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# SASH

## Conference Issue

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**The Black Sash magazine**

# National Conference resolutions

## Minimum wage

Members of the Black Sash believe that the cost of living in South Africa today requires a minimum wage for all workers of R2 an hour or the equivalent thereof, and that this figure should be periodically assessed in order to ensure that all workers receive a living wage.

We believe that it should be possible for employers to meet increased wages to this extent.

We further believe that labour-intensive methods of production are appropriate and urgently needed in South Africa, and that increased wages ought not to be met by reductions in the work force. We recognise that this can only be successful as part of a general re-allocation of the country's resources, and that we do not have the power to bring this about.

Nevertheless we believe that it is our duty and responsibility —

- 1 to promote through our contact with employers and shareholders the concept of a minimum wage below which it is impossible for workers to lead a reasonable life — and
- 2 to ensure that all our members are aware of the issues involved and commit themselves to act accordingly as employers.

## Detentions

- 1 The Black Sash condemns the practice of arbitrary arrest and detention as being a violation of the civilised concepts of liberty and human rights which negates the fundamental right of Habeas Corpus and the principle of the Rule of Law.
- 2 The Black Sash affirms that evidence obtained from detainees under the interrogation procedures employed and from those held in solitary confinement is without credibility and should be inadmissible in any court of law.
- 3 The Black Sash demands the abolition of the detention laws and the immediate release of all detainees.
- 4 The Black Sash pledges to act unceasingly to achieve this.

## Detainees' Parents' Committee

The Black Sash congratulates the Detainees' Parents' Committee and support groups who, despite their continual worry and agony for members of their families who are detained, have achieved solidarity in conveying the iniquities of the system to the authorities and the general public, have helped each other, and especially those less fortunate, to bear their anxiety with fortitude, and have earned by their dignity the admiration of all who love freedom.

## Non-violent actions

We commit ourselves to principled non-violent action for change towards justice and liberation. Such action, which includes the withholding of support, for example as consumers, should be used as appropriate in particular situations.

(ii)

## Summing up on Black Sash Strategy

We agree that our priorities for the coming year will be removals with a focussing of attention on what is actually happening in the communities concerned; a study of political economy but without any commitment to a particular 'ism' or ideology;

- keeping alive the issues of justice, with particular reference to rural areas;
- finding other ways of publicising our information believing that less and less Press publicity will be available to us;
- retaining our integrity as an independent organisation judging all issues according to our principles.

## STATEMENT ON CONFERENCE

**T**HIS INTERESTING and worthwhile conference has been important for many reasons, not least for the insight we have gained into the different approaches we have to the common difficulties we experience in living in South Africa as part of a relatively affluent and privileged group.

It is possible to look at South Africa — the whole of South Africa — through a hinged grid; squeeze it one way and you get a focus that sees all our problems as caused by racism and the denial of civil rights; squeeze it the other way and the problems are all class struggles.

The trouble is that in South Africa these two powerful forces overlap and reinforce one another — that's why many things are even worse here than in other Third World countries. We need to try to keep that grid wide open; to be aware of how we are bound to be influenced by our understanding of the forces at work, and that the answers we find are governed by the kind of questions we ask.

We are proud of our record of honest attempts to portray the realities of our society, and we must continue to try to be as clear-sighted as we can. But also we need to keep active, not to be paralysed by concentrating exclusively on ideological attitudes. The historical value of our recording the truths of our society as we see them is enormous and social analysts of the future will depend on them.

Self-examination, and self-education are important as the means whereby we sharpen our weapons of protest against, and documentation of, the evils which pervade South African society, and to strengthen our efforts to work towards a just and united society.





# Presidential Address

Joyce Harris

**T**ERRIBLE THINGS are happening in our country. They have been happening for a long time. In analysing what worries me so I have come to the conclusion that it is not so much the events themselves, serious and horrible though they often are, for example the detentions, the deaths in detention, the bannings, the forced removals, the evictions, the labour restrictions. Nor is it even the increasingly violent reactions being provoked. I think what concerns me most is the climate — the texture — of a society which can produce such aberrations, and which can compound them year after year after year.

Brutality is defined as inhumanity, and inhumanity as the want of human feeling, barbarous cruelty, the want of politeness or courtesy. Sadly the society in which we live conforms to these definitions — to a greater or a lesser degree. Politeness and courtesy are often noticeably absent in the behaviour of the so-called 'Civil' Service, particularly that part of it which has to deal with black people. Barbarous cruelty manifests itself in the many allegations of torture of detainees and by the deaths of some of those who have been held in detention. The want of human feeling is implicit in the total policy of forced removals, or migrant labour, or Group Areas or the Pass Laws.

## Brutality

I want to talk about the brutalising effects of brutality — the manner in which a brutal government spreads its poison into the bloodstream of the body politic so that eventually no one is left untouched—not the brutalised, not the brutalisers, not even those who profess to opt out of the whole ugly scene.

It is not difficult to trace the inevitable growth of brutality in our present regime, for it has its roots in the very beginnings of the National Party. It was, and so far largely remains, despite the split, the instrument whereby the Afrikaner volk sought to establish themselves in the community at large, and to safeguard their culture, their language and their identity. The National Party's first priority was

the interests of the Afrikaner people. The maintenance of Afrikaner unity has quite blatantly and unashamedly taken precedence over the interests of the country as a whole.

When the objectives of a government are the achievement of the common good, then the pursuit of power in order to attain these goals may not be altogether reprehensible. But when these objectives are directed towards the welfare of one small section of the community, inevitably at the expense of all other sections, they constitute a very real danger, for then power can be maintained only by a regime which needs to become ever more repressive.

And that has been the history of South Africa under National Party rule. From 90 days — to 180 days — to indefinite detention without trial; from endorsements out of the urban areas, to compulsory migrant labour, to single sex hostels and closer settlements; from Bantustans to Homelands to Self-governing or Independent Black States, to the deprivation of South African citizenship and the fragmentation of the country; from Sophiatown to District Six to Pageview to prosecutions under the Group Areas Act; from passes for men to passes for women, to the on-going horror of Nyanga; from a relatively free Press to an increasingly muzzled one; from untrammelled public protest to restricted venues, to censored posters, to the Riotous Assemblies Act. The list is endless but the direction is always the same; towards more and more restrictions and less and less freedom.

Restrictions imposed in the interests of one group have led inevitably to inter-group hostility, which has expressed itself with increasing violence as those who are restricted fight their fetters while those who restrict feel vulnerable and apply more and more force.

Force is brutal. It has no place for the ordinary human values of caring compassion, or understanding. And as these values are increasingly denigrated and stamped out, brutality rears its ugly head with less and less reaction, or even

awareness from the community in which it operates.

Children are born into, and grow up within a society which has less and less regard for the rights, the freedom and the dignity of the individual; where the vast majority of the people are dehumanised and treated as so many cogs in the industrial and commercial machines; where the media are increasingly unable or unwilling to present the true facts; and where the art of double talk has been developed and refined to such an extent that even those who first introduced it have become so lost in it that they themselves are no longer able to distinguish between truth and wishful thinking.

Perhaps the reality of what this Government has perpetrated and continued to perpetrate is so hideous that even its spokesmen cannot bear to look the facts in the face and must disguise them, not only for the public at large, but even for themselves.

The often unbridgeable gap between words and deeds has led to a sort of national schizophrenia. Take for example Mr Pik Botha's statement after the abortive Seychelles coup, that 'in this country people are innocent until found guilty'. (The Satr, 3/12/81). He said this while hundreds of people were banned or detained without trial, and in the face of legislation like the Urban Areas Act, the Terrorism Act, the Internal Security Act and the Sabotage Act which effectively throw the onus on the accused to prove innocence rather than on the State to prove guilt. He must surely know that habeas corpus no longer operates in South Africa, and yet he found it possible to make the statement he did.

What is the frequently misinformed and nearly always gullible public to make of this? Very often, and in order to retain their sanity in the face of such blatant contradictions, people listen to the words and close their eyes to the deeds because they simply cannot reconcile them. Thus they choose to believe that justice is done while uncharged and untried people languish in detention and sometimes die, just as they gaze upon black education, homelands, 'voluntary' forced removals, the so-called 'equality' of separateness through the rose-coloured spectacles provided by the Government.

The realities of overcrowding and under-financing of black schools, of poverty-stricken rural areas, of hunger and starvation, of deprivation of citizenship conveniently escape their notice.

**And so the inhumanity and brutality of separation and discrimination germinate and grow in dark places. Those who turn a blind eye are just as culpable as the perpetrators of these evils, and in turn they also become brutalised. The whole country seems to be caught in a vicious spiral of violence and suppression and brutality — the end result, I believe, of the policy of apartheid, whatever its disguise.**

I would like to try to penetrate the curtain of words and to expose the reality of a policy which

is parochial rather than national in its intentions and how, in my view, this has been responsible for producing the brutal society in which we now live.

I do not believe that the National Party's original intentions were brutal — not at all. But I do believe that brutality was the inevitable result of government by a party motivated purely by self-interest, that the national interest has suffered as a result; and that this has built up enormous resentments which have in turn triggered off increasingly violent fear reactions from the government.

The sad thing is that the National Party's self-interest has never become enlightened and that its laager mentality has waxed rather than waned. I believe it was Dr Bernard Friedman who coined the aphorism, '**The National Party has always had its back to the wall and so it has never been able to read the writing on it**'. Certainly it has become increasingly oppressive as it has sought security, never able to recognise that, in the long run, consultation and negotiation must hold out more hope than confrontation in an admittedly difficult situation.

To start with the Government's homeland policy — however much it might like to deny the implications of the policy with all the accompanying forced removals it has involved, the reality of the rural areas is that they remain poor, non-viable, overcrowded, lacking in infrastructure, dumping grounds for the surplus people — the thousands not needed in the white economy.

For most of them their most productive export is their labour, which feeds the white industrial complex and allows for a dribble of returning income. They are not geographical entities.

They have lost the order and justice of their tribal culture together with the land availability which enabled them to follow their essentially pastoral way of life. They have had a tribal citizenship bestowed upon them, but as soon as their homelands become independent this is at the expense of their South African citizenship and their share in the wealth of the country they have helped to create. And nothing changes.

### **Ciskei and Venda**

In 1981 the Ciskei took independence.

Writing in the Rand Daily Mail, Ben MacLennan had this to say: 'While the Chief Minister of the Ciskei . . . presided over the one-hundred-and-one gun salute . . . there was little celebration in the resettlement camp of Nedvana, which falls within his own electoral constituency. This rambling collection of houses, shacks and tents is barely 10 km as the crow flies from the New Independence Stadium . . . But for the 400 men, women and children who were dumped there two weeks ago, national anthem and flag-raising will do nothing to piece together their shattered lives . . . Chief Sebe, it seems, has adopted and is applying enthusiastically one of white South Africa's most draconian measures — the eviction of 'redundant' people from their homes and their endorsement



out of the towns . . . One of the removals gang said he and his companions expected to be in the Ciskei, moving people, for the next five years'. (RDM, 5/12-81)

Writing in the Sowetan, and comparing Ciskei independence with that of the Transkei, Lance Cherry said, 'In 1976 Transkei was given its "freedom" . . . The freedom was real — Transkei was now free of all the profits its men were working for. It was free of South African citizenship. It also lost world recognition for its people . . . Transkei became a national labour pool with 65 percent of its labour power working in South Africa . . .

'Ciskei obtains 65 percent of its revenue from South Africa . . . The average earning of a Ciskei resident is R212 per annum . . . the hope or chance of Ciskei becoming a viable independent nation is less than one in hell'. (Sowetan 4/12/81)

50 percent of all two- and three-year-olds in the Ciskei are malnourished. Three out of four urban children and eight out of ten rural children are under-sized. (NUSAS Health Fact Sheet No 2)

Professor John Dugard remarked that 'already Major-General Charles Sebe had the dubious distinction of having probably set a record for repressive clampdowns on the trade union movement'. He warned that the 70 000-strong SA Allied Workers' Union would be doomed after Ciskeian independence. In September of 1981, 205 SAAWU members were detained in Grahamstown (Sunday Express, 29/11/81). The Union leaders were currently being held in detention in Johannesburg.

In late 1981 VENDA asserted its independence by detaining members of the Lutheran Church. There was one confirmed death in detention and rumours of more, and of torture inflicted on detainees.

Using the same brutal laws and repressive measures to which they were introduced by the South African Government, three out of the four leaders of so-called independent homelands are terrorising their people and abusing their authority.

### **Removals and deportations**

In the so-called self-governing black states, which still fall officially within the aegis of the South African Government, over-population and land hunger caused by continued removals to inadequate space result in ever-increasing misery. The population of Kwa Ndbele, for example, grew from 50 779 in 1975 to 166 477 in 1980, with 11 resettlement areas (Hansard, 3/81). Massive relocations continue all over the country.

Taking only one aspect of the financial cost of removals, that is compensation, R118 077 540 has been paid to 1 675 white landowners in South Africa, affected by consolidation (Hansard, 8/81). A total of R592 million had been spent on buying land for consolidation by January this year (RDM, 26/2/82)

The Government's priorities for the utilisation of its financial resources are a tangible expression of its determination to press ahead with its ideologi-

cal aims with total disregard for the suffering involved.

I believe that this policy, intended to be in the interests of Afrikaner or maybe even white survival, is inhuman and cruel. It is a form of brutality which must brutalise its perpetrators, while degrading those who suffer so sorely as a result of it.

**I believe that a policy which denies a person the right to sell his or her labour on the best market, and which locks a man into a category of employment for his entire working life, that is if he is sufficiently fortunate to be requisitioned for in the first place, to be entirely devoid of any semblance of human feeling.**

**I believe that to break up black families and to make the lives of black people entirely dependent on little bits of paper — permits and proofs that they are who they say they are and where they say they are — is to reduce them to ciphers and to deny their essential humanness. All are diminished in a society which indulges in such practices.**

In case anyone may still think that such things do not happen they might be interested to know that the Administration Board of the Western Cape took R229 351 for fines imposed for influx control during the first six months of 1981 (Hansard 3/81).

