSSROADS : FROM CONFRONTATION TO CO- OPTION" had been written in the 'belief that it is crucial to understand the new "total strategy" in coping with resistance'. The article claimed to examine the more subtle enforcement of unchanged government policy. Since then the plight of the Nyanga squatters have highlighted the return of the old strategy of forced removals in spite of national and international protests.

In an attempt to understand current state strategy, it is useful to compare the Nyanga with the Crossroads issue.

NYANGA

In June 1980 people were evicted from a squatter camp above the Hout Bay Harbour. They were given refuge in the Langa barracks which were due for conversion into family housing for those 'legally' in Cape Town. In April 1981 they were evicted from the barracks. They were taken into church halls by sympathetic priests, but they could not stay there indefinitely and in May they moved to a site on the edge of Crossroads. The Crossroads Committee was not consulted before this move and confusion resulted in the community as the Crossroads residents thought an arrangement had been made with their representatives which could be detrimental to their agreement with Dr Koornhof that they would not allow more people into Crossroads. The Executive made it clear that they felt the Crossroads people should not become involved as, for better or worse, they still had an agreement with Dr Koornhof.

On 22 May 1981 55 women and children were deported to the Ciskei, but they had returned to Cape Town within a week. Dr Koornhof said that it was his duty to protect Africans legally in the Western Cape and he would see that the strongest action was taken against illegal squatters in the future.

It seems that, although no official statement was made, a number of the people involved at this stage were 'legalised' and allowed to put up shanties next to the Administration Board offices at Nyanga.

On 14th July 300 other Langa residents marched to the Langa Administration Board offices to demand accommodation and the right to be in the Peninsula. On 15th July 700 residents marched to the Nyanga offices with the same demand. Officials could not cope and closed the offices.

Late on the night of 15th July 1000 homeless people moved onto the land between Crossroads and the Nyanga offices of the Peninsula Administration Board (PAB) to join the Langa Barracks people. These were people who had been living in crowded conditions in hostels, zones, flats, other people's houses, and the people of Crossroads who had not been regularised in terms of Dr Koornhof's categories (see page 15 July REALITY). A small committee was elected that night.

At 03.00 next morning the PAB carried out a huge pass raid, arresting hundreds of people. The people did not resist but went into the vans singing. Those who were not arrested went to the Langa Courts later that morning to be with friends and relatives. Hundreds of township people joined in. The crowd sang and offered themselves for arrest — a scene reminiscent of the Defiance Campaign. Teargas was used to disperse the crowd outside the Court. Over the next week it was reported that 1134 people had been arrested, but those who came out on bail estimated at least 2000 had been arrested. The Langa Courts could not cope as lawyers were brought in to defend the accused.

On 20th July representatives of 21 organisations met to discuss how they could help the Nyanga Bush people. They called for the immediate and unconditional release of those who had been arrested and for the abolition of the pass law system ("We feel that this is their land and they should be given a place to stay here"). Twenty two more organisations sent representatives to a follow up meeting at which the "Bush Committee" failed to appear. It became increasingly clear that the Bush Committee would only relate to the churches and (predominantly white) support groups such as the Women's Movement for Peace, Black Sash and the Civil Rights League. In fact, once the Crossroads Executive had taken a decision to help the bush people, having seen their plight during the raids and how Crossroads people were also being arrested, the Bush Committee actually refused to work with them, saying they worked with the PAB.

On 27th July DIE BURGER reported that officials had to be brought from the rest of the country to cope with 1100 people charged with pass offences in the Langa Courts. Lawyers had offered their services defending those arrested during the raids of the past few weeks. The number of defended cases slowed the notorious pass courts. There had been some talk of not taking bail or defence at the beginning but it is not clear what happened to that strategy. Until Parliament debated the squatter position, the main news was the legal proceedings surrounding the bush people.

On 5th August DIE BURGER reported that Dr Koornhof had said South Africa would not tolerate a second Crossroads, and that the government had no intention of lifting influx control. On 8th August Dr Koornhof denied that shelters had been removed from those in the bush and the CAPE TIMES published a photograph taken on 17th July of a policeman removing shelter from an old lady.

Mr Thomas Mandla, Chairman of the African Chamber of Commerce, said that those in Cape Town "legally" were not against the rest. "We'll share our crumbs of bread" he said in a statement to the ARGUS on August 10th

Next morning there was another pre-dawn raid. American Congressmen visiting Cape Town condemned the inhumane treatment of South Africans. By 13th August social workers, churchmen and relief workers were no longer allowed into

the camp. A fund was set up to raise money for the squatters. A petition strongly objecting to the recent evictions, arrests and intimidation signed by thousands of Capetonians was handed to Dr Koornhof, a mass meeting in the City Hall condemned government action and four Progressive Federal Party (PFP) Members of Parliament had a long discussion on 14th August. Ms Helen Suzman said that they had had 'no joy' from the Minister. News of the action was being published around the world. The Bush Committee was told to expect a visit from Dr Koornhof that night. He did not arrive and instead released a 'new deal' through the press: According to the statement in THE CAPE TIMES (15 August) Dr Koornhof had made an agreement with the Transkei government that:

*Uncontrolled squatting could not be tolerated and would not be allowed in the interests of the squatters themselves.

