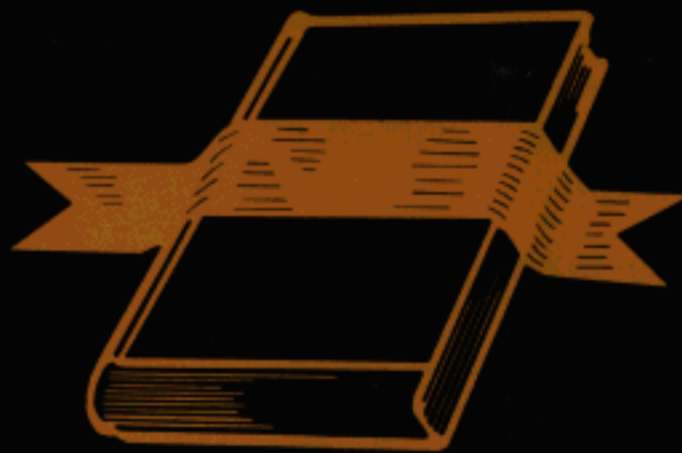


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SASH

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The Black Sash magazine

DIE KAFFIR OP SY GEEN PLEK

'Kaffir' has come to be used as a symbol of white aggression against blacks. 'Die Kaffir op sy Plek' was once the slogan used by whites to promote the apartheid policy. The phrase is now seldom used by government supporters. It is often used satirically by opponents of apartheid to emphasize the real meaning of separate development.

'Die Kaffir op sy geen Plek' means 'The Black Man in his no-place,' or, more freely translated, 'The Black Man must live in the place which has been taken from him.'

'Die Kaffir op sy geen Plek' expresses the dual robbery of the pass and resettlement laws, which rob blacks

of their labour — and of their right to work

of their land — and of their right to live in town after their land has been taken from them.

★ **BLACKS ARE ROBBED OF THEIR LABOUR**

Then — In 1809 a Hottentot pass law was introduced to compensate for the prohibition on bringing slaves into the country.

In 1905, after the failure of the Chinese labour scheme, when the mines urgently needed labour, poll and hut taxes were introduced to oblige blacks to leave their homes and go to work, and every man had to carry a poll tax receipt with him.

Now — Cities need the labour of migrant workers — not their families. Labour cannot be sold to the highest bidder because the pass laws restrict movement.

Labour cannot bargain freely because of migrant labour. The pass laws ensure that migrant workers dismissed for striking have to return to the 'homelands' and cannot seek new employment.

★ **AND OF THEIR RIGHT TO WORK**

Blacks are fined and imprisoned if caught working without passes.

The new Bill plans fines of R5 000 for giving employment to unregistered people.

★ **BLACKS ARE ROBBED OF THEIR LAND**

Historical intrusion by whites culminated in the 1913 Land Act, since when black ownership has been confined to only 14% of the land.

Pass, resettlement and Group Areas laws have caused more than three million people to be thrown off their land with scant compensation for their assets.

★ **AND OF THEIR RIGHT TO LIVE IN CITIES** once their land has been taken from them.

Because of the forced overcrowding of rural areas, people flock to the cities in order to survive.

A Ciskeian resident working illegally in Pietermaritzburg for three months, and imprisoned for nine months, nevertheless improves his standard of living by 234,2%.

But under the new Bill whites or blacks who give accommodation to any of these people will be fined R500.

Old fashioned apartheid, recently linguistically disguised, returns re-enforced by the Orderly Movement of Black Persons Bill.

Editorial

A WHILE AGO many South Africans and many people overseas believed we were beginning an age of reform. What was happening throughout that period of reform euphoria was the establishing of a steady legislative framework aimed at excluding as many blacks as possible from 86% of the country. Far from being the beginning of the gradual dismantling of apartheid, an implacable apartheid re-enforcing process, backed up by computers and sophisticated techniques, was under way.

The pass and allied resettlement laws have little to do with the highly exaggerated 'problems of urbanisation'. They have everything to do with establishing the 'homelands' policy and excluding from the urban areas all blacks who are not needed by the economy. The Black Sash estimated the proposed Orderly Movement of Black Persons Bill would in time have diminished the present urban black population by possibly as much as 50%. Introduced in reformist language, it misled not only commentators in our local Press, but overseas 'constructive engagement' diplomats as well.

Orderly Movement redraft

Members should know what the new Bill planned to do. We believe it was withdrawn for yet another redraft not because it failed to express 'reformist' government policy, but because of the strength and scope of the protest that was mounting. The attitude of Dr Koornhof and his officials to the Komani, Booie and Rikhoto judgments are sure signs that the redraft will not be much different. Predictably, it seems the Government plans to fall back on stooge-strategy and bring its stricter influx control measures through revamped black local authorities.