There were 38 468 arrests in the Republic for Pass Laws infringements in the first six months of 1981. Of these 15 301 men and 10 035 women were tried and convicted. (Hansard 3/81)

Squatters from Nyanga were deported to the Transkei.

2 017 people were deported during August 1981. (Hansard 7/81)

The Government has gone a step further than the endorsement out of urban areas of people whom it considers to be undesirable or superfluous, and has taken to deporting people who are South African citizens born in South Africa, but who have been deprived of their South African citizenship by the stroke of a pen.

And these deportations took place after many of the people had been subjected to the most outrageous harassment at Nyanga, and eventually guns were trained on them and they were shot at. Their only crime was a desire to live together in family units and to work and earn a livelihood. But they were not permitted the realisation, nor even the recognition of such basic, primary needs. They have simply had to join the long, long list of victims of the apartheid machine. In February 1982 the sand dune on which they lived was flattened, and the hounding goes on, night and day.

It is not possible for those who make such laws and those who are responsible for administering them to remain unchanged and unaffected by them. If they do not reject them sufficiently to cry 'Enough' and to refuse to have anything further to do with them, then they must inevitably be debased by them, together with all those who bear silent witness.

1981 saw the stringent application of the Group Areas Act. The Indian people of Vereeniging were

forcibly moved out of the central business area. They were also ejected from Newtown. 1 456 families were removed from Pageview (17 are still resident there — Hansard 5/81). So-called coloured and Indian people living in the white areas of Johannesburg, because they were unable to find any accommodation at all in their own Group Areas, have been hounded, charged, brought to court, found guilty, fined and evicted. And this has happened despite the Government's acknowledgement of the acute housing shortage.

Speaking at a public meeting in Sandton, Dr Koornhof said that the prosecution and eviction of a Johannesburg coloured woman for living in a flat in a white Group Area was 'particularly hurtful', and that cases like this 'make us feel very sorry and we are determined to move away from hurtful discrimination . . . But the law, must be maintained'. (Star 23/10/81). It is apposite to ask who makes the law, and why is no attempt made to change it if it is 'hurtful' and 'sorry'-making?

But there is no sign that the Government intends letting up on its invocation of this brutal and inhuman Act, a cornerstone of its total strategy of separation. 132 white families, 7 589 coloured families and 4 572 Indian families are still to be moved under the Group Areas Act. (Hansard 6/81)

### **Detentions**

Neither is there any sign of easing in the thorny arena of justice — quite the contrary, in fact. Figures for banning and detentions are frequently contradictory and confusing. In January of this year Mrs Helen Suzman was told by the head of the Security Police that 159 people were being detained under various security laws. The figure obtained by her two months prior to this was 131 (Star 5/1/82). The Star's Thermometer of Justice lists 386 persons as having been detained since the beginning of 1981, some of whom had been charged and some released, while the remainder are still in detention (Star 14/1/82). The Detainees' Parents Support Committee claims that more than 5 000 people have been detained since 1963; 400 are known to have been detained since January 1981; and at least 160 people are still in detention (DPSC 28/1/82).

But whatever the exact figures may be there is no doubt that there has been a heavy clamp down since the latter part of 1981, particularly on students and trade unionists, many of whom have now been in detention for several months. Our own member, Esther Levitan, has been detained since the beginning of January 1982, and Keith Coleman, son of our Transvaal Regional Chairman, since October 1981.

Detainees are held in solitary confinement, without access to their legal advisers or their friends, though the courageous work of the Detainees' Parents Support Committee, with Audrey Coleman and her husband Max in the vanguard, has resulted in occasional access to some of the

detainees. However this does not alter the fact that the detainees are within the absolute power of the Security Police and are denied the protection of the courts. Between them, the Government and the Security Police are a law unto themselves.

On February 5, young Neil Aggett died in detention, allegedly found hanged in his cell. He had been detained since November 1981, with no reasons given and no charge preferred against him. According to all who knew him he was a very special young man, gentle, loving, compassionate — characteristics which, in this brutal society, can apparently lead only to trouble. In this tragic instance he paid for them with his life, as others have done before him.

Then there is Thozamila Gqweta, a strong, healthy young man, who appeared in the psychiatric ward of the Johannesburg General Hospital in a state of mental and physical collapse after months in solitary confinement under Section 6. But apparently the horror caring people felt at what can be done to people by the inhumanity of their fellows was not shared by some Parliamentarians, one of whom commented to the amusement of his colleagues that people are not in solitary if they are being interrogated.

Only a sick society can practice indefinite detention in solitary confinement.

Only a sick society can condone it.

Only a sick or a frightened government needs to operate behind an ever-thickening curtain of concealment.

Numbers of those who have appeared in the Courts after having been held in detention have complained of being tortured, though no official investigation of the Security Police by the Security Police has ever confirmed such accusations. However rumours remain rife that detainees are subjected to all kinds of brutal treatment.

Whatever the truth of this may be the Government is showing its utter contempt for the fundamental democratic values of human liberty, freedom and dignity by arbitrarily banning and detaining people. The integrity of each member of society is diminished by indifference to the denial of human rights to others.

Speaking at a seminar on 'Reform in South Africa' Professor Terrence Beard of Rhodes University said, 'The powers of the security police are as great as anywhere else in the world . . . they are nothing less than frightening . . . The secrecy which now surrounded police activities had to a large extent placed the police force beyond scrutiny and thus beyond accountability . . .' (Star 1/12/81). And Mr Geoff Budlender, addressing a meeting called by the Detainees' Parents Support Committee, said that 'The Government removed its opposition by defining its enemies as criminals. Trials are the culmination of a process of removing opposition by defining enemies as criminals who have broken the law. The courts are used as respected validators of the process . . . The whole process of political trials gives the stamp of authority to State actions!'. (RDM 29/1/82)



## **The Rabie Commission**

The Rabie Commission on Security Legislation has added new crimes of 'subversion' and 'incitement' to the already daunting list, and has suggested increased penalties for some offences. In its report released on February 3 1982, it did not shift away from detention without trial; the suggested checks to govern detentions, bannings and restriction orders were totally inadequate; and it placed no limitation on the length of time a Section 6 detainee could be held. The Commission in fact endorsed the Government's apparent contempt for the courts and due legal practices.

Its recommendation of the establishment of a Ministry of Law and Order, approved by the Government, has an ominously un-Western ring to it. It needs to be constantly remembered that law and order do not necessarily have anything to do with justice, in fact they are likely to flourish best in a strictly controlled totalitarian society.

In a free society law and order can best be maintained with the consent of the governed living contentedly under laws they consider to be just. In such a society there should be no need for a Ministry of Law and Order, only one of Justice which is acknowledged to be done.

Mr Tom Manthata, Secretary of the Committee of Ten, saw the report as a declaration of war by whites against blacks. 'It is declared against those who sympathise with the sufferings of the people'. (Sowetan 5/2/82)

## **Justice**

The people have lost all confidence that justice will be done, because in security matters it is not seen to be done. The authorities show the arrogance of non-accountability in their treatment even of the relatives of the detainees. When the laws themselves have little to do with justice and much to do with the retention of power they do not provide protection for ordinary citizens and result in tyranny.

**Perhaps one of the most terrifying aspects of being a citizen of this country is that one is totally denied the protection of the law.**

Mr Sidney Kentridge said in an address to a parents' protest meeting, 'After nearly 20 years of detention without trial people forget how drastic a departure these laws are from civilised concepts of individual liberty and human rights' . . . (Sunday Express 29/11/82)

He referred to the 'dubious reputation acquired by the Security Police in the sphere of detentions' and said: 'There are many cases which have come before the courts where it has been . . . accepted . . . that members of the Security Police have abused their powers. Nonetheless, I know of no case where any of the police officers concerned has been even publicly reprimanded, let alone punished'.

While brutality and inhumanity are probably most blatant in the spheres of justice and removals, callousness and indifference are evident across the entire spectrum of government. The

labour reforms, based largely on the findings of the Riekert and Wiehahn Commissions, were aimed only at incorporating a 'segregated' class of qualified urban blacks, while keeping the unemployed bottled up in the homelands.

## **Committees**

There have certainly been attempts to improve labour relations, but many of the black trade unions are unhappy about restrictions imposed on them, and the widespread detention of trade union leaders and activists does nothing to inspire workers with confidence.

The Manpower Training Act of 1981 kept training separate for the different race groups, thus reinforcing apartheid.

The report of the De Lange Committee into education proposed dramatic changes under one Ministry of Education, but this pivotal recommendation, which black people have been demanding for so long — viewing it as their only reliable means of achieving equity with whites in education — was immediately rejected by the Government.

The pattern seems to be that the Government appoints Commissions or Committees, extracts from their findings those recommendations which best fit in with its unchanging policy of apartheid, and discards all those other suggestions which, in the main, are the ones which offer hope and encouragement to the dispossessed millions. Discrimination enjoys constant renewal while real and meaningful change is avoided.

The recent scandal over the leakage of matriculation examination papers for black pupils is a case in point with a callous and indifferent ruling from the authorities that thousands of students must re-write their examinations without even a by-your-leave, as though no hardship was entailed.

Politically reform was the name of the game in 1981.

But it has been perfectly obvious that the Government will not accept any recommendations that do not conform to its fundamental policy, and that the only so-called reform which will be countenanced will be cosmetic.

A Markinor public opinion survey showed that while the overwhelming majority of whites believed the Government was handling race relations correctly, a sharply declining number of blacks felt that way. A growing number of whites appeared to be sanguine about their lot in life while a dwindling number of blacks were (Weekend Argus 19/12/81). So the communication gap widens and resentment and ignorance walk hand-in-hand.

There were more than 50 acts of sabotage and violence from January to October 1981, a 200 per cent increase on the same period during the previous year. (Weekend Argus 19/12/81)

## **Priorities**

When TV 2 made its long-promised appearance during 1981, Percy Qoboza had this to say. 'To think that the whole exercise cost this country nearly R110 million in the face of hunger, starva-

tion and disease in the countryside. One begins to see how this nation's priorities are developed. To spend that amount of money while ignoring the needs of the communities, can only mean one thing — namely that television, like radio, is seen by the Government, not in terms of its entertainment value, but of the effective propaganda medium it can become'. (RDM 5/1/81)

An editorial in the Sowetan pointed out that 'We all love this country and no sane person would like to see a violent disruption to his lifestyle. But there are basic issues, very serious issues, which are eating at the very souls of blacks. We do not have to go into the pass system, influx control, into bad pay and the dismal housing situation. We don't even need to speak about the scandal of squatters in a country that is inviting and encouraging thousands of white immigrants. We need not speak about unemployment and lost job opportunities. We hardly have to breathe about the forced homeland issue and the politics of base inequality. These things have been said often enough.

'We believe it is utterly hypocritical and even unpatriotic for those in the lap of privilege to wish to convince themselves that the majority in this country has nothing to complain about. Whites have to wake up to reality. They are sitting on a time bomb'. (Sowetan 4/11/81)

### **The Press**

This brings me to the basic necessity of having an informed public and to the Steyn Commission into the Mass Media and its restrictive recommendations. In proposing a Government-controlled register for journalists it appears to regard them as would-be anarchists intent on misrepresenting the news to the detriment of society as a whole and the Government in particular. In reality the majority of them are dedicated, hard-working, often underpaid, concerned citizens doing their best to sort the wheat from the chaff, caught up as they are in the Government's interminable and tortuous word games.

It seems to me that the Government, and with it the Steyn Commission, are seeking to apportion blame for the publication of material they find undesirable in terms of their own interests, on the Press and its unfortunate journalists, to divert public attention from the fact that it is their own actions which are reprehensible, not the reporting of them.

If the Steyn recommendations become law then the final nail will have been hammered into the lid of the coffin of a free Press, but even more frightening is the knowledge that the public will not even be aware that it is dead. How many of us remember, every time we open a newspaper, that we are no longer getting any news about the Army, or military operations, or prisons, or the police unless passed for publication by the relevant authorities?

If more restrictive laws are introduced we will know even less than we do now, and the Government will be free to carry on with whatever it is

that it wishes to hide, untrammelled even by the limited degree of accountability to which it is presently held by the vigilance of a few.

In discussing the events of 1981 I find that I have made no real mention of the General Election, called by the Prime Minister for no apparent reason. There were gains to the right and the left of him, but it remained essentially a non-event, except that it cost the taxpayers R2 609 000. (Hansard 6/81)

The opposition groupings, however, have problems. Because the establishment is so undesirable in basic human terms the opposition is thrown into confusion. Those who opt for total non-participation do so largely because they are experiencing a total reaction to brutality. But the logical end-result of non-participation is confrontation, which is inevitably brutal.

On the other hand those inclined to opt for participation in the hope that this will lead to evolution by negotiation, are at the same time fearful of being insidiously sucked into the vortex of a brutal establishment, with which they would prefer not to have to associate themselves. Thus the dilemma constantly compounds itself.

I remember with horror the first time I heard or read the words 'liberalism' and 'humanism' — words which for me have always evoked the best elements of the human spirit — allied with the word 'sickly'. I remember my sense of outrage at the phrase 'Sickly liberal humanism'. I simply could not believe it was meant seriously. But that phrase was no accident, for it exactly portrayed Government attitudes to such admirable human concepts as freedom, dignity, civil rights, justice, compassion. And it still does. That phrase, sickly liberal humanism, was the direction-finder, the compass by which the Government has steered its policy and the entire country in pursuit of the security of the Afrikaner nation. In so doing it has blunted the sensitivities of everyone and reduced their level of humanity.

I resent what has been done to the values I hold dear.

I resent the difficulty we all experience in trying to retain our standards in an environment where words have lost their meaning, where the laws themselves denigrate decency, and where moral and ethical concepts have been turned upside down.

I resent the debasement of the society in which I live and the manner in which all its people have been dehumanised.

I know that my colleagues and friends in the Black Sash share my resentment and that we will continue to resist, as best we can and as we have always done, the brutalising effects of living within a brutal environment.

I know that we will do our utmost to retain our integrity and our consistency. I know that we will face the future courageously, armed with our belief in the rightness of our cause to seek and promote justice and human rights and liberties for all.