*No squatting would be allowed on the relevant site in Nyanga.

*The case of each individual apprehended on the site in question as from July 16 to August 3, 1981 would be considered on merit. Where the person was in employment, his position would be legalised. Housing would be taken up with the employer and, if accommodation was not available, the person would be accommodated on a single basis.

*The unemployed would be helped to find jobs elsewhere in the country. Steps had been taken to find them private sector employment in the Transvaal and Orange Free State where jobs were available. Women not having employment and men not willing to take up jobs offered could not be accommodated in the Western Cape.

He added 'The people can rely on me not to rat on or go back on what is written here, but we must have co-operation to resolve the problem'. Dr Koornhof repeatedly rejected criticism of recent actions, saying his department was trying to solve a difficult problem in as humane a way as possible.

On August 16th Mr Brian Bishop, Chairperson of the Civil Rights League said the deal was not acceptable as the people would not be able to take their families with them. He urged moderation and tolerance on both sides through discussion and added that 'if we can arrange a meeting we would be pleased to do so although we realise that this will place our credibility at risk'.

Meanwhile eight PFP MPs had spent the weekend visiting Ciskei resettlement camps. This was the first public attempt to broaden the issue to forced removals and the public was informed about the scale and conditions of relocation.

By 17th August 2 500 people had gathered at the bush 'no name' camp, having heard that Dr Koornhof was offering jobs. People interviewed say that they were told to go to the camp if they were looking for jobs or passes. One even said that an official had told her to stay at the camp as the authorities were coming around to 'regularise' the people. (This was the second time such reports were made. The first was the time when people gathered on the night of the 16th July. It is not impossible that this was a state strategy to gather many of those 'illegally' in the area in one place to be deported).

The Chief Commissioner explained Dr Koornhof's statement to the people on 17th August. A meeting was scheduled for the next day for the Bush Committee to report what the squatters felt about the deal. It was cancelled and instead the camp was raided by 100 police in 80 vehicles with dogs at 06.20. About 2000 people were arrested, taken to Pollsmoor and told to divide themselves into Ciskeians and

Transkeians. Many people regarded themselves as neither. Mr Nkoko said that 'in Transkei everything is nothing'. He had worked in Cape Town 13 years and was one of the 800 meat workers who were sacked for strike action in 1980. He said he knew he could get a job if he had a Peninsula stamp; he did not need to be sent to the OFS or elsewhere.

Meanwhile the Transkei Minister of Foreign Affairs and Information, the Revd G T Vika said on 18th August that the squatters had been incited. They had refused jobs offered by Dr Koornhof insisting that they be allowed to stay with their families. The same day the Urban Foundation made R10 000 available for relief work.

On 20th August 1059 people were reported to have been deported. They were taken by bus to the Transkei, then given train tickets to the station nearest 'their villages'. 1283 had been detained at the camp, six took job offers, 60 were legally in Cape Town and 74 had not been dealt with by the time of the report.

A meeting of 1000 people was held at lunchtime at St George's Cathedral to protest and demand rights for the squatters. It was followed by an attempted march to Parliament to hand a memorandum to Dr Koornhof. It was handed to the Minister of Police while riot police dispersed the crowd. For the next week Parliament was in uproar with the National Party accusing the PFP of taking part in illegal activity such as marches.

On 21st August the Transkei border was sealed and road-blocks were set up between Cape Town and the Transkei in an attempt to stop deportees from returning to Cape Town. On the 23rd Chief Matanzima accused South Africa of not recognizing the status of the Transkei by sending people 'back'. He claimed they were independent.

Next day diplomats in Cape Town tried to launch a joint protest but it was halted by the American representatives.

800 people were held in a pre-dawn raid on the Holy Cross Church at Nyanga on 26th August. Most were deported. The Langa Courts were no longer being used for those allegedly from the Transkei — they are deported in terms of immigration legislation, while those from the Ciskei are being tried in Commissioners' courts in terms of the Urban Areas Act (until, presumably, the Ciskei becomes 'independent' in December 1981).

On 27th August 60 deportees managed to get through road-blocks to return to Cape Town to fetch children and belongings left in the chaos. Ms Kathy Lucket, a church worker, was trying to find 90 children of mothers stranded in the Transkei. Dr Koornhof announced in Parliament that about 43% of blacks in Cape Town are there 'illegally'. The government estimated a **de facto** population of 199 600 and **de jure** 114 164.