Pass Laws double robbery

The pass laws and allied resettlement schemes are bad enough as they are. They are the mechanism by which whites have perpetrated on blacks a robbery so profound that it defies what the idiom proclaims to be impossible and actually achieves the having of cake and eating it. They are the means by which blacks are robbed of their labour and of their right to work, of their land and of their right to live in cities once their land has been taken from them. Blacks who have to live in dormitories in hostels or who belong to the burgeoning commuter societies are robbed even of their sleep and their leisure. The pass laws are the means by which a Christian government robs blacks of their family life. And robbed of their citizenship blacks can nevertheless still be charged with treason.

New constitution

The exclusion of blacks from the proposed new constitution proves the Government's commitment to its 'homeland' policy and ensures that the pass laws and migrant labour will remain in force and resettlement will continue. It is hard to understand what the HNP is griping about.

DEATH IN DETENTION

The detention system means taking people and putting their lives at risk



With acknowledgement to the Rand Daily Mail

On 8th August Moabe Ernest Dipale died in detention. Since the death of Solwandle Looksmart Ngudle in 1963, 53 detainees, whose names are listed on the back cover of this magazine, have died.

These people must never be forgotten. It is a matter of urgency that their biographies be written. By their lonely and terrifying deaths they both suffered and exposed all the rottenness at the core of our society.

Brutality of apartheid

Each new death proclaims to the world the ongoing brutality of apartheid—a brutality dramatically accented when Moabe Dipale's family were forced to accept severe restrictions on the procedure of his funeral. The building of suicide-proof cells, and Colonel Mellet's statement that these cannot be expected to be foolproof (RDM, 1/9/82) is an official admission that the detention system means taking people and putting their lives at risk.

Tainted evidence

In societies in which the rule of law prevails a court would not be able to admit in evidence the testimony of the products of solitary confinement or enforced isolation. Whether that testimony be a self-incriminating confession or that of a witness damning an accused, the evidence in either case is the product of coercion. Its unreliability is notorious. In our society, however, the very purpose of the security laws is to obtain this tainted evidence which is frequently given in court. Courts have an especial duty to be vigilant in this matter. If this is done, the futility of evidence gained by detention without trial will be demonstrated to the police and the awesome weaponry of detention with its victims both alive and dead will be that much less attractive to them.

Robert Birley

By JOHN KANE-BERMAN

He delighted in those who had the courage to sow

ROBERT BIRLEY often used to quote the words of a Jesuit priest, Alfred Delp, who was hanged by the Nazis in February 1945. Shortly before his execution Father Delp wrote: 'This is a time of sowing; it is **not** the time for harvest. It is God who sows, and in due course He will reap. I shall strive at least to fall as a fertile and good seed in the ground'.

These few words, I think, sum up very well how Sir Robert saw his own work in South Africa and that of many of the people he sought to inspire and encourage. He used to say that it would never have been possible to rebuild liberal education in Germany after the war had there not been people who had lived right through the Nazi dictatorship but refused to compromise with it. Their moral integrity had remained intact, providing a foundation on which he, as educational adviser to the governor of the British zone, could rebuild what the Nazis had corrupted and destroyed.

Sir Robert's experience in Germany was reflected, in particular, in how he saw South African universities, especially that of the Witwatersrand, where he taught for three years and for which he had an obvious and deep affection.

Academic freedom, he once said, was something that an Englishman like himself had always taken for granted. But when he came to Wits in 1964 he suddenly found himself in an institution which could not take it for granted but was having to

fight for it. In his Chancellor's Lecture — one in a series held by the university to reaffirm its commitment to academic freedom — the following year, Sir Robert underlined its value and drew a contrast with Germany, quoting Julius Ebbinghaus, one-time rector of Marburg University: 'One fact remains, unfortunately, all too true. The German universities failed, while there was still time, to oppose publicly with all their powers the destruction of learning and of

the democratic state. They failed to keep the beacon of freedom and right burning through the night of tyranny so that it could be seen by the entire world'.

I think that Robert Birley found his time in South Africa exhilarating. One of the reasons, I believe, is that he was able to draw as much inspiration from people here as he and Elinor Birley gave to them. He profoundly admired people who he had known earlier in his life who had refused to bow down to an evil regime, and he saw many similar people in South Africa. Where others saw only oppression and desolation, he saw courage and nobility of spirit.

He had a sense of being part of a process of sowing, and he saw the black teachers from Soweto, for example, and the white students from Wits that he and Elinor used to bring together so often at their flat as the kind of people on whom the South Africa of the future would have to be built.

It would, however, be very misleading to think of the Birleys as only Wits people. Their range of friends all over the country was almost as boundless as their energy and their enthusiasm. During one of their return visits to South Africa after Sir Robert's three-year appointment as visiting professor of education at Wits had come to an end, I drove them half way round the country and was astonished at how many people they knew in remote parts of Zululand or the Transkei. Frequently along the way

BIRLEY and BOYCOTT

Robert Birley's work in South Africa was a prime case of working within the system.