March 1982



# Politics and the appeal to conscience

**T**HE BLACK SASH, as I understand it, is an appeal to conscience. It grew out of the opposition to the removal of so-called coloured voters from the common roll in the 1950s. That battle was lost as the National Party swept all before it in its early enthusiasm to establish a total apartheid society. But the Black Sash to its credit remained in existence doing what it could to counter the ideology of apartheid and to alleviate some of its practical consequences, particularly in the operation of the Pass Laws.

In opposing the ideology of apartheid the appeal of the Black Sash was to conscience, the conscience of white South Africa that, in theory, subscribes to the social and moral values enshrined in liberal democracy but in practice disregards them in its treatment of the black majority.

The appeal to conscience in politics is an interesting theme for so often it seems to pit the politically powerless against raw political power. Yet to the credit of the human race and its Creator, the politically powerless do not always lose.

There are superb examples of resounding victories for conscience. Take for example the British abolition of slavery promoted by the greater evangelicals at the turn of the 18th and 19th centuries. Coming closer to our own time, there was the magnificent civil rights campaign that won full acceptance for black Americans in their own country in all forms of social life except those governed by pure prejudice. The human race has not yet discovered how to eliminate prejudice. Rapidly to have broken all the other barriers to participation in American society was no mean achievement for the civil rights campaign sparked by conscience.

I once asked an American priest prominent in the process what he ascribed the success to, for I wondered how the white majority, despite its prejudices, could have been won over to accept something that brought no political or economic gain to itself. He replied that the televised hearings conducted by the Civil Rights Committee played a large part. Those televised hearings brought an intense education in social justice into the homes of most Americans, an education intense enough in most cases to override prejudice.

We can have nothing comparable in South Africa. In fact, the influence of the media works in the opposite direction, providing an intense indoctrination of white South Africans concerning the

acceptability, the necessity and the unquestionable merits of apartheid.

In a situation like this what chance is there for the appeal to conscience? It seems hopelessly outmanoeuvred, outweighed and overridden by the political power that maintains and promotes apartheid.

Are then movements of conscience like the Black Sash reduced to total impotence, to the odd squeal of protest here and there that soothes the conscience of those who make it without having the slightest hope of influencing the system? Despite the apparently hopeless battles it has to fight, conscience is an indestructible thing, it can make cowards of us all, as Hamlet said, but it can also make heroes. The heroes are those who have stood for conscience when the vast majority accepted the status quo and who, by their dedication and persistence helped to win the battle for change, though change may have come only long after they were dead.

In standing for conscience in matters social, one has to accept that the process of change may be frustratingly slow. Things may come in a rush at the end like the abolition of slavery or the American civil rights legislation, but preparing the soil for that final blossoming may be the work of decades, of centuries even. To its credit the human conscience in so many instances has not allowed itself to be deterred. Please God, this will be true of conscience in South Africa too. Not that the conscience of white South Africa will carry the main burden of change. The main burden will be borne by blacks struggling for recognition.

But the white conscience must play its part by preparing for and thus facilitating the change that must come, even to the extent — though we hardly deserve the miracle and scarcely dare entertain the possibility — even to the extent of ensuring that change will be largely peaceful.

One of the weaknesses of organisations that appeal to conscience and this is true of churches as well as bodies like the Black Sash, is that they assume that conscience is capable of instant and automatic communication. We fall into the trap of imagining that just because something is right and we stand for it that right will communicate itself. We engage in certain forms of communication, it is true, but often they are spasmodic and haphazard, not geared to any plan, lacking in order, method and continuity and often put into effect

only in response to some particularly galling provocation. There is no systematic action, only spasmodic reaction. Military men, if we may borrow from their questionable wisdom, tell us that battles are not won by merely reacting to the enemy's initiative. Something more positive and constructive is needed.

Pursuing the logic of this argument, it looks as if any organisation that relies on the force of conscience must have as its principal preoccupation a well-worked-out system of communication, of education.

It comes to this: the initial powerlessness of the appeal to conscience must achieve power by multiplying the number of consciences sharing the same conviction. When the conviction becomes widespread, it is part of the social conscience of the community and change occurs or, perhaps, it is accepted.

### **Education**

I have referred to the necessity of a well-worked-out system of education. This is paramount. It should be the principal concern of the organisation, consuming most of its time, energy and resources. Moreover, the scope of the education should not stop short at imparting an outlook and knowledge to the members of the organisation, but should go beyond that in making as many members as possible capable of imparting the outlook and the knowledge to others. In other words, the process of education should aim not merely at producing educated members but members who are educators.

This may sound far-fetched and idealistic and I quite realise that qualities of initiative, communication and creativity are not evenly distributed. Some have more than others and, what is worse, some think they have more than others.

The poor distribution of gifts is compensated for to a large extent by modern methods of adult education, for example, the wide spectrum of approaches to group discussion with such launching apparatus as the short film or film strip or slide show, the organised visit, the conducted tour, the panel presentation and so on.

In an organisation keen to foster the appeal to conscience, the education of members in the ability to use and promote such methods of adult education should be a top priority. There might even be a sort of initiation period for new members in the course of which an effort is made to imbue them with the conviction that the organisation is chiefly an educational one and to provide them with certain significant and helpful experiences illustrating this.

An organisation involved in the appeal to conscience which decides that its main thrust from now on ought to be an educational one along the lines that I have endeavoured to describe will have quite a task on its hands deciding on the type of educational system it should set up, the goals to be pursued, the methods to be adopted — all in relation to the kind of people it caters for and their needs and capacities. Seeing to this would

be quite a task but an exciting and challenging one. Assistance in setting up the system should be easily come by because adult education is a fairly widespread phenomenon these days and many agencies can be tapped for their wisdom and expertise. One agency in particular that I should like to recommend is the Human Awareness Programme based on Johannesburg.

### **Direction**

One great advantage of making creative education a main priority is that it should be able to impart to an organisation a very definite sense of direction. Bodies that come into existence with high ideals and a noble, though sometimes loosely-defined purpose, tend after a while to leave their members floundering without anything definite to do. The benefit of an educational goal is that it can always be worked at purposefully and methodically and creates a ready seedbed for ongoing action and leadership — unless, of course, you run out of people willing to be educated.

This is a real possibility because members of a group possessed of power and privilege are generally not too enthusiastic about being educated out of them. This is where comparison of the South African situation with what happened in regard to the British abolition of slavery and the American civil rights campaign breaks down. British and white American society respectively, though they did not stand to gain materially by what was happening, generally speaking did not stand to lose either. South African white society fears to lose a great deal should its position of dominance be eroded and should it be forced to find a new future in a society run by the black majority. White fears may be unfounded but they are characteristically human because no group cares to give up what it considers the guarantee of its survival: power.

Group values are among the toughest of human values. Perhaps we should simply say that they are the toughest. We seem to have evolved into the human condition carrying a heavy load of herd instinct with us. As our specific mental and emotional capacities developed these gave added dimension to what emerged as the complex of human community values. The sense of community, with all its ramifications, is applicable to any human group that experiences a common bond, be it national, racial, economic, cultural or religious.

Historical reasons explain why a certain bond in particular circumstances is the strongest, like the bond between the dominant families in certain Latin American countries or the bond between the white inhabitants of South Africa, but once that bond is there it is unbelievably tough. It is perpetuated and reinforced by power and wealth and the fear of dissolution. It becomes the primary value for the group in question, a cultural totality. It overrides all consideration of humanity, justice and fair play. In fact, it makes it impossible even to recognise such qualities or to be aware of their absence.



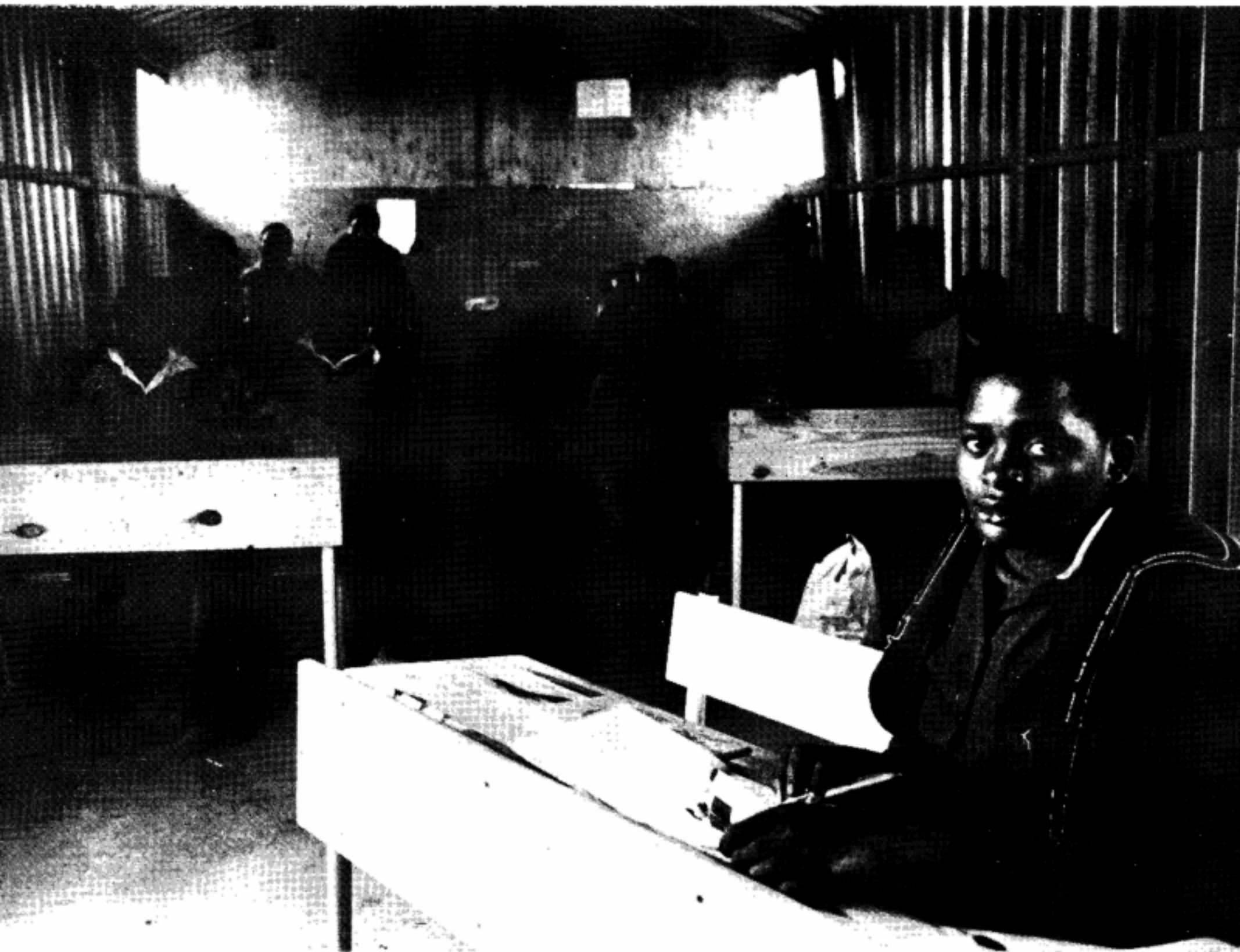
Having painted this picture of a dominant group you may well wonder why I have bothered to speak to you about appealing to conscience.

The answer probably lies in the fact that in any group there is always a number of unconvertible optimists — 'cock-eyed optimists' as the song has it in 'South Pacific'. They go on believing against all tangible evidence in the value of conscience, in the moral standards they hold dear, in the application of these standards to the local scene and in the possibility of getting others to share their view. They are evangelists at heart, and how the human race would have got permanently bogged down without its evangelists — those who have restlessly promoted higher values when the great mass was quite content to stay put.

Which brings me back to the main theme of this

talk, namely, that if we recognise that the main purpose of our organisation is an appeal to conscience then we should make the education of our members to promote that appeal a top priority, in fact, **the** top priority.

In regard to solving South Africa's great problems our effort, even an intense educational effort, may look like trying to level the Drakensberg Mountains with a knitting needle but at least as long as some people are in there trying, who knows what may happen. When the Wright brothers achieved their first success in flying an aeroplane at Kittyhawk in the United States on 17 December 1903 they could hardly have imagined that 50 years later humanity would be into the jet age. I cannot promise the Black Sash comparable results but there is no harm in giving it a go.



*A typical classroom in a resettlement camp*

*photo: Ben McLennan*

# CITIZENSHIP

## —the consequences of its loss

by Sheena Duncan

**I**N 1970 the South African Government passed the Bantu Homelands Citizenship Act. This Act said that **every** black (African) South African **is** a citizen of one of the homelands. This applies to everyone even if they have always lived in the so-called white areas and have no knowledge of any homeland and no relatives in any homeland.

Which homeland a person belongs to is really decided by the language he or she speaks. If he speaks Zulu he is a citizen of Kwa Zulu. If he speaks Tswana he is a citizen of Bophuthatswana. If he speaks Xhosa he is a citizen of Ciskei or Transkei — and so on.

This Act made no practical difference to people's lives because the homelands remained part of South Africa and everything went on as before.

**BUT** when Transkei became independent in 1976, Bophuthatswana in 1977 and Venda in 1979, the intention of the 1970 Act became clear.

The Status Acts conferring independence on the bantustans, including the Status of Ciskei Act, say that every person who is a citizen of the bantustan in terms of any law 'shall cease to be a citizen of South Africa'.

This means that on the day of independence of Bophuthatswana all Tswana people in South Africa became foreigners — aliens in the land of their birth.

On the day of independence of Venda all Venda South Africans became foreigners.

On the day of independence of Transkei all Xhosa-speaking South Africans who were born in Transkei or who live there or whose ancestors came from there ceased to be South African citizens and became foreigners.

On 4 December 1981 when Ciskei becomes independent all other Xhosa-speaking South Africans will cease to be South Africans and will become alien in South Africa.

By the end of 1981 almost nine million black South Africans will have had their citizenship taken away from them.

## CONSEQUENCES

### 1 The claim to political participation

While people are citizens of a country, they have the right to demand a vote in the central political institutions of that country. Foreigners have no such right. No country in the world gives the vote to aliens working in the country.

Black South Africans are being made alien in their own country and thus lose their claim to the vote in South Africa. They are supposed to vote only for representatives in the parliament of the bantustan they belong to.