On 1st September Dr Koornhof announced that he would "always treat illegals this way". He named the Womens Movement for Peace, the Civil Rights League, the Western Province Council of Churches, the Black Sash and the Catholic Justice and Peace Commission as organisers behind the squatters, accusing them of inciting people and paying for them to return from the Transkei. The organisations denied the allegations. Dr Koornhof added that it was interesting to note that neither the Crossroads nor the 'legal' township people had become involved in the issue.

The deportees in Umtata were being sheltered by the churches, fed by the Transkei army. At the time of writing about 800 are still refusing to move until they can return to Cape Town. The Transkei government accused South Africa of not carry-

ing out its undertaking of legalising those people with jobs in Cape Town. Instead the South Africans had deported everyone. It seems that PAB officials may be sent to investigate this.

In Cape Town townships were surrounded by roadblocks, particularly during weekends with more than 300 people being arrested for pass offences on the weekend 5–6th September according to the Black Sash Advice office.

Having described the events surrounding the deportation of thousands of people to the Transkei, probably the first mass removal to that territory a brief comment of the current situation might be useful.

DEMANDS: PASSES & PLACES TO STAY

Going through press reports no demands of the bush people are to be found. A duplicated list of short and long term demands handed to the PAB reads:

SHORT TERM:

1. MORATORIUM in regard to all Board and Police action until negotiation resolved.
2. AMNESTY for those of community presently in prison or awaiting trial.
3. RECOGNITION that we are not criminals but ordinary people.
4. ERECT temporary shelters pending resolution.
5. FREE ACCESS to us for doctors, priests, lawyers, health and welfare services.
6. FREEDOM of religion and religious observance on site

LONG TERM:

1. RIGHT to live together as families.
2. RIGHTS to live permanently in the Western Cape.
3. RECOGNITION as citizens of South Africa.

Talking to people waiting for a meeting with the Chief Commissioner on 18th August, observers were told demands were "Passes and places to stay". At no stage were jobs demanded. Many people are employed in Cape Town 'illegally' so that what they require is the right to live and work in Cape Town and access to accommodation. Dr Koornhof offered jobs far from Cape Town where it is unlikely that family accommodation would be available. Unemployment in the Transvaal and the Orange Free State is just as bad as that in the Eastern Cape. If Dr Koornhof had really managed to organise over 1000 jobs, it is likely that the people of Onverwacht (a resettlement area of about 140 000 people outside Thabanechu, OFS) or Gannalaagte (a closer settlement in the Sannieshof district) or Kwaggafontein (a resettlement camp in KwaNdebele) or hundreds of other relocated areas in the bantustans would jump at the opportunity. The moment one group of people organises and has international media focussed on it (such as Crossroads), the government comes up with a 'deal', which attempts to make that group a little more privileged than the rest, thus dividing their struggle. But this time however rudimentary the organisation, the people refused his deal. They were summarily deported and now sit demanding their rights in the Transkei which disclaims them, saying it is South Africa's problem. South Africa's response is that they are citizens of the independent Transkei.

State strategy was successful in that having made a superficial attempt to negotiate, it could remove the people physi-

cally off the site and export the problem for the time being — out of sight and mind of the media. In spite of loose organisation over the last three months, the united stand of the people has been remarkable. They still demand to return to Cape Town. They have elected working committees to deal with day to day problems in the church halls and hospital in which they are staying in Umtata, but when the officials come to see them, they speak as one body. The bush Committee still exists in part in Cape Town. Most of them were never arrested.

The support group(s) strategy was not clear. Concerned individuals and groups poured food, clothing, firewood and moral support into the 'no name' camp. From the beginning there were tensions between those who saw their aid as humanitarian relief for people in terrible circumstances. There were those who saw the need for relief work, but felt that the issue was a political one and as such should be challenged by the Church, by concerned citizens of Cape Town, or both. The community with most experience in such matters, Crossroads, was excluded apparently at the wish of the Bush Committee. The township people and voluntary organisations that tried to get involved were also rebuffed. The supporters did manage to rally tremendous material and moral support among whites by petitions, a march, mass meetings, debates in Parliament but involvement could have been much wider and the squatters' stand could possibly have been sustained had those closest to them been actively involved.

The issue is not over. People are together in Umtata and morale is high. Influx control is not working and while the government may make short term gains, in the long term this episode had taught many a number of lessons:

*The State has the force to implement its policies and uses that power despite public outcry, promises of humane treatment, international rugby tours, foreign investment and the threat of sanctions, should it be critical for the survival of policy which protects political and economic privilege of the few.

*State officials are still state officials i.e. Dr Koornhof is Minister of Co-operation and Development, the department which implements the pass laws. He has clearly reaffirmed that he will not change the policy. Despite smooth talking to the contrary at times (e.g. April 1980: there will be no more forced removals), he is a Nationalist Cabinet Minister, not a frustrated liberal.