There is an appropriate moral disgust which decent people feel for South Africa. A holiday — pure and simple — can be avoided. The sports boycott was salutary and cannot be answered by a half-hearted response nor will that be permitted by those who boycott us. No one is obliged to take undue profits which an investment in the society grounded on cheap labour may give.

But that all being said, let this be a means not a moral end. The wages of total isolation is a certain delivery into the power of those who will not bend until broken: but will not serve those who know that Sir Robert's coming was no evil but a hopeful engagement.

His experience in Germany taught him that the future is built on those within a society — modestly and often in fear — who engage themselves because they are there but reserve the commitment of moral loyalty to their hopes for what might be and not what is.

Sir Robert came to encourage just such people and in their tribute to his memory they acknowledge this.

E M W in 'Reality'



Photo: Rand Daily Mail

we called in at mission hospitals or other places where they would be welcomed with open arms.

And somehow they never seemed to tire. On one occasion during this trip, Sir Robert had delivered a formal lecture at the University of Natal in Durban, and then he and Elinor slipped away late at night, not to bed as everyone else was doing, but to the university's black medical students' residence, where a group of about fifteen was waiting. This was in August of 1970, and one of the students in the group was Steve Biko. He and his colleagues and the Birleys talked long into the night. But it was typical of Sir Robert that the conversation would turn as much on his own joy at teaching Shakespeare to children in Soweto as on the heavy political questions that are, of course, uppermost in many of our minds.

I don't suppose there are many headmasters of Eton who have stood in the middle of a student demonstration anywhere in the world, let alone on Jan Smuts Avenue, Johannesburg, where Professor Birley was a familiar sight for most of the time he was at Wits. I also don't suppose there are many headmas-

ters of Eton who have used the English old-boy-network in quite the way Robert Birley did.

One beneficiary was a young man called Wellington Tshazibane, whom Sir Robert taught in South Africa and for whom he then got a scholarship to Oxford. The trouble was that the South African authorities, as they so often did, would give Wellington only a one-way ticket to leave South Africa and not a passport enabling him to return.

Wellington was quite emphatic: no passport, no journey to Oxford, because he did not wish to be forced into exile and leave his old mother behind. Well, of course, Robert Birley was not the kind of man to see a young man like Wellington denied his chances in Oxford by some bureaucrat in Pretoria. He swung into action, as he so often did, with his pen, firing letters all over the country. I think he must have mobilised half the Eton old boys in England and everyone of his former pupils that was anyone in Whitehall. I don't know whether the South African Embassy in London ever knew what hit it, but Wellington, of course, got his passport.

Sir Robert—our friend and first associate (ie male) member

'History in years to come will not forget those who were the seed from which the harvest came. Nor will it regard the time of sowing as one of the less memorable periods in a country's story'.

The story had a tragic sequel, though: after graduating from Oxford, Wellington came back here and worked for a mining company in Botswana. He was detained on a return visit to South Africa one day, and twenty-four hours later was dead, one of the 50 or more South Africans to die in security police care.

Sir Robert would count Wellington as one of the seeds Alfred Delp referred to.

When he quoted the words of Delp in a Richard Feetham Academic Freedom Lecture to two thousand students at Wits in 1970, Sir Robert commented: 'History in years to come will not forget those who were the seed from which the harvest came. Nor will it regard the time of sowing as one of the less memorable periods in a country's story'.

History no doubt will one day record that Sir Robert Birley sowed in South Africa. But perhaps only those who were lucky enough to know him will appreciate how richly he did so.

Speech at Memorial Service, St Mary's Cathedral, Sept. 4, 1982

THE ORDERLY MOVEMENT AND SETTLEMENT OF BLACK PERSONS BILL

By **SHEENA DUNCAN**

THIS BILL deals with who may 'stay' in an urban area and imposes severe penalties on people found without permission in an urban area between the hours of 10 pm and 5 am, on those found in employment for which they do not have permission, on those who give illegal employment.

Published in the last days of the 1982 Parliamentary session and intended as a replacement to the present Black (Urban Areas) Consolidation Act, this Bill has been referred to a select committee.

Clause 52 empowers the Minister to apply the Act in areas he specifies; to 'adjust' the application of the Act; to exempt particular persons from its operation.

Why then legislate at all? It is effectively a charade to do so because the Minister is given plenary powers to do precisely what he likes.

Even without the above provision the Bill is horrendous in its implications for black people.

Who may 'stay' in an urban area? (ie between 10 pm and 5 am)

- Black people who are Permanent Urban Residents and their dependants (clauses 1 and 6)
- Black people who have been given a permit to stay in an urban area (clause 3)

PERMANENT URBAN RESIDENTS will be:

1 SOUTH AFRICAN CITIZENS AND CITIZENS OF INDEPENDENT HOMELANDS