### 2 The claim to a fair share of the economic wealth of South Africa

While people are citizens of a country they have the right to demand a fair and just distribution of the land, wealth and resources of that country.

Once the bantustans become independent, the people lose this right. They can no longer demand a just distribution of wealth as a right. They become beggars for the charity of the wealthy neighbour.

### 3 International travel

Foreigners have no right to claim a South African passport for purposes of international travel. Once their homeland is independent black South Africans are refused a South African passport and are told they must take a passport from their own country. But the rest of the world does not recognise the independence of the bantustans so it is difficult to travel on a bantustan passport.

Other countries in southern Africa will allow people carrying Transkei, Bophuthatswana and Venda passports to visit but may take the passport away at the border and issue a special permit. The passport must then be collected at the borderpost on return.

For travel outside southern Africa other arrangements can be made:

- (i) A person who has to carry a bantustan passport and who wishes to go to Europe or America can approach the Embassy or Consulate of the countries to which they wish to travel for a special visa.
- (ii) A person wanting to travel abroad can go to their bantustan government to ask for permission to apply for a South African passport. If their own government agrees the South African Government may issue a South African passport with the citizenship of the person shown as 'undetermined'. This will allow the persons concerned to travel abroad under the protection of the South African Government but does not affect their status as foreigners inside South Africa.



### **Rights of residence in urban areas**

Those black people who are citizens of independent bantustans but who have Section 10 rights to be in town in 'white' South Africa retain these rights after independence. Thus those people, who have lived in one town since birth or who have worked for 10 years in registered employment in one town for one employer, or who have had a permit to live in one town for 15 years, and their wives and children, have a legal right to remain in that town. They do not lose this right when their homeland becomes independent but the children who are born **after** the date of independence of the parents' homeland have no such rights. They will only be allowed to remain in the town if they are given a Section 12 permit to be there.

Section 12 is the section which controls the presence of black persons from foreign countries in towns in South Africa. It allows for a permit and is **not** a legal right. The permit can be withdrawn at any time without reason being given and the person concerned cannot go to court to fight such a withdrawal because there is no **legal right** involved.

### **Leasehold title in urban areas**

A black person in urban areas in South Africa can now obtain a 99-year lease on a site in a black township and may buy or build a house on that site. He has full ownership rights to that house. He can make a will and leave that house to anyone he likes. But if he is a citizen of an independent bantustan and his heir is born after the date of independence of the bantustan, the heir will inherit the house and have full rights of ownership to the house but he will not be allowed to occupy the house unless he is given a Section 12 permit to be in the town where the house stands. If he is refused the permit he will have to decide whether to sell the house or to rent it to someone who is allowed to be in the town where the house is.

### **General legislation**

On independence the homelands take over the whole body of South African laws which then become the laws of the new country until they are amended or repealed by the homeland government after independence.

### **Pensions**

After independence citizens of the independent homeland who live permanently in South Africa and are lawfully resident on white farms or in the towns will continue to get their pensions as usual from the South African

Government and should apply at the local Commissioner's office.

Those who live inside the homeland must get their pensions from the homeland government and apply at the local Magistrate's office. After independence the homeland government has full power as the government of an independent country to change the pension legislation and to increase or decrease the amount of the pension payable.

On resettlement a pension paid to a person living in South Africa is cancelled and a new application must be made to the homeland government after resettlement. There is no transfer of a pension because different governments are concerned.

Pensions paid by employers and private Pension Funds will remain payable in the usual way irrespective of where the person is resident on retirement.

## **8 Unemployment Insurance**

People who work inside the Ciskei will no longer be eligible to belong to the South African Unemployment Insurance Fund after independence. Unless Ciskei establishes a Fund of its own such people will have no protection against unemployment.

Ciskeian citizens permanently and legally resident in that part of South Africa outside Ciskei will continue to be covered by the South African Unemployment Insurance Fund.

Ciskeian citizens who work outside the Ciskei on one-year contracts will cease to be contributors to the Fund when the contract on which they are engaged at the time of independence expires. They will still be able to claim benefits from the South African Fund if they become unemployed within three years of independence day. After that three years expires they will be entitled to no benefits whatsoever, however much money they may have contributed to the Fund before independence.

The above also applies to commuters. A commuter is a person who lives in the bantustan but travels each day to work in white South Africa, eg, workers who live in Mdantsane and work in East London or who live in Zwelitsha and work in Kingwilliamstown, etc. Because they are not resident in South Africa they will no longer be eligible to belong to the Unemployment Insurance Fund.

## **9 Workmen's Compensation**

Workers who work outside the bantustan will continue to be entitled to Workmen's Compensation if they are injured at work. Those

**By the end of 1981 almost nine million black South Africans will have had their citizenship taken away from them**

who work inside the bantustan will not be entitled to compensation unless the bantustan government establishes a Workmen's Compensation Fund.

#### 10 **Deportation**

All those black South Africans who cease to be South Africans on the day of independence of the homeland to which they are deemed to belong become 'aliens' in South Africa. As such they have no protection against deportation, even if they have Section 10 rights to be in town. Aliens can be deported from South Africa at any time without trial.

#### 11 **Renunciation of bantustan citizenship**

There is provision in law for citizens of independent homelands to renounce their citizenship of the bantustan and to apply for South African citizenship. In order to do this the applicant must apply to the government of a non-independent homeland for citizenship of that homeland. If this is agreed to the person applies to the South African Government through the local Commissioner to be accepted as a South African citizen by birth. In practice these applications are rarely granted and are only successful where a person can show that a mistake was made in their original ethnic classification when a birth certificate or Reference Book was issued to them, or in cases where a wife is a citizen of an independent homeland but is married to a man who is a citizen of a non-independent homeland who is therefore still South African. In our experience we know no cases where the application has been granted simply because the person wished to remain South African.

#### 12 **Identity documents**

In theory all citizens of independent homelands are supposed to be in possession of a travel document issued by the homeland government within two years of independence. In practice this requirement has not been enforced and people who are resident in 'South Africa' continue to use Reference Books. However, children applying for a first Identity document at age 16 years are refused a Reference Book and are forced to take a passport or travel document.

The bantustan governments encourage/insist that those living in the bantustan apply for such travel documents if they wish to go away to work. Those travel documents are used in South Africa outside the bantustan in exactly the same way as a Reference Book and must be produced on demand.

The passport continues to be a 'dompas' and any black person in the so-called white areas must have the pass stamped with a permit to be where he is.

21 November 1981

## **An appreciation**

**J**OYCE HARRIS' presidency of the Black Sash is characterised by her total devotion to the Sash, and to every aspect of its work in which she perceived a role for herself. Every other organisation or individual with whom the Sash has worked has also come to know her as a dedicated and seemingly tireless worker and thinker. Only when she was away out of South Africa was the relentless pressure lifted from her shoulders.

She is a very courageous woman who has grown in stature with each day of her term of office. Let it now be told though that she was initially apprehensive about undertaking the position. Her perseverance, courage, truthfulness, fortitude, and above all her dedication to duty have made a firm mark on the Sash all over the country. Even when the work of the national office had to take a back seat, or be regarded as less important than the several overwhelming difficulties with which South Africans have been assailed over the last few years, Joyce has not only carried on her duties as President but been in the forefront of the thinking and action and above all the writing and publicity undertaken by the Sash.

Where there has been criticism of her viewpoint by others more radical in their thinking, she has shown the courage of her unwavering deeply-held convictions and well merits the great regard in which all sections of the Sash and its supporters hold her.

She is not only these things but also a very good friend to all who work with her. Her group of thinking South Africans can testify to this as can every member of the Transvaal committee and indeed every member of the Sash. We salute a great and good woman.

**Gita Dyzenhaus**

on behalf of the National Committee



"See that you bash down these pondoks in an orderly, sympathetic way. We have an agreement with the Transkei Government."

*Acknowledgements to the Rand Daily Mail*



# MINIMUM WAGE LEGISLATION

by **Jill Nattras**

Professor of Development Studies  
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## INTRODUCTION: THE BASIC PROBLEM

**T**HE ONE characteristic of the South African economy, that induces a call for the institution of a national minimum wage, is the persistence of widespread poverty and income inequality. It is against this background that one needs to assess the cases for and against the introduction of such a wage.

In a capitalist economy, those who call for the introduction of a national minimum wage, almost without exception, do so on moral or philosophical, rather than economic grounds. There are three main roots from which these calls stem; firstly, from a belief that the persistence of poverty is undesirable and a consequent desire to alleviate it; secondly, from the ideal that there is some absolute level of reward that can in some philosophical sense be seen as being a 'just' reward for a day's labour, and thirdly, from the viewpoint that workers are in some way being 'exploited' by their employers and that this is morally undesirable and/or likely to lead to contradiction and conflict.

On the other hand, the arguments against the introduction of a national minimum wage are seldom rooted in philosophy, but are based on economic grounds. Two arguments are usually advanced against a minimum wage. The first is based upon the view that it would increase the average cost of labour and by doing so would both reduce the rate of investment and encourage employers to switch to more machine intensive methods of production.

The second 'economic' argument against minimum wage legislation is that a minimum wage would discriminate against any worker, or group of workers, who are in some way 'less preferred' by employers, either because they are poorly qualified, physically handicapped, or have been adversely stereotyped on sexual, racial or social grounds. In the absence of a minimum wage it is argued that such workers are free to undercut their more preferred colleagues and by so doing to offset their disadvantage.

There is one argument advanced against a minimum wage legislation that, although it comes clad in the trappings of economics, does have a strong moral and ideological content. This viewpoint is, that it is undesirable to introduce such legislation into a region or country in which there is either a high level of unemployment or sectors of the economy in which it is impossible to enforce such legislation, because the introduction would drive a wedge between those who benefit from the

introduction of the minimum wage and those who do not. This wedge would manifest itself in a growing wage differential, which is seen as being in some way 'unjust'.

The issue of the introduction of a national minimum wage in a market economy is always highly contentious. Further, the final assessment that one makes is inevitably heavily 'value loaded'. This paper does not attempt a final assessment, but instead concentrates its attention on the relative merits and demerits of the arguments put forward on both sides, in order to try to reduce the emotive content of the issue.

## THE ARGUMENTS FOR THE INTRODUCTION OF A NATIONAL MINIMUM WAGE

### **The minimum wage as measures to alleviate poverty**

Whether or not the introduction of a minimum wage will help to alleviate poverty will largely depend upon the causes of poverty. If the major cause is the persistence of large quantities of low wage employment, the introduction and successful enforcement of a national minimum wage may be very successful in reducing the numbers of people in poverty. On the other hand, if poverty is associated with self-employment, subsistence agriculture or unemployment, as it so frequently is, the introduction of a minimum wage is unlikely to materially affect the situation. Indeed, if the introduction of such a wage raises the relative cost of labour vis-à-vis capital and as a result employers switch to more capital intensive production methods, the number of individuals in poverty may rise as a result of the minimum wage.

One can also even question whether it is possible to use minimum wage legislation to reduce poverty resulting from low wage employment. In situations in which there are substantial numbers of people in such employment or who are unemployed, it is in fact extremely difficult to enforce such legislation effectively. This is because it is to the advantage of both employer and worker to connive together at evading the legislation, if evasion is the price of the worker retaining or obtaining a job.

On all these grounds one can justifiably question whether one should use the medium of a minimum wage as a means of combatting poverty. There may be more efficient means of achieving the desired ends such as the introduction of an effective social security system, rural development

programmes, or government subsidisation of job creation, based upon employment at an acceptable wage level.

A large percentage of the urban sector black workforce are rural-urban migrants, who remit a portion of their earnings to their families in the rural areas, and in this situation, a case for the introduction of minimum wage legislation, as a means for alleviating poverty, can be made. Providing the introduction of the wage increases the real value of the black wage bill and further, that remittance rates rise with wage rates, the real value of remittances to the rural areas will also rise and this will help to improve living standards there. However, studies on income and expenditure patterns of migrant workers appear to suggest that remittance rates are, if anything, negatively correlated with rising urban wage rates.

### **Minimum wage as a 'just reward' for a day's labour**

In the same way as the search for an absolute of justice has occupied philosophers for many centuries without results, so the search for a 'just price', which began with Aristotle, has been equally unfruitful. Justice is not an absolute term, but one which takes its composition from the accepted norms and values of the society to which it is applied. Consequently, the determination of a 'just reward' for a day's labour will also have significant social dimensions and, when translated into the proposition of a national minimum wage, will in addition, acquire political overtones.

In South Africa political decisions are made on the basis of a combination of the party political system and white majority rule. This combination

public objection, that the wage is socially acceptable to the point where it is not a focus for political action. This is a very low level test of social acceptability and one that a number of alternative wage rates (including perhaps one of zero) might also pass.

Not only are there both philosophical and practical difficulties associated with the concept of a 'just reward', but one encounters similar problems when one comes to try to establish what constitutes a day's labour. For instance, does one measure a day's labour in terms of the length of time a man expends, or in terms of the quantity or value of the output that he produces? Obviously, if one is concerned with the establishment of a national minimum wage, the only practical basis for determining a day's labour is that of time. However, one should bear in mind that the use of time as a standard may have serious productivity implications and again these, in their turn, could adversely affect the rate of job creation.

### **Minimum wage legislation as a counter to labour exploitation**

The word exploitation is highly emotive and consequently one that policy makers find very difficult to come to grips with. Two well known attempts to define exploitation and so to remove the emotive content, have been made, but neither has anything really useful to offer.

In orthodox economic theory a labourer is said to be being exploited if the wage, paid to the last man hired, is less than the addition that he contributes to the revenue earned by the firm for whom he works, ie if the wage is less than the marginal revenue product. Marxian theorists, on the other

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## ***Justice is not an absolute term, but one which takes its composition from the accepted norms and values of the society to which it is applied***

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means that, firstly, the norms and values of the groups that are disenfranchised are not included in any overt political evaluation of what can be considered to be just. Secondly, it means that those who do vote have to vote in terms of a 'political package' — the party manifesto — and, consequently, even those who have the franchise, do not get the opportunity to express their opinion on the desirability of any one issue contained in the package. As a result of these two limitations, there is no way of establishing the social desirability or 'justice' of any single political decision taken under such a system.