*The state does not always need to negotiate; it can gamble on using force. It lost in Crossroads in 1978, won in Nyanga three years later. Organised resistance from the people themselves makes the difference.

*Total strategy days are over — it is back to confrontation in Nyanga, Angola, the trade union movement, etc.

*The International climate is different with right wing leadership in the USA and UK particularly. South Africa need no longer be as careful about its 'overseas image'.

*Transkei is an agent of South Africa — forced removals cannot be refused by a bantustan.

*There is no substitute for organisation — demands should have been clearly stated by the people themselves, as they were in Crossroads, then outsiders could have related to demands rather than helping to articulate them.

*Resistance cannot be sustained without community support — the Bush Committee should not have refused support from 43 community organisations.

* Remarkable resistance and unity have been sustained for three months — in short term the people have lost for the right reasons (direct repression) rather than for the wrong ones (co-option in Crossroads).

It is not inconceivable that Dr Koornhof and the Cabinet could renege on their 1979 Crossroads agreement. Hundreds, if not thousands, were left off the survey and as Crossroads is cleared, not all the people are qualifying for houses in the New Crossroads. Some who have qualified are being given three months permits, then told to return to the Transkei. It is possible that Dr Koornhof could claim that the Crossroads Committee has not kept its side of the bargain

in not allowing new people into the area. The vast majority of those left off the survey (estimated over 3 000 by the Committee) have lived in Crossroads all this time and only become conspicuous as official sifting progresses.

Should the special status of Crossroads be withdrawn, it is unlikely that such a politicised community with a long history of organisations and experience from which to learn, would allow itself to be deported from the Western Cape. Crossroads leadership has reverted to holding general community meetings and is well in touch with township representatives. It would be an unwise state that tackles that alliance lightly.

POSTSCRIPT.

CROSSROADS:

REPLY TO ANOTHER VIEW

In writing "Crossroads: From Confrontation to Co-option" we stated clearly "This article is not intended as an attack on those who participated in the process. It has been written in the belief that it is crucial to understand the new 'total strategy' of coping with resistance". Both of us were members of the Crossroads Support Group, and, as such we recognise the need to evaluate the process. By naming and defending the actions of members of the delegation Ms Cleminshaw highlights the very problem in the strategy that was adopted, namely individual action which could be removed from the community base, rather than broad democratic struggle. We are evaluating the TACTICS used, not criticising the individuals.

Briefly, some comments on the reply:

We question whether "retaining residence, employment and shelter in Cape Town" was achieved on as wide a scale as was expected. The "letter and spirit of his (Dr Koornhof's) undertakings" had two sides to the coin: saving (many) Crossroads people from the bulldozers AND increased influx control.

The fact is that a number of people have not been getting houses in the new area (mainly lodgers and female heads of households) and there are still people on three month permits, despite assurances of longer periods and the establishment of an Appeal Committee, as cited by Dr Koornhof.

New Crossroads has been raided by BAAB twice, about seven people have been deported to the Transkei and heavy fines were imposed on owners of houses where "illegals" were found. Local officials have threatened to charge residents from other townships with trespassing, if found in New Crossroads.

Dr Koornhof himself stated that his proposals were "in the best interests of the Government". The very reason he involved himself in the Crossroads issue was reaction to mass struggle. The Urban Foundation had proposed a township to be built for Crossroads long before and when Dr Koornhof appeared, he took that advice. Once the State and big business had decided how to control the situation, the rest of us were pawns in the game.

Certainly the negotiators represented the delegation and the committees, but it cannot be denied that from the time Dr Koornhof appeared in Crossroads until the statement was released there was no broad community discussion let alone accountability. The proposals were never put to a vote.

Had the delegation and the committees been in touch with a significant part of the community, and they had all publicly decided to accept the deal, our judgement would be different. Far from being an "unwarranted reflection on the intelligence and commonsense of the Crossroads delegation and the people themselves", this is a sincere attempt to learn from their experiences, many of which were very positive. Other communities under threat of removal value the triumphs and pitfalls gleaned from Crossroads.

In conclusion, may we reiterate our belief that we should learn from experience, that we should publicly reflect on strategies, that heroes are often unsung and that we should attempt to build the future democratic South Africa now by not being ashamed to air our problems, by recognising our roles in different areas and making sure we learn from the enemy, the apartheid designers, that only through careful planning, precision implementation and reassessment will we win the struggle. □

L.P. & J.C.

THE REMOVAL OF ROOSBOOM

A talk given at a meeting of the Association for Rural Advancement, in Ladysmith, on 30-5-81.

by Elliot Mngadi

I will start with a short history of how 'black spot' removals came about. Before 1913 Africans could buy land almost anywhere in South Africa and they were allowed to do so by law. But in 1913 the government of that day legislated a law known as the *Natives Land Act*. That Natives Land Act restricted blacks from buying land in South Africa unless we got the consent of the Governor-General – we did not have the State President then. After that an African could only get land from a white person with permission. One of the reasons whites had for selling their land was that it was unproductive and seeing the blacks had nowhere else to buy land, they of course would buy that land.