The decision to implement a national minimum wage and the choice of the level of that wage, would be made in the political arena and consequently it would be virtually impossible to establish the justice or social acceptability of the wage that might be introduced. All one will be able to establish is, that in the absence of significant

hand, define a worker in a capitalist system to be exploited because he is forced to work for a longer period of time than is necessary for him to produce the goods and services (or their money equivalent), that are required to allow him to maintain and reproduce himself.

These definitions of exploitation are based upon very different ideologies and concepts of what should be considered to be a 'just reward'. The orthodox or neoclassical definition approaches the concept of economic justice from the viewpoint that it is 'just' for a worker to receive, as his reward, the value of the contribution that he makes to the production process. The more radical concept of distributive justice is based upon the 'needs' of the worker. Not only do these two schools approach the concept of a 'just reward' from very different viewpoints, but neither has anything of practical value for the minimum policy maker, since firstly, it is impossible to measure



and evaluate either the marginal product of a worker, or the quantity of goods and services needed to reproduce the workforce. Secondly, since both concepts will result in varying absolute levels of what constitutes a 'just reward', from worker to worker, they are also both virtually useless as guidelines for the establishment of a national minimum wage.

One might be able to approach the concept of exploitation more usefully from the relative viewpoint. For example, if one could establish empirically what constituted a 'normal' rate of return on capital or wage for a particular job in a region or industry, one might be able to use these norms to set a range of wage minima. The minimum wage for a particular job might perhaps be stated in terms of 'not less than 60 per cent of the average in the industry in that area for that occupation', or in terms of some other percentage considered suitable. This process is not unlike the one at present in use by the Wage Board, which bases its decisions largely upon what it considers to be the industry's 'ability to pay'.

## THE ARGUMENTS AGAINST MINIMUM WAGE RATES

### **A legal minimum wage may affect job creation**

Proponents of this view argue firstly, that if firms who cannot pay the minimum wage are forced to do so, they will be put out of business, thus reducing the number of jobs available. Secondly, they say that if the minimum wage increases the overall cost of labour, it will at the same time, reduce the level of profits earned and this, in its turn, will reduce the rate of investment, and the rate at which new jobs are created. Finally, they believe that, should the minimum wage increase the cost of labour relative to that of capital, this will encourage employers to choose more capital intensive methods of production and by so doing, slow the rate of job creation even further.

Although these arguments sound cogent, they in fact rest upon a number of hidden assumptions and if these assumptions do not hold, the case loses a great deal of its validity. The underlying hypotheses on which these cases are built are:

- (a) That the introduction of minimum wage legislation will materially affect the real average cost of labour in the economy.
- (b) That profits earned are in fact ploughed back to create additional jobs in the country in which they are earned.
- (c) That it is the rate of profit, rather than the level of current demand, that is the major determinant of the level of investment.
- (d) That the relative costs of labour and capital are the major determinants of the techniques of production that are selected by the firm.

If one or more of these hypotheses should fail to hold, such a failure would materially affect the

validity and strength of these arguments. The following section discusses the impact of such failures.

The extent to which the introduction of a legal minimum wage increases the real cost of labour to a firm depends upon firstly, the proportion of its workers who were previously earning wages below the minimum introduced and secondly, upon the firm's ability to pass on the increased labour costs to consumers, in the form of higher prices. Firms who are most likely to be adversely affected are those who presently employ large numbers of workers at very low wages and produce products whose demand is highly sensitive to price changes. Firms who are already paying wages above the legal minimum will not be adversely affected. Indeed they may find their competitive market situation improved, as competitors previously paying low wages, are forced by the new legislation to increase their labour costs and so their selling prices.

In cases in which the firms are able to pass on the increases in costs in the form of price increases, it is the final consumers who bear the costs of the minimum wage and not the owners of the firms. If these firms are producing wage goods the increases in prices will have the effect of reducing the real value of the minimum wage and this will act to negate some of the more beneficial aspects of the legislation.

If the average cost of labour to the firm rises and they are not able to pass the increase on to the consumers or to offset it through cost savings elsewhere, then profit levels and profit rates may well both be reduced. Whether this reduction will also reduce the rate of job creation will largely depend upon whether or not the profits are ploughed back by the firm. If the profits were being transferred out of the region for investment elsewhere, or paid out as dividends, then the introduction of minimum wage legislation is unlikely to have any immediate influence upon the rate of job creation.

It is possible, however, that the expectations of future profit earnings will be adversely affected by the increased labour costs. This change in expectations, in its turn, may well influence the rate at which investment in the area takes place.

The immediate impact of the introduction of minimum wage legislation is to place more purchasing power in the hands of the low income earners. These people will have a high propensity to consume in general and especially with respect to essential items such as food, clothing and simple consumer durables. The demand for these goods will increase and since they are all commodities which can be produced with relatively labour intensive methods of production, the increased demand will generate more jobs in the industries producing these goods, rather than fewer jobs, as argued by those opposing such legislation.

The final hypothesis on which this argument rests is that the choices of production methods are sensitive to changes in the relative costs of

labour and capital. Over a reasonably long period of time this is likely to be true, but the immediate impact of an increase in the relative price of labour on the production techniques is likely to be limited, as in most instances the costs of retooling for new, more capital intensive, production methods are likely to exceed substantially the higher labour costs. It is only when the existing plant becomes obsolete or worn out, that the change in relative factor prices will start to affect production methods to any substantial degree.

### **Minimum wage legislation weakens the market position of the less preferred worker**

This argument advances the view that the existence of a national minimum wage reduces the employment possibilities for low productivity workers and for any groups who for some social reason are viewed as being 'less preferred', either because they are less productive than others, or because they have been stereotyped as being less productive, whether they are or not (eg females or blacks). The introduction of a minimum wage effectively increases the price of employing workers in these categories above the level that the prospective employer is prepared to pay, consequently he searches for workers, whom he believes to be worth the higher wage rate.

As far as the workers who are genuinely members of the low productivity work group are concerned, the introduction of a minimum wage across the board will generate unemployment amongst them. The higher the minimum wage, the higher the productivity cut-off point will be. Some of the adverse effects of the introduction of wage minima on low productivity workers can be offset by the introduction of an adequate social security system. However, whilst social pensions can alleviate poverty, they cannot provide the social prestige and self confidence that is gained from employment.

The employment levels of workers stereotyped as being unproductive, who may in fact be perfectly competent, but whose stereotype derives from other considerations, will be influenced by the degree of success which employers experience in finding workers of the 'preferred' groups. Failure to find such workers may result in the less preferred workers being employed. Since stereotyping is part of an information gathering process, it is subject to feedback influences. If the workers from these groups, in fact, turn out to be highly productive, the feedback will be negative and the nature of the stereotyping will be altered over time.

### **ARE THERE BETTER WAYS OF ACHIEVING THE SAME ENDS?**

Depending upon the rationale for the introduction of minimum wage legislation, there are a number of alternatives that might well achieve the desired ends with less adverse side effects.

### **The alleviation of poverty**

It was said earlier that minimum wage legislation would only be an effective tool against poverty if the major cause of poverty was low wage employment, if the legislation could be effectively enforced and if it did not cause employers to lay off workers. In general these conditions are unlikely to be met and consequently a better approach to the alleviation of poverty would be to tailor policies to cut into its root causes. Even if a major source of poverty is low wage employment, a better approach to the problem than that of minimum wage legislation might be the introduction of a system of negative taxation. Such a system has two major advantages over minimum wage legislation. Firstly, it does not alter the relative prices of capital and labour to the employer and so is unlikely to have adverse employment effects. Secondly, it would allow the family income to be more closely tailored to the family's needs.

### **The payment of a 'just reward' and the elimination of 'exploitation'**

Both these concepts are emotive and to a significant degree, subjective and ideological. In the absence of any hope of obtaining some absolute standard, it would seem that the most satisfactory approach would be to leave the decision as to what might be considered to be a reasonable wage or rate of return on capital to the parties concerned.

Why is it that people are unhappy with the outcome of the bargaining process between labour and capital (the class struggle)? It is largely because they believe that the conditions under which the bargains are struck are unfair and that labour is in some way disadvantaged. A better way to overcome this, than the introduction of some mandatory wage level, would be to improve the relative bargaining position of labour through the support of such things as labour unions.

In instances in which it is virtually impossible to set up a situation in which labour can face capital on reasonable equal grounds, it may well be necessary to legislate, but here again, rather than legislating for a minimum wage, a more satisfactory approach would be to legislate a minimum share for labour of the value added by the firm.

***The Regional and Advice Office reports delivered at Conference will appear in the next issue***





*No pension means no income*

# ***Pensions in Winterveld***

**by Annica van Gylswyk**

**I**T IS ALMOST impossible here to give the kind of figures one would like to be able to quote, ie the population as a whole in what we call the Winterveld area — it could be half a million. How many pensioners are there? — that is anybody's guess. How many of those do not receive pensions? — same answer.

But what we **do** know is that 767 cases have been thoroughly documented of persons who qualify but who do not receive any pension and in most cases have no income whatsoever.

By 'we' is understood the Black Sash Pretoria Advice Office, the Winterveld Action Committee and the Pretoria Catholic Justice and Peace Commission.

The Winterveld Committee was told a year ago about persons not receiving pensions and having difficulties when applying. Some of these cases were handled in the ordinary way by the Advice Office.

It is necessary to explain here that the usual problems for black pensioners we hear about in other reports at Congress, are unbelievably multiplied and worsened in Bophuthatswana by the

often stated fact that about 90% of the population in the Winterveld area are non-Tswanas. We therefore have to deal with an 'international situation'. The Pension Act No 18 of 1978 states that:

Subject to the provisions of this Act, any person shall be entitled to the appropriate social pension if he satisfies the Secretary —

- a) that he is an aged, blind or disabled person or a war veteran; and
- b) that he is resident in Bophuthatswana at the time of his application for a social pension; and
- c) (i) that he is a citizen of Bophuthatswana; or  
(ii) that he has lawfully resided in the Republic of Bophuthatswana for the period of five years immediately preceding the date of such application'.

In other words the conditions are the same as for citizenship.

RSA however has in a pre-independence agreement signed by the two Presidents on behalf of their 'governments', provided for people living in Bophuthatswana who are not citizens of Bophuthatswana to qualify for their pension to be paid

in Bophuthatswana. (Government Gazette No 5828 — December 6, 1977 — Article 8).

But in direct contradiction to this agreement, Bophuthatswana authorities demand proof of citizenship and tell people to go to their own homelands. There is on record the case of someone being told to go back to Lady Selborne! We also have evidence of persons applying for pensions, being given slips of paper and sent to the Mabo-pane office. There they find that they in fact had applied for citizenship.

The latest development re the interstate pre-independence agreement is that Bophuthatswana is seeking legal advice on having it declared invalid and that pension cases have been 'put on ice'.

To return to last year. The Winterveld Committee decided to appeal to Chief Justice Hiemstra of Bophuthatswana and to give him documented examples of persons qualifying for but not receiving old age pensions and/or disability grants. More than 300 people responded to an announcement at a church service that all persons having trouble in connection with pensions should go to a given place at a given time. Acting on this, the Advice Office worked out a questionnaire and a roster of helpers to go out and take down the individual cases during June and July 1981. It was always emphasized that this was no formal application — we wanted to see if we could help. (See appendix).

Seizing the golden opportunity of finding out more about the inhabitants in Winterveld and foreseeing that similar documentation in other spheres, such as work-permits, might have to be undertaken in future, we drew up a 4-page questionnaire with only one page relating to pensions. We then scheduled the information and on legal advice followed the 'right procedure'. Thus on August 25 1981 we sent the following:

- 1 A letter of appeal to Dr K P Mokhobo, Minister of Health and Social Welfare in Bophuthatswana enclosing schedules and a blank questionnaire.
- 2 A copy of the same letter of appeal (to Dr Mokhobo), the same enclosures and a covering letter each to President L Mangope; Chief Justice V G Hiemstra and Mr R F Botha, Minister of Foreign Affairs SA. The only reaction was a letter of acknowledgement from the latter.

We followed up with another letter and more schedules this time only to Chief Justice Hiemstra. As a result, he responded with a phone call to the Winterveld Action Committee's Secretary, informing him that he had had a talk with the Minister and the President and they 'were going to investigate'. Another letter dated December 3 1981 with yet more schedules to Chief Justice Hiemstra constituted our last communication. No reply.

At its first meeting in 1982, the Winterveld Action Committee decided unanimously to make use of publicity — as much as possible — as our next

course of action. It was felt that we had 'run out of appeal' and the anger among the members of the Committee (most of whom live in Winterveld) was almost palpable. Since then several interviews to newspapers have been given and documentation handed out. More interviews are pending.

By a heaven-sent coincidence just then proof of South Africa's knowledge of the plight of pensioners in our very area (apart from our own communications) fell into our hands. This consists of photocopied correspondence between the Department of Co-operation and Development and the departments of Foreign Affairs of both 'countries'. Not only that, but a list of 223 names of people who qualify for pensions in the Winterveld area compiled by the South African Department(!) was attached to this incredible correspondence.

With this documentation in our hands we plan to have questions asked in Parliament on this matter.

We all know that we are observing various authorities playing 'housie housie governments' and that ultimately RSA is responsible for these people. A telegram to the relevant SA Ministers has been drafted by the Pretoria Advice Office asking them to take over the responsibility for the payment of the pensions. This will be sent when questions have been asked in Parliament and the Press has created a fuss (hopefully).

The greatest mystery is how these people manage to stay alive while the powers-that-be are 'giving the matter urgent attention'.

Pretoria, February 20 1982

## APPENDIX

Of the 534 cases documented by the Pretoria Advice Office, an examination of a random sample of 45 cases show that:

- 75,6% are females
- 24,4% are males
- 97,8% are non-Tswana
- 13,3% have applied for citizenship
- 100% have no income whatsoever
- 93,3% have never received pension
- 40% have applied for pension
- 60% have not applied\*
- 62,2% had worked in the RSA
- 24,4% were forcibly removed to Winterveld
- 66,7% have the Winterveld Community Authority Stamp in their reference books
- 15,6% applied for disability grants

The average age is 68,6 years.

The average time of living in the Winterveld area is 17,4 years.

\*The reasons given for not applying for pensions are usually: not knowing where to go; friends, relatives and neighbours have been shunted from pillar to post and have received nothing; to apply is regarded as hopeless in any case and some do not know that a pension is a right and due to them; non-Tswanas know that their application will not be accepted.



# National Headquarters Report

March 1981 - March 1982

**T**HE NATIONAL REPORT always tends to be misleading as an account of the Black Sash's year's work, for it is an account of those aspects of Black Sash work not rooted in immediate crises. These day to day events, to which the organization has to respond, and in which our President invariably takes a leading role, are usually dealt with under the regional agenda and are reported in the Transvaal regional report, and in the reports of the other regions.

This year, apart from the Magazine and National Finance, almost all the rest of the work of the national office has been done by the President, Mrs Joyce Harris. Both Vice-Presidents have been occupied mostly in the affairs of the Transvaal Region.

In the absence of a National Secretary, this has left Joyce to look after the administration of the Black Sash and a large amount of the National and Regional publicity. Again, we thank her for her orderly management of the organisation and for the letters, statements and articles that she has written, which have kept Black Sash advocacy of civil rights and liberties constantly before the public.

Joyce Harris has been our President for four years. Courageous and impeccably truthful, disciplined and firm, she has kept the Black Sash steady through four difficult years of polarization on every front. It has taken great courage to hold the Black Sash on its sober, civil rights course and it has not been easy. The Black Sash is exceedingly grateful to her.

The response of our Transvaal Chairman, Audrey Coleman, to the detention of her son Keith is of national and indeed historic importance to the Black Sash. She and her husband Max, faced with the kind of anxiety that paralyses most people, have provided a creative leadership that

has made us all justifiably proud, and, more importantly, has given fresh courage not only to the families of those in detention but also to all of us in the Black Sash. Their determination to keep the fact of detentions a public issue, their refusal to be intimidated or to allow themselves the luxury of being tired or dispirited, has established a new atmosphere of firmness and strength in an otherwise terrifying situation.

### **Schlebusch Commission into new constitution**

Following on last year's memorandum to the Schlebusch commission, which subsequently became the Constitution Committee of the President's Council, Joyce was asked by Mr D J Worrell whether the Black Sash would give oral evidence if asked to do so. The National Committee agreed that we should not do so.

### **Steyn Commission into the mass media**

Joyce and I gave evidence before this commission on March 26 1981. Joyce's letter to this commission was mentioned in last year's national report. She said 'it is necessary to ponder over the so-called impartiality of journalists, the necessity for which is often heavily stressed . . . a journalist working for a paper with a particular political slant will inevitably be a different sort of person from the one who works for a paper with an opposite slant. Each will be telling the truth as he sees it, and the public is protected from misrepresentation by this very fact. It may draw its own conclusions, having enjoyed the opportunity of studying a variety of versions . . . Access to the news is imperative if democracy is to prevail, and access to the news cannot be equated with access only to what the Government chooses to make available. Restrictions on the Press need to

be diminished, not exacerbated, giving the public access to the truth and permitting democracy to function effectively through the participation of an informed electorate'.

It had been agreed at our last conference that my fact paper on euphoric reporting of promises of change should also be submitted to this commission to show that the English Press often gave the government more than the benefit of the doubt. We were courteously received. We were asked if we were concerned for journalists who might be fired if their work irritated vested interests such as advertisers, and who might then not be able to find work on any other newspaper. How best could they be protected? We replied that this didn't seem an issue for the commission but for journalists and their trade union. We wondered (correctly, as it turned out), if this line of questioning had anything to do with a register of journalists.

Horrified but not surprised by the report of this commission, we were particularly angered by the implied insult to journalists in its assumption of conspiratorial-type bias among them. The Black Sash worked closely with many journalists, and our long experience has convinced us that the overwhelming majority of journalists are creative men and women who serve their communities with a dedication that is seldom properly rewarded either financially or any other way. We wish to pay tribute to the journalists of this country, whether we agree with the editorial policies of their newspapers or not, and to thank them for their efforts to inform the public and for enriching our minds by expressing their varied opinions.

### **Raids into Mozambique and Angola**

When South Africa raided An-

gola and Maputo in March 1981, Joyce wrote a letter to The Star based on the conference resolution, pointing out:

'Those at whom the Government and the Army are directing their attacks, Swapo in Angola and the ANC in Mozambique, are there as a direct result of Government policy, Government intransigence, and Government resistance to peaceful negotiation and to change. The organisations to which they belong followed policies of non-violence, and only espoused violence as a last resort, when all peaceful approaches had failed.

'The Black Sash does not condone violence from any quarter, but violence is being committed by the authorities and even encouraged to escalate on our borders, with the result that our young men from both sides are being killed and maimed for life in a low-scale war of attrition that can continue unresolved indefinitely.

'We believe that the Government's policy should be one of conciliation rather than conflict; that it should grant recognition to Swapo and the ANC both of which are, or could be, legitimate opposition organisations; that it should permit them to operate freely in the political arena; and that it should abide by the will of the majority in devising a negotiated resolution of all the country's problems'.

#### **Deaths arising from New Brighton riots — November 5 1980**

Joyce wrote to Mr Le Grange, Minister of Police, on 9/4/1981, enclosing a copy of the resolution passed at Conference asking for a public statement about the investigations into police behaviour at New Brighton.

Mr Le Grange replied on 6/10/1981: 'I wish to assure you that the police do regard the life and liberty of people with the utmost respect' and assured us that all violent acts in which the police are involved are thoroughly investigated and that an inquest had been ordered into the deaths which arose from the riots in New Brighton.

#### **Categories of employment for migrants**

On 7/4/81 Joyce sent the Minister of Manpower Utilisation a copy of last conference's challenge to the Minister to take steps, not taken by Dr Koornhof, to allow migrant labourers to change their categories of employment.

The Director-General of Manpower Utilisation replied on 15/5/81: 'You are advised that the Department of Manpower Utilisation published a Draft Bill (the Guidance and Employment Bill) for general information and comments on 19 December 1980. This Bill provides for the establishment of guidance and placement centres, ie for the rendition of employment services in respect of all population groups by the Department of Manpower Utilisation itself, or by organisation acting as agents of the Department. This Bill, which will be introduced in Parliament early in the second half of this year, is completely non-discriminatory'.

He mentioned the current review of Koornhof's three Bills and ended, 'I have nevertheless brought your views to the attention of my Minister, but as you will appreciate some of your problems resort under the jurisdiction of another portfolio'.

I suggest conference discusses how best to follow this up. As last year's resolution states, when our delegation brought up the question of job categories with Dr Koornhof in 1979 he had expressed surprise and indicated that he thought this refusal to allow upward mobility of migrant labourers no longer happened.

#### **Committee of Concern for Children**

Joyce asked this committee to make it one of their more urgent priorities to take up the matter of children under 18 held in detention. They replied that they had a sub-committee on the Child and the Law who would investigate this for a memorandum they were preparing.

#### **Manpower 2 000**

Joyce was invited to attend a Country Club meeting of this programme on 21/4/81, part of the Department of Manpower and Utilisation's Manpower 2 000 project.

In a hostile environment, approximately 200 strong, in which Joyce had to fight for the attention of the Chair, Joyce managed to present the total legislative scene which prevented blacks from participating freely in the economy, none of which had been discussed before. The chairman angrily reprimanded her for introducing politics into the discussion. Subsequently several people expressed their admiration and support, including black members of the audience and the NCW representatives, but nobody had openly supported her.

The Black Sash national committee reprimanded itself for having left Joyce to go alone to this meeting. The courage to speak up at gatherings like this, has become a hallmark of Joyce's presidency.

#### **Removal of Bishop Tutu's passport**

Having written to the Bishop, Joyce and three others went to Jan Smuts to be part of the welcoming throng when he returned home from Europe in April.

#### **Republic Festival**

Members in all regions contributed to Natal Coastal's excellent advertisement in the Sunday Tribune on May 31 explaining the reasons for non-celebration of the 21st anniversary of the SA Republic. All regions joined anti-Republic committees which in some instances resulted in problems for the Black Sash.

#### **Constitution campaign**

This group continued to meet at increasingly well-attended monthly meetings throughout the year, discussing topics such as the anti-SAIC campaign, Community Council elections, the Trade Union movement. Although members of the group remain poles apart from one another, especially over the question of whether or not one can



work within the present apartheid structure, at least they are prepared to continue arguing at these meetings.

Discussion is informal and never published; for the main objective is to keep lines of communication open. For this reason the leak to the Sunday Tribune in June was particularly unfortunate. The article in question, which was in any case inaccurate, was picked up by the Sowetan (together with an unsympathetic editorial), The Star and Rand Daily Mail. Joyce issued a corrective statement, which was published in full in the Sowetan on 9/6/1981 but only the covering letter and not the statement itself appeared in the Tribune on 28/6/1981.

### **Unrest in Western Townships**

Having visited the scene of the unrest resulting from the detention of the head boy of one of the schools, Aziz Jardine, and noted the police reaction to the subsequent protest of school-children, Joyce made statements to the Mail and The Star and lobbied public representatives concerning the use of teargas and the desirability of withdrawing the police from the scene.

### **Copies of contracts of migrants**

Replying to last year's correspondence the Chamber of Industries informed us that it is investigating the possibility of migrants being given copies of their contracts and asked for detailed information, which Sheena supplied.

### **Hoexter Commission into structure and functioning of the courts**

Sheena presented a memorandum to this Commission dealing with sub-paragraph 9 of the Proclamation appointing the Commission to give attention to the desirability of 'bringing also those courts for which other Ministers are now responsible under the administrative responsibility of the Minister of Justice'. After detailing the Black Sash experience of the courts, she highlighted the official dilemma:

Due legal process would be better observed than it is in the

Commissioners' Courts were the laws to be administered by qualified magistrates under the jurisdiction of the Department of Justice, but the injustice of the laws themselves would further discredit the administration of justice in the eyes of the majority of the population.

This same criticism would hold if the Commissioners' Courts were simply transferred from the Department of Co-operation and Development to the Department of Justice. The Commissioners' Courts would be given unwarranted status while continuing to function in their present totally unsatisfactory fashion.

She recommended: While the Pass Laws remain in operation they could just as well continue to be administered by the Commissioners' Courts, but in order not to confuse the true exemplification of justice with the procedures of these Courts, they should cease to be called 'courts' and should be acknowledged for what they in fact are — mere extensions of the bureaucratic administration of the Pass Laws and Influx Control.

Responsibility for them should be seen to rest with the Minister of Co-operation and Development rather than the Minister of Justice.

Commissioners' Courts are an anachronism. They do not dispense justice. Their powers of sentence should be severely curtailed. Which brings the argument right back to the laws themselves.

For justice to be done, and to be seen to be done, the Pass Laws must be abolished. No amount of tinkering with the operation of the Courts can improve the administration of justice in this regard.

### **Wilson Rowntree**

The Wilson Rowntree management protested to the Black Sash because some of our members supported the boycott of Wilson Rowntree products. They claimed:

'Management of Wilson Rowntree has always discussed with

the workers their grievances, and the recognised channels of communication and negotiation procedures have been adhered to, ie those laid down by the Industrial Council for the Sweet-making Industry agreed to by the Company and by the Sweet Workers' Union which represents workers of all racial groups throughout the Confectionery industry . . . Currently its membership at the East London factory comprises 1 300 (including 950 black Africans) out of the factory workforce of 1 600'.

SAAWU memoranda, however, claimed: After SAAWU began organising, the Wilson Rowntree management began canvassing for the Sweet Workers' Union which now divided workers into three classes: A for whites, B for coloureds, and C for Africans.

In June 1980 the Wilson Rowntree workers asked SAAWU to represent them and it soon had 90% membership amongst workers. In January 1980, the workers approached management for official recognition of the SAAWU workers' committee . . . Management said it would only recognise an African workers' committee of a union represented in the Industrial Council'.

Joyce replied: 'You will no doubt understand that the nature of our work has inevitably given us more sympathy for the problems of the workers than for those of their employers, who have always been able to operate from a position of strength. Government policy has ensured this.

'The outcome of this policy is that a climate of opinion has been created in this country over the years which has led to increasing polarisation, which is unfortunate for both employers and workers and which does not lead to easy communication. The result is that whatever is eventually offered, reluctantly or otherwise, by those who have, to those who have not, is inevitably too little and too late and treated with suspicion. This leads to the rejection of even those with the most honourable of intentions

and of motivation and, in the field of labour relationships, causes the sort of problem in which you are presently embroiled.

'I am afraid that whether or not you and your firm entertain liberal labour policies is really immaterial as you are inevitably caught up in the prevailing situation. It is encouraging to learn that your organisation has a "high opinion of the Black Sash". We wish, though, that commerce and industry had supported us during the last 26 years when we made so many appeals to the public to stand up and be counted, for we believe that commerce and industry could have exercised sufficient economic power to ensure that necessary changes were made timeously'.

### **Pensions**

Last year's correspondence with the Department of Co-operation and Development had ended with a letter from Joyce in which she averred,

'The Black Homelands Constitution Act provides for homelands that have accepted self-government to administer pensions for their people' . . . These regulations are still framed under the SA Social Pensions Act of 1973. The Act states that the Minister may pay the pensioners (Section 2). The Minister is the SA Minister unless the State President by way of proclamation (Section 18) confers the Administration to another Minister.

There has been no such proclamation. It therefore seems to us that the SA Government is still responsible for ensuring that those eligible for Old Age Pensions are granted them, 'and that they are paid out in such a manner that it is possible for the old people to collect them'.

The reply from the Department clarified official government dumping of responsibility for welfare services on the 'National States'. 'The executive and legislative powers in respect of welfare services for blacks in the National States vest in the exe-

cutive councils and legislative assemblies respectively of the National States by operation of law and not by virtue of a proclamation issued in terms of Section 19 of the Social Pensions Act, 1973 (Act 37 of 73)'

All the pensions correspondence which included case-history reports from the Regions, together with comments from Sheena, was given to the RDM, who published these important facts about chronic non-payment of black pensions in the Mail Extra only.

A subsequent report on the inefficient payout of Johannesburg pensions and the all-night queues, together with comment from Sheena, also appeared only in the Mail Extra.