Then, in 1936, the law was amended and given a new name it became the *Native Trust and Land Act* of 1936. One of the things that law did was to give power to the authorities – the Governor-General with the Committee working with him – to declare certain black areas in Natal, certain farms, 'black spots'. They would say: "Alright, Matiwane's Kop, since it is surrounded by white farms, it's a black spot. Roosboom, surrounded by white farms – black spot". They wanted those areas to become all-white, and so they planned to remove these farms. That's how then 'black spots' came into being. It was before they legislated the *Group Areas Act* which I will leave to the town people to discuss, since it affects them. What I am talking about are the laws affecting rural people. As a result of this 1936 law, in the whole of Natal 242 farms owned by blacks became 'black spots'.

NORTHERN NATAL AFRICAN LAND-OWNERS ASSOCIATION

After the 1939 war, in about 1956, the government first started moving people from these 'black spots'. One of the farms they started was Besters. At that time I was an organiser of the Liberal Party and I was also one of the landowners at Roosboom, near Ladysmith. It was during this time, as part of my work, that I had to organise the African landowners in Natal to form a body of their own. In 1955/56 we formed a body called Northern Natal African Landowners Association. I don't know whether fortunately or unfortunately, but I was elected Secretary of that body. The main function of that body was to help people resist these removals. We tried very hard at Besters, as some will remember, and I think it took 5 or 6 years before they were moved. Next was Besterspruit, out at Vryheid. We tried to help those people there, but then, of course, the Government steamrollered the whole thing and in 1963 the people were moved to Mondlo. The same with Kingsley, the same with Gardenville, Crane Valley, Kopje Alleen, Waagalles, Siwangu Farm

This last farm was owned by Mr Nyembe who was Vice-President of Chief Luthuli's ANC. Well, the process carried on and on but what I want to talk about now is the removal at Roosboom, where I come from.

THE COMING OF THE LOCAL HEALTH COMMISSION

At Roosboom something very funny went on. In 1960, when we already knew that we were going to be removed – I remember the date very well because I was in gaol because of the State of Emergency – the Local Health Commission from Pietermaritzburg came to Roosboom to introduce their thing of running our area. When we came out from gaol we felt, as leaders of Roosboom, that alright, let's allow this Local Health Commission to come in. At that time, we thought that it would help to entrench us in the area, because we knew that they would spend a lot of money sinking boreholes and so on. Which they did, and then we had water from taps, for which we paid a blanket rate of £1 i.e. R2 today.

As you all know, when you have the Local Health Commission people in your area, you cannot build without a plan. At first that seemed OK and we were happy with that. Then, after about three or four years, they said we must not pay rates any longer but they still insisted that if one wanted to build, one must get a plan. Then, round about 1965, the same people, the Local Health Commission working in concert with government people, started numbering our houses.

At that time too, we were told that we could not extend our houses unless we had a plan, and if one wanted to get a plan from them, the plan was refused. Some landowners were annoyed about this and just started building without a plan – only to find that the officials of the Local Health Commission charged them. They were brought down here, in Ladysmith, and charged in a court of law. The magistrate found them guilty and after one had lost the action here, one had to pay and one's house was demolished.



As a result of that people, both tenants and landowners, were frustrated. They couldn't extend their houses — no extensions. They couldn't build another house either. Then came a time when those Local Health Commission people said "Alright, if you want to build another house, you must accept the fact that on the day when you will be removed, you will not be paid a cent for it". You had to sign a form of that sort. Now, even with the cheapest house of wattle and daub, you cannot build for less than R500. And no black person can play with R500, can take a chance and not mind losing R500.

In 1973/74 we had very good rains and as a result of those good rains, houses started cracking — you know wattle and daub houses can't withstand heavy rains. People were glad for the rain, only to find that they could not repair their houses. There was no hope for them in the area with this Local Health Commission.

In fact, when I think of this Local Health Commission, it reminds me of what happens in a war. In a war, say English soldiers against German, if one side has a very strong hold, the general of the other side uses big guns in order to soften those people. They will just shoot them, for several hours, and only then will the infantry rush them because they will have been softened by the big guns. In just this way, my people were softened by this Local Health Commission.

RIFT BETWEEN LANDOWNERS AND TENANTS

As a result of what happened, because of the Local Health Commission, a rift was caused between landowners and tenants. Seeing that the tenants had no stake in the land, as far as they were concerned it was now better to go than to stay at a place where they could not make extensions for their children. For them — the quicker they went, the better; the sooner they were removed, the better.