Joyce complained to the Mail Ombudsman, who replied on 1/2/82 that there had been no intention to withhold the news from white readers. The pensions story did appear in some of the 'white' editions.

He added, however: 'If a newspaper is to retain its credibility it must never come under suspicion of speaking with two voices — especially if one is addressed to whites and another to blacks. The Extra system, which has often been challenged in principle, can only be sustained in practice if politically significant news is presented in the same light to all sections of the newspaper's readership'.

### **Detentions**

Joyce spoke on behalf of the Black Sash at the all-night vigil, organised by the Transvaal Region, on behalf of those in detention. In her Press statement announcing the vigil, she said,

'We feel quite desperate about the flooding spate of bannings and detentions; about the violence with which the Police and, apparently, the Army, deal with peaceful protest; about the constant invocation of the Riotous Assemblies Act and the severity with which it is administered; and about the frustrating inability of the man in the street to voice his-dissent to the growing government abuse of the

arbitrary powers which it has bestowed upon itself over the years'.

Joyce also wrote to the Minister of Police about detentions. 'The Black Sash is deeply disturbed at the constant and recurring spate of rumours regarding the torture of detainees. We hear that people's teeth are being extracted, that others are put into a bag while electric current is applied to parts of their bodies, and that some are kept handcuffed or shackled even while ill in hospital. Always and for all of them there is the more refined torture of solitary confinement, even if it now goes by the euphemism of "isolation"'

In addition to all those "rumours" there are also the innumerable occasions when evidence has been led in the courts that people have been subjected to various methods of torture during their interrogation. Because they operate in the greatest secrecy and are totally protected by the law the reputation of the Security Police in this regard is deservedly suspect.

We are alarmed that the law permits detainees to be totally under their control without any safeguards for their well-being. It would seem that the provision in the Law for visits by magistrates was made to ensure some degree of security for those who have been arbitrarily taken out of the stream of society and placed beyond the pale, beyond the protection of the courts, beyond the reach of their families, their friends, their legal advisers.

However, it is not at all clear whether the magistrates are accountable to anyone. We believe that they may report back to the Security Police who are in charge of the complainant, and if this is so then it becomes perfectly obvious that fear of reprisals would prevent any but the strongest and most courageous of the detainees from complaining even if they were being grievously assaulted'.

Throughout all regions of the Black Sash, police harassment of demonstrators has resulted in



an increase in the number of Black Sash members who volunteer to demonstrate.

### Businessmen's conference

Joyce wrote a letter to 100 of the 600 businessmen invited to the Prime Minister's Good Hope Conference (together with an accompanying statement to the Press explaining our reasons for sending out this letter) drawing attention to official lawlessness here and in the homelands, and pointing out that unless civilised standards were restored no reform or economic progress would be possible.

'We are alarmed that the business community does not seem to have recognised that this growing debasement of civilised standards has very serious implications for the future of our country, including its prosperity, for this matter was not raised at either the Carlton or the Good Hope Businessmen's Conference . . . We therefore call upon you to use your influence to press for the restoration of civilised standards, without which no damage can be beneficial and no society can progress'.

Most replies seemed to miss the point that we so urgently wished to make: that civilised standards, rigidly adhered to by government are the only basis for an orderly and decent society; that there is no point in studying and trying to solve our admittedly complicated problems if there is no civilised base to build upon. Therefore, surely a first priority of any meeting between business and the Prime Minister should be a request to the government to restore the Rule of Law.

### Resettlement

Having visited Mothopiestad with our regional resettlement committee, Joyce wrote to Dr Koornhof, and her letter is quoted fully here because it records what has been done to other similar rural communities visited by our members since their resettlement and who are now living in arid and hopeless circumstances, and, our members say, are



*A church of wood and iron in the wilderness photo: Ben McLennan*

suffering from a state of clinical depression.

*'Mothopiestad is a settled and prosperous community of approximately 1 500 people who occupy 200 houses — solid and well-built and standing in large pieces of land. It is in the vicinity of Magaliesberg and numbers of the tribe's young people are employed in Johannesburg and spend their week-ends at home.*

*There is a primary school with six classrooms catering for 500 to 600 children who attend in shifts, and there is a secondary school educating 184 children up to the level of Form III. All the classrooms have desks, blackboards, equipment and in addition there is a school attached to the Church.*

*Mothopiestad is a prosperous farming community. The tribe bought 1 300 morgen of land in 1911, and is in possession of title deeds including mineral rights. In 1949 a further 304 morgen were purchased where they graze their cattle. There is a stream running through the property, with a pump which supplies them with water.*

*The people farm maize, kaffir corn, sunflowers, grapes, peaches and vegetables, in addi-*

*tion to their cattle. The population as a whole makes its living off the land, and seven families own their own tractors.*

*Their crime is that they are a black spot in a white area, and they are consequently threatened with removal to Onderstepoort, close to Sun City on land which has been bought by the Trust and which will presumably be incorporated into Bophuthatswana. It is exceedingly hot grass and bush country, presently dotted with hundreds of tin toilets on plots of ground measuring  $\frac{1}{4}$  to  $\frac{1}{3}$  of an acre, apparently intended to accommodate many more than the tribe from Mothopiestad and without any provision for farming or grazing land. They have been told that they can grow vegetables for Sun City. Certainly they will not have the facilities to farm as they have been accustomed to do for the last 70 years and more, nor would the climate be suitable for the farming of the crops they are experienced in growing. Their request to the authorities for precise information regarding land availability for farming and cattle has received evasive replies.*

*A visit to Mothopiestad reveals a peaceful village nestling*

on a gentle hillside surrounded by green fields of flourishing crops, with the farmers in the fields, the women about their homes and the children, all in neat uniforms, in their schools. I am quite sure that the Chief would welcome a visit from you and we would be happy to arrange it.

It is horrifying to think that these solid houses must be demolished, the life that has been established there destroyed, and the people uprooted, with what is left of their property after the demolitions, and dumped on bare ground in a forest of shiny tin toilets, there to try to re-

establish themselves as a community and somehow find a means of earning their livelihood, having been deprived of their cattle and their farms.

I am sure you would agree that no ideology can provide an adequate excuse for such inhumanity perpetrated by man against man. There is no friction in the area of Mophoestad. The surrounding white farmers use the available labour provided by the village as and when they need it. It is a peaceful, settled little black community, quietly going about the business of providing for itself and husbanding the land and its resources.

I have met the people of Mophoestad. I have spoken with them. I am deeply impressed with their dignity and their integrity. They do not wish to move. They are doing everything within their power to prevent themselves from being moved. I hope that you will do everything within your power to ensure that they are not moved, and that they are no longer harassed by the authorities who are trying to make "voluntary" a removal which the people resist with every fibre of their being'.

**Jill Wentzel**

*National Vice-President*

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# An empty table labelled independence

**by Dr Margaret Nash**

**S**HOULD CISKEI join Transkei to form one independent Xhosa nation as Pretoria was proposing? In 1976 Chief Lennox Sebe dismissed the question out of hand, declaring '... Our people cannot eat flags or constitutions ... Is any benefit to be found in one destitute family joining another to sit down at the empty table?'

During that same year the Herschel and Glen Gray districts, comprising 45 percent of Ciskei land area, were ceded to Transkei, and some 50 000 inhabitants trekked south to Thornhill and Zweledinga ('the promised land'). For Ciskei the net result was less land and more hungry people.

Yet, in December last year, against the express recommendation of his own Quail Commission, Chief Lennox Sebe led his people to an empty table labelled independence. And Pretoria notched up another victory in the campaign to rid the Republic of political and other obligations to three-quarters of the South African population.

That campaign, expressed in homelands consolidation and massive population removals, is at once simple, sophisticated and incredibly ambitious. Simple in that it aims to excise from Republic territory a series of black homelands not exceeding 14 percent of the whole and establishing in them eight or nine (or ten ...) independent black nations.

If you live in the Fairest Cape it is easy to know little and care less about happenings north of the Hex River Mountains. Easy that is, if you are white.

But Group Areas removals affecting over half a million 'coloured' people and 'coloured labour preference area policy' penalising a quarter of a million Africans in the Western Cape are also part of the Grand Plan.

So, the things that distress us locally — pass arrests, dawn raids, destruction of plastic squatter shelters, dogs, teargas and shooting — do not happen by mischance. Without them the homelands resettlement policy cannot work.

Similarly, homeland casinos with the gambling, blue films and sex across the colour line, forbidden in the Republic, are not simply the result of entrepreneurial vigour. They are the outward and visible signs of the largest single item of world trade — tourists; particularly the kind of tourism that exploits Third World countries as playgrounds for the spoilt children of First World affluence.

Government spokesmen defend the homelands and resettlement policy in terms of ethnicity and the right of each group to preserve its identity and develop along its own lines. They say little about the devastating economic and social effects of the policy.

Economically the facts are stark. The 1913 Land Act enabled the white minority to effect a primitive accumulation of capital (land, minerals and other assets) at the expense of the blacks. Africans, driven into reserves and locations comprising six percent of the land area, could no longer sustain



themselves by farming, and ever greater numbers were forced into the migrant labour systems.

These workers lacked bargaining power, so the surplus value resulting from their work accrued to the ruling class. In 1970 the top 10 percent of the population received 58 percent of national income while the bottom 20 percent received only two percent. White South African living standards are among the highest in the world, while the diseases of poverty — TB, kwashiorkor, gastro-enteritis and its adult cousin cholera — ravage the black population, particularly in the rural areas.

Socially the havoc is equally evident. Family life is almost non-existent for 1,5 million migrant workers and their dependants. Homelands populations comprise the aged and disabled, women and children, and the unemployed. Denser settlements are agglomerates of uprooted, atomised part-families. Many old people are so traumatised by removal as to display symptoms of organic brain damage. Memories no longer vitalise and enrich their declining years, instead, there is depression and vacancy.

Once viable villages and rural communities, swamped by thousands of new arrivals, no longer nourish their inhabitants. Instead, it is each for himself and devil take the hindmost.

Recall some of the recent reports about Laingsburg one year after the flood — the complaints about the cramped uninsulated prefabs, the dust, the sense of disorientation, of resentment and frustration. The black uprooted have not suffered the sudden loss of life on a large scale as did the Laingsburg community. But in most other ways they have been no less the victims of disaster, yet lacking the assistance of crisis squads, 'disaster medicine' specialists and an abundantly generous public.

'You cannot have a nation without people', said Chief Sebe. Nor can you consolidate a homeland without pushing and pulling its putative citizens from the white areas into the Trust farms that are to be handed over in the fullness of time.

But such resettlement is a political timebomb. People relocate in response to harassment, cash subsidies, the promise of land or at least security of tenure, and the hope of a better future for their children. But homeland leaders cannot deliver the goods and disillusion soon blankets briefly vital settlements. While the adults may sink into apathy, in youth the sap of life is still rising.

Frustration erupts into school boycotts, stoning of buses, violent clashes with army and police, detentions and seething anger. Drop-outs are quickly absorbed into the gangs that terrorise the settlements. Pupils who return to school experience little sense of reward or satisfaction. Like the alienated youth of Northern Ireland, both scholars and drop-outs in the homelands resettlements offer fertile ground to recruiters of guerilla armies.

The SADF is rightly concerned about the security situation in the rural areas. The white presence

there is less and less civilian and therefore has to be more and more military — and dependent on the growing non-white element. As in Rhodesia in the 1970s, it is possible to manipulate black into fighting black on behalf of white supremacy — but for how long? Especially when most of the blacks, whether permanently resident in the Republic, or not, are constitutionally foreigners.

This is the context for the well-publicised changes and concessions: trade unions, better wages and job training, promises of housing, TV2 and TV3. Also for the detentions and virtual rule of terror in Venda and Ciskei, and the ex-Selous Scout military presence in Transkei — not to mention the rising tide of border warfare, urban industrial sabotage, worker and civil unrest in the Republic.

Contrast this with the jubilee of biblical tradition, the year of rejoicing in which land — held as a trust — is redistributed to the people. Good news indeed to the poor, liberation to those burdened with debt and endless wage labours (Leviticus 25). Such was the imagery with which Christ chose to begin his public ministry, the mandate he sought to fulfil (Luke 4, 18).

If as a country we stand in this tradition, as the constitution maintains, how can we endlessly blame the unrest and disorder on external forces and the communist onslaught? Can we not see that in fact the most dangerous threat to the future of any nation is a state terrorism that exiles, oppresses and drives to desperation the majority of its inhabitants?

Only justice, rule of law and full human rights for all inhabitants of a reunited South Africa can ensure the peace, security and prosperity we desire for our children.

## Statement

**The Black Sash is totally opposed to capital punishment believing that it has a destructive effect on society that far outweighs any deterrent advantage some people believe it might have.**

**We contemplate with concern the prospect of our society attempting to solve rising tension in the future by increased use of judicial killing.**

**We are appalled that the gallows in Pretoria allows for the simultaneous hanging of seven people and we condemn the practice of multiple hangings, the barbarity of which was made manifest in a report in The Star of 15/7/81 of the use of teargas to quieten the resisting victims of one such multiple hanging.**

# RESETTLEMENT IN THE CISKEI

by Priscilla Hall

**T**HERE have been four distinct waves of removal into the Ciskei in the last two decades. The first in the 1960s was largely urban removal. The next, in 1976, was political, when a mass movement of people fleeing from the Transkei on its independence took place. And then about the same time farm evictions began in earnest.

The fourth phase of removals into Ciskei has just been broached and seems likely to burst forth this year in the course of consolidation. Pretoria intends clearing the 'black spots' in the White Corridor (the buffer zone between Ciskei and Transkei). It will probably try to do so by December 31 1982 since this is the deadline for handing over all Trust land to the Ciskei — and as we have seen, Trust land has been the vehicle for transferring people to the Ciskei.

Black spot removals are themselves part of the consolidation programme. Pretoria set out in 1972 (when the Ciskei 'homeland' was proclaimed) to convert its 19 scattered areas into a single block of land, and aims to do so by the end of 1982. Some of the areas were 'badly situated' and therefore deemed to be black spots which should be cleared. The ones in the Humansdorp area were disposed of in a series of savage removals at gunpoint in 1977-78.