For the sake of those who are not clear about tenants, let me explain how that comes about. In fact, you will find that in any African-owned land there are more tenants than landowners. The reason is this: for instance, I am Mngadi and I own, let's say, 50 acres of land. I have my house and my fields, I plough the land and I keep a few cattle. Then along comes an evicted farm-worker. The farmer has given him a trekpass, his animals are in the pound, he has nowhere to go so he comes to me: "Please brother, if you can just give me an acre at the corner of your farm. I'll just be there for 6 months until I can find another farmer to take me on".

Out of sympathy I do that. Instead of looking for an alternative farmer to take him on, this man goes to Johannesburg to work. With a job in Jo'burg, he realises that he no longer has his six months to worry about — because you know when you are a labour tenant you have to work six months of the year for the farmer. His children are getting a good education now . . . and I have no way of kicking him out. This man is just there — and that's how these people get onto our farms. They are not invited to come. A question of making business from them does not come into it at all. For instance the rent at Roosboom was £3 a year — R6 a year.

This continues until you find yourself on this 50 acre farm with 20 tenants, each paying you R6 a year. You are not making any money out of them; they have deprived you of your land. You can't make a living there so in turn, you also go to Johannesburg to work.

That's why on any African-owned land there are more tenants than landowners. For instance, at a meeting I attended

at Jononoskop last year, I was surprised to find that there are about 300 or 400 households in the area, but only 17 of them are landowners. When the government removes the people, they use this division. The authorities call a meeting without differentiating between tenants and landlords. They simply ask: "Are you happy here?" If the tenants have had trouble with their landlord: "No, no, we're not happy." "Alright, we've come to offer you a good farm elsewhere. Now, those who would like to go there, raise your hands." I've already explained, 300 against 17. The 17 landowners, since they don't want to leave their lands, won't raise their hands. But the rest — the majority — do and, in a democracy they say, majority rules. So then the authorities start to go ahead with the removals.

REMOVALS START AT ROOSBOOM

Coming back to Roosboom then, officials from Pretoria came to the area in early 1975. They used exactly the tactics I've already described. I've already told you too, that people were crowded, they could not build — in fact, they were ready to go. As one of the leaders there, I called a meeting. The attendance was very good — 600 attending a meeting in a place like that is very good. We discussed the issues thoroughly at that meeting, only to find that the majority of tenants told us: "No, you landlords can keep your land, we are going".

When the officials from Pretoria came again, I told them not to do a thing until I had had a chance to call a meeting of all landowners to discuss this first — most of them were away working, in Johannesburg, Pretoria, Pietermaritzburg, Durban, Cape Town, etc. Pretoria agreed to that. In the meantime I wrote letters to all the landowners. The next thing, before they had assembled, I saw trucks, GG* trucks, coming into the area, to remove people.

I was nearly arrested then. I drove to town, to the Commissioner to demand to know what was happening. The chap just laughed at me; he said, "Mngadi, can you read?" He showed me a list — one, two, three, up to a hundred people who had applied. To be removed! In fact when I got to this office, I had made such a noise —kicked desks and whatnot — and if they had not respected me, I would have served a sentence for disturbing the peace. What was happening was that the trucks were only going to certain houses, not moving them all at that stage.

That is how hard it is to be a leader. Many people were really surprised and disappointed. They had expected resistance, especially where I was. I'd been involved in resisting removals at Besterspruit, Besters, Kingsley and all over, but when it came to my own area, nothing happened. As far as I'm concerned, we were softened by this Local Health Commission. People were charged, for instance Mr Kamani who was fined, and went back and built again, was charged again, his house destroyed, until he just had to give up.

EXPROPRIATION AND COMPENSATION

Trying to dig up information for this meeting, I came across these documents. This document is what we owned at Roosboom; it is what we called a 'Freehold Titledeed'. A proper thing — a Freehold Titledeed — and when our fathers bought the land, they were given these documents which gave them the right to own the place for ever and

* The term "GG" derives from the registration plates on Government vehicles and is often used to refer to the government.

ever, amen. Now this other document is what the people at Roosboom got before they were removed, you must get one of these, a document of expropriation, in terms of the Expropriation Act. Even though people gave themselves up, nevertheless we did not want to be moved and the landowners had to be expropriated.

This expropriation document is where the authorities say what the value of your land and your house is. If you are a landowner, you have to be given one of these before they remove you. You people who have not yet been removed must come to me and see what these things are.

Take this notice of expropriation which I have in my hand. It is for Zeblon Thusi. He had two stands of half an acre each. The heading reads: "Notice of Expropriation under Section 13, Sub-Section 2 of the Bantu Trust and Land Act 1936, Act No. 18 of 1936." In this notice, for his two stands the government offered Thusi R220 as compensation which was not fair at all! For his house — R39! Now, what can you do with R39? I am showing you these documents so that you who are still on your land may die there. Never accept this rubbish!