Now the main attack is due to begin. Ten black spots in the White Corridor have been notified of impending removal, although no time has been specified. The biggest communities are at Mgwali near Stutterheim and Kwelerha near East London. Clearing the White Corridor between Queenstown and East London would mean relocating nearly a quarter of a million people into the Ciskei (ed Nash & Charton, p 49).

## PLACES UNDER THREAT OF REMOVAL

Resettlement is elusive despite its vast scale — officials do not publicise the moves, the new sites are often remote, and most people being moved are unable to spread the news. Certainly there is far more resettlement planned than what is listed below, but this is all we know about.

### ● 'BLACK SPOTS'

These areas of black-owned land are all in the White Corridor depicted in the accompanying map. **Goshen** near Cathcart may be the first to go.

About 1 000 people live in this old Moravian settlement, and most of them have title deeds which they have preserved. The place has a modest pros-



Ciskei and Transkei with the White Corridor separating them

perity, with market gardening and a dairy, good houses and water throughout the year from the Waqu River.

The people are not much alarmed by talk of removal, because when the Cathcart magistrate notified the community on December 12 81 he said he did not know when the removal would happen — possibly in 10 or 20 years' time.

They were told they might be moved to a place in the Ciskei about 20 km away, but the removals squad at a vast new site being built at Frankfort said that the first black spot they were going to move was one 'near Cathcart' — which could be Goshen.

**Mgwali** and **Wartburg** may be next. These two mission stations lie to the north of Stutterheim in the middle of the Corridor, and total about 10 000 people. They are also destined for the Frankfort site, according to the removals squad.

**Mgwali** is the bigger group (5 000-7 000 people) living in an old settlement with good water and farming and grazing ground. 152 plots are free-



as having 25 000. Like the other groups being moved within Ciskei, this community have been moved before — in fact, many of these families will be moving for the fourth time. They were the people resettled in Ilinge in Glen Grey in the 1960s, who fled Transkei independence in 1976 by going to Emadakeni outside Sada, and were then against their will sent to Oxton in 1977. Their next move will be to Poplar Grove, closer to Whittlesea, where roads are being made now apparently.

Oxton is a terrible place — bleak, remote, with wood and water problems — yet many of the people would prefer to stay because they are so poor and the rents at the new site will be high. The move is planned for 1982 or 1983.

**Zweledinga** was one of the original receiving farms for the Glen Grey influx in 1976, and these people are still awaiting permanent sites. Four closer settlements are planned for them, at Bushby Park, Yonda, Esibonile and Price's Dale.

They are a smallish group of about 3 000, with very good community spirit. In fact the authorities tried resettling the most articulate people first, and they refused their sites, saying they should be the LAST to go.

Zweledinga is bitterly cold, fuel hard to get. People do not oppose resettlement from there, but will fight for it to happen in the terms promised, and with proper provision for every single family. They expect to move in late 1982 or 1983.

\* \* \*

Why these waves of removal? Why homelands? Segregated areas (in the name of ethnicity or anything else) are seen as a way of removing people politically; also as a refinement of labour control, and to keep workers moving between the mines, farms and industrial sector. More recently people have studied the decentralisation plans and the dispersal of workers to that end. Yet others say the removals are proof of marginalisation, where workers are becoming redundant and must be siphoned off into the country. Then there is always talk (perhaps too much) of dumping, of evading the job of providing for people. (Removals have even been seen as a deliberate genocide programme). These could be some of the motives for shunting people into the Ciskei. Moves within the Ciskei result from complex in-fighting for power, people and land.

We need the help of analysts to see what is really happening; what other removals might be planned, and where; what sort of prospects people have if they are moved; even, how they might resist moving.

Grahamstown, February 1982

## Three in court on Terror Act charges

**Mail Reporter**

**THREE** people appeared in the Johannesburg Regional Court yesterday in connection with an allegation of contravening the Terrorism Act.

Appearing before Mr M P Prinsloo were Miss Barbara Anne Hogan, 30, of Hunter Street, Yeoville, Mr Cedric Redcliff Mayson, 54, of St George Street, Bellevue, and Mr Allen Morris Fine, no age given, of Sharp Street, Bellevue.

The State alleges they committed the offences on September 24 last year.

They were remanded pending further investiga-

tions and while charges were being formulated. They will appear again on May 28.

Miss Hogan, a student and part-time rural development worker, was detained on September 22 last year.

Mr Mayson, a former office bearer of the banned Christian Institute, was detained on November 26 last year, and Mr Fine, a trade unionist, was detained on September 24, last year.

All are being held under Section Six of the Terrorism Act.

Mr F Strydom appeared for the State and Miss Kathy Satchwell represented the three accused.

Rand Daily Mail, May 1, 1982

## Correspondence between the Detainees' Parents Support Committee and the Attorney-General of the Transvaal

March 30, 1982

Mr J E Nöthling,  
Attorney-General of the Transvaal

Dear Sir,

In response to your letter of 24 March 1982, we thank you for your invitation to submit requests for information relating to individual detainees, however, the reason for requesting a meeting with you was to seek clarification of matters of principle, and we reiterate our belief that this can best be achieved by a face-to-face discussion as opposed to protracted correspondence. While we are prepared to discuss individual cases as examples of the more general issues at stake, our concern is with the processes of law involved in the investigation, formulation and prosecution of charges against detained persons.

We are unclear as to the separation of functions between your office and that of the Security Police. In your letter you clearly state your function is to decide, upon evidence gathered by the police, as to whether to institute a prosecution against a specific person or not. For example, if on the basis of a docket submitted to you by the Security Police, you decide there is insufficient evidence for a prosecution, is it your function to prompt the Security Police as to what further evidence they should seek in order for you to bring a prosecution? Or is your refusal to prosecute on the basis of the available evidence in effect a recommendation to release the detainees concerned? What is particularly puzzling to us is the statement in several newspapers during late December 1981 (eg reported in the *EP Herald* 25 December), attributed to the chief of the Security Police Lt General Coetzee, to the effect "that a member of the Attorney-General's office had been assigned to the Security Police to assist with formulating the charges." This would seem to conflict with your function as we understand it and as it is expressed in your letter.

Another issue which we wish to discuss with you relates to the extraordinary length of time for some conclusion

hold, but only about 40 families have their title deeds.

Sebe outlawed opposition to removal in June 1981, and with the threat of R252 local resistance is necessarily muted. Without courting detention, a Mgwali group does nevertheless argue that work will be far harder to find in Frankfort; that they won't have grazing there, whatever officials say; that there won't be enough water for the thousands converging on the new site, since it is borehole country. The quiet opposition is also investigating compensation.

The Mgwali community is divided, no doubt deliberately. It now has a 12-member Planning Committee including civil servants who have been promised good houses, and this group is working to make the removal go smoothly. It is also quoted as evidence that Mgwali accepts the idea of removal.

**Wartburg** with its 3 000 people is in the same position and is being dealt with alongside Mgwali. Removals from these two areas are apparently scheduled for June or July this year.

**Lesseyton** with about 4 000 people may be next. This is the old reserve area north of Queenstown, originally a Wesleyan mission settlement. 32 'elite' freeholders found themselves threatened with removal along with the rest of the community (whom they call squatters) when the Whittlesea magistrate notified them on December 15 81, saying they would all have to go whether they wanted to or not. They also are meant for Frankfort.

**Kwelerha-Mooiplaas** at the coast just north of East London is another area of black spots. There are thousands of people here, on rather scattered holdings, of the imiDushane — Chief D M Jongilanga's tribe.

Jongilanga has opposed removal strongly up to the beginning of 1979, but then there was a sudden switch when apparently he had agreed to move his people to the Chalumna-Kidd's Beach area on the other side of East London. The plan now seems definite, although the site has not been started yet as far as we know.

**Newlands** — The people from this fairly large area near East London will also apparently go to the Kidd's Beach area, under Chief Jongilanga.

### ● ONGOING REMOVALS INTO CISKEI

Eviction of labour tenants will go on during the 1980s although this group is likely to dwindle. Influx control may well increase the threat of deportation for the illegal Ciskeians in white towns, though. (Quail estimates there are 68 500 of them)

The main identifiable group under ongoing threat are the Duncan Villagers. Unofficially it is said that there are at least 60 000 of them: half of them Transkeians, and the bulk of the rest Ciskeians — 25 000 or so.

In February 1982 the East London City Council suddenly switched to supporting the Duncan Villagers. A few days later Pretoria re-asserted that all these blacks were to be moved. Sebe and Pretoria both want Duncan Village cleared out, particularly to get rid of a base for trade unionism. Yet the sheer expense of rehousing people in Mdantsane has delayed the programme. Some people hope the whole move will grind to a halt on this account. Meanwhile, Prof van Zyl of UOFS has studied the Village and shown that it can be upgraded at surprisingly low cost, despite decades of no maintenance.

### ● REMOVALS WITHIN CISKEI

**Phakamisa** — It is rumoured that this squatter group of about 3 000 will be moved in early 1982. They had been relocated at Phakamisa near Zwelitsha in mid-1979 when they were flooded out of a ramshackle camp called Silvertown, and this was to have been a permanent move. Phakamisa is very close indeed to Zwelitsha, though, which means it is prized as a place for elite development. The squatters are therefore being pushed out. They may be going to the Frankfort area.

**Kammaskraal** south of Peddie has been a transit camp since mid-1980 for 1 000 people. They are due to be moved to a new settlement site on Peddie commonage sometime in 1982, and they don't want to go. This is another deliberately split community (the two groups originally from Alexandria and Wooldridge), and it seems this rift is being fostered even in the plan for removal. Apparently the Wooldridge people will be required to go first and live in prefab houses, and build permanent homes for the Alexandria group who will come only when the places are ready.

The Peddie site is fairly far advanced, with roads being laid, a dam prepared, and school buildings going up.

**Glenmore** on the Fish River west of Peddie now holds about 4 200 people — recently a further 700 were crammed in from nearby farms, along with the original 3 500 moved in 1979. Glenmore is still Trust land, but consolidation is likely to happen in late March 1982. Some people say the people will be moved to Peddie immediately afterwards, others that the move is not imminent. Whatever the timing, there seems no doubt the people will be moved there — the Ciskei are determined to clear the land in order to extend the nearby Tyefu irrigation scheme.

Like those at Kammaskraal, these people mostly do not want to go, and also like them, they are struggling with deliberately fostered factions. In Glenmore terms, it is the Klipfontein and Coega groups, with a third new element, a committee appointed by the Alice magistrate in December 1981. Even statements of protest are very hard to manage, let alone organising resistance.

**Oxton** in the N Ciskei (Hewu district) had held about 10 000 but was gauged in December 1981



to be reached. In late November 1981, exactly four months ago, one of our members was informed by Col Muller, head of the Witwatersrand Security Police, that an advocate had been appointed by you, and that matters should now move speedily to a conclusion. Yet of those in detention at the time of Col Muller's statement, a few have only recently been released, while the majority are still in detention. We are totally at a loss to understand how, after an investigation lasting six months (and four months after the appointment of the advocate from your office to prepare charges), three detainees were brought to court without your office being able to produce a charge sheet.

We also seek clarification in regard to your role in the detention of persons under Section 12B of the Internal Security Act, to which no reference is made in your letter. Our understanding is that the decision in this regard is yours. We would like to know what criteria other than those furnished by Security Police, influence your decision to detain under Section 12B. We also believe that the conditions of detention under Section 12B are subject to your discretion and we would be interested to know the manner in which you apply your mind towards exercising this discretion.

In view of the complexity of these and many other related issues, you will appreciate our reasons for requesting an interview, and we await your early advices as to a time and date convenient to yourself.

For:

DETAINEES' PARENTS SUPPORT COMMITTEE  
DR M COLEMAN

## *The reply...*

2 April 1982

Dr M Coleman,  
Detainees' Parents Support Committee  
Dear Dr Coleman,  
DETENTION OF PERSONS:  
YOUR LETTER OF 30 MARCH 1982

With reference to your above mentioned letter I wish to inform you as follows:

- (1) I can unfortunately not agree to discuss with you the way in which I perform the functions entrusted to me by law. In regard to the statement attributed to Lt-Gen Coetzee in regard to an advocate assigned by me to the Security Police, "to assist with formulating the charges" I wish to explain that I assigned an advocate of my staff, subsequently supplemented by another State advocate, to commence studying the evidence in the case, even before the police investigations had been completed, in order to expedite matters and thus to enable me to reach a decision in regard to the matter as soon as possible. However a large volume of evidence is involved and the police investigations are still continuing.
- (2) As should be evident from the above I and my staff are doing our best to dispose of this matter with as little delay as possible.
- (3) As far as the application of Section 12B of the Internal Security Act, 1950 is concerned, I wish to refer you to the section itself. I exercise my discretion in regard thereto after consideration of all the relevant evidence.

It appears to me that no useful purpose can be served by a personal discussion of general matters regarding this matter.

Yours sincerely,  
J E Nöthling  
ATTORNEY-GENERAL.

# Black Sash map

## — new edition

An updated version of our map, 'A land divided against itself', together with an explanatory booklet, will be available shortly.

Please place your order. The price:

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## Dedication . . .

**I**N pride and humbleness we declare our devotion to the land of South Africa, we dedicate ourselves to the service of our country. We pledge ourselves to uphold the ideals of mutual trust and forbearance, of sanctity of word, of courage for the future, and of peace and justice for all persons and peoples. We pledge ourselves to resist any diminishment of these, confident that this duty is required of us, and that history and our children will defend us.

So help us God, in Whose strength we trust.

## Toewydingsrede . . .

**M**ET trots en nederigheid verklaar ons ons gehegtheid aan die land van Suid-Afrika, ons wy ons aan die diens van ons land. Ons belowe plegtig die ideale te handhaaf van onderlinge vertroue en verdraagsaamheid, van die onskendbaarheid van beloftes, van moed vir die toekoms, van vrede en regverdigheid teenoor alle persone en rasse. Ons beloop plegtig om ons te verset teen enige vermindering hiervan, oortuig dat hierdie plig ons opgelê is en dat die geskiedenis en ons kinders ons sal regverdig.

Mag God ons help, op Wie se krag ons ons verlaat.