In fact, nobody was happy with the compensation they got for either their land or their houses. In my case, I had a tea-room which I built in 1964. People here have seen my tea-room; they will agree it was a decent place. You know what I was offered for that tea-room? For the shop I was offered R1680; for the toilet, R5 (we had an outside toilet); for the trees (we had good trees around the shop), R10; the place was fenced and for the fence I was offered R5. Gross compensation — for everything — R1700. That is what I was expected to take. But to build a shop elsewhere, today, you need R20 000! I was making a decent living with my shop at Roosboom; but now, because of this removal, I would not be able to build another shop with the money they offered me.

I am coming now to something very important. I was not happy about this. Now, in terms of this same Expropriation law, there is a clause which gives one thirty days to say whether you accept the government offer of compensation or not. Here it reads: "You are hereby required to notify me, in writing, within thirty days from the date of notice, whether you accept the said amount of compensation." This part is so important, Mr Chairman. I told my people about this thing — that you have the right to say "I do not accept your offer." You are not breaking the law. But people do not want to fight their own battles. They want somebody else to fight their battles for them. In this case each landowner himself had to write to Pretoria to say he did not accept the offer. But they were afraid to do so because then they each had to be an individual, acting on their own against the government, not through me. So they did not do so.

In my case, I wrote to Pretoria and I refused this R1 700. I wrote to them on the 22nd July 1976. At that time we had already been moved out to the resettlement place where I am living now, Ezakheni. It took them almost a year to reply. I got a reply from them on the 28th June 1977, having written on the 22nd June 1976. I had employed the service of an independent evaluator who did a good job and charged me only R9.50. On the strength of his evaluation I claimed R3 500. Then when Pretoria finally replied, they gave me even more money, they gave me R4 225.50!

There is much more I could say about this removal but I am happy to have at least told you about the compensation:

that you people who are still to be moved will not get the value of your land. My experience is clear proof. This was robbery: to be offered first R1 700 and then for the same people to give me R4 225.50. It shows it was daybreak robbery.

What you must understand is that after you have received letters of compensation, if you are not satisfied with the compensation offered, you can fight your way through, with the help of lawyers and other interested people. It is important to know, however, that at this stage it is you who must take the initiative. You cannot wait for outside people to do it for you.

What I am trying to explain is that — you must fight removals where you are. I am happy that most people involved in removals in the Ladysmith area are here. The Matiwane's Kop people are doing just the right thing. Jonono's Kop and Thembalihle people should follow their example and not give in to being moved from your own places. You people who have not yet been moved must learn from us who have been moved, how bad it is. It is proper hell. So what type of fool would you be, after knowing all this, to agree to move to such hell?

CONDITIONS AT EZAKHENI

Before we were removed to this new place, Ezakheni, we were told that we would not be allowed to keep cattle, goats or sheep. So we were deprived of our cattle, when you know that as peasant farmers, you must have your cattle in order to get your milk and goats and sheep to slaughter for your children, particularly in winter. Then, we were not told the size of our new plots. We took for granted that they would be half acre stands as we had at Roosboom. When we got there, to our surprise, we found that we were given a stand of twenty metres by fifteen. Twenty metres this way, fifteen that — just like that, the size of your plot.

Then you found on this site a thing they call a fletcraft. It is a tin hut, — twelve by twelve. Tin walls, tin roof. And they also give you a tent, an ordinary tent. Well, you have a family, but whether ten, twenty or thirty people, you just have to crowd into that thing, twelve by twelve with all your belongings. In my case I had had two four-roomed houses at Roosboom — eight rooms. Now I had to squeeze everything I had had in the eight rooms into the fletcraft and the tent. Which was an impossible thing to do and the result was — I lost a lot of my things. Of course I was not the only one. Nearly everybody lost things.

The only good thing was that since this was a site and service place, there were services — a toilet (a flush toilet) and a tap on each plot. Unfortunately, though in the beginning there were breakages in the pipe and sometimes we went for two weeks without water. So how can you flush your toilet without water? (Though now the situation with water is better).

Another hardship is the rent. When we got there we had to pay a rent of R2.10 per month for the site and the fletcraft. At the end of 1978, the Kwa-Zulu Minister of Interior, Dr Mdlalose, announced that they had decided to double the rent in the township part of Ezakheni. Where there are these four-roomed and five-roomed houses, people were paying R7 so that became R14. In our case, we from Roosboom had chosen to go to the site and service, and in our case the rent rose from R2.10 to R8.07 — for this tin thing! That's what people are paying for that twelve by twelve fletcraft, toilet and water. Eight rand and seven cents!

I told you that the sites are twenty by fifteen. That means that people are crowded like sardines. Even worse, it's dark at night. No electricity. The result is that after dark you cannot just walk in the streets there. And, a part I don't understand, out of every ten people there, eight have guns. I know they don't have licences, but still they have guns. You can imagine. Now at Roosboom, we were a Christian Community. We had no hooligans, no criminals, no people interfering with the stock of their white neighbours. At Roosboom you could walk safely both day and night, without anybody interfering with you. But Ezakheni — in fact, I must leave this meeting before five o'clock to get home before it's dark.

I've already said that when my people came from Roosboom we chose to take up the site and service area. People chose that because they were told that they would be allowed to build their own houses with daka. We expected to do that, only to find when we got to Ezakheni that we could not build with wattle and daub there because the soil is clay. You cannot build with clay, so if you want to build at all, it has to be with cement. But the price of a cement pocket out at Ezakheni is R4.50. If you get it from town, here in Ladysmith, it is cheaper, about R4 but then transport from Ladysmith to Ezakheni will cost you not less than R9, whether for two pockets or ten. So it is very very expensive to put up a house there and that is why there are some people there who will never be in a position to build their own houses. They are still in these fletcrafts, after five years!

Transport at Ezakheni is very expensive. At Roosboom we were only 7 miles from Ladysmith, with good roads coming

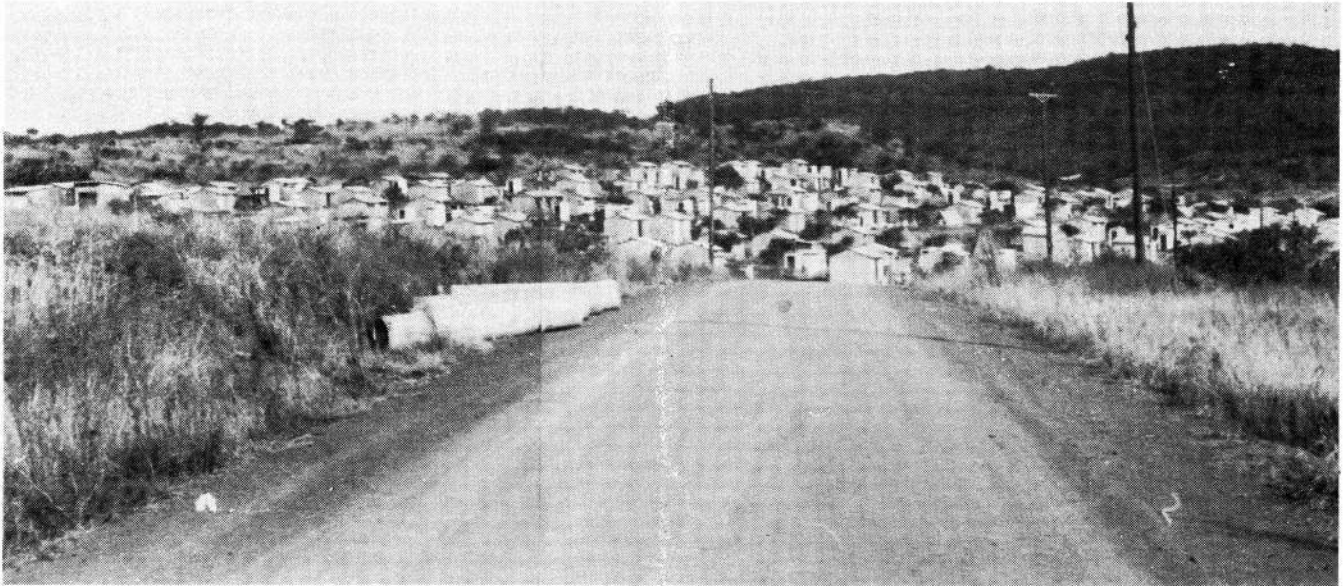
into town. At that other end, Ezakheni, we are about fifteen miles, twenty-five kilometres, away from Ladysmith. Because of the long distance transport is expensive, bus fares high. At Roosboom you could just walk to town; who cannot walk seven miles? But from that other end, you cannot walk twenty-five kilometres. Whether you like it or not, you have to board a bus.

I am just pointing out a few things that are so bad there. I don't know how to word it, how to tell you how dissatisfied we are with that area. And yet as it is, we are stuck with it. That is why I would like to advise my friends who are still at their own 'black spot', not to leave those 'black spots' — even if they come to shoot you!

At Roosboom I had planned for my old age — I am well over sixty — that I would just keep five cows and my own chickens. You know, when you have your own milk, your own chickens, what do you want? I get a visitor, I slaughter a chicken. A best friend, I slaughter a sheep. In winter I slaughter a beast for my children — because it's cold, the meat would not spoil quickly. That is the life I had planned for my old age.

But now, in my old age, I have to start afresh, at this new place where I have to be careful that small boys do not shoot me. So that is why I say: you people who are still at your own places, stay there! Sit tight!

(Talk given at an AFRA MEETING, in Ladysmith; 30th May '81)



Ezakheni, 1976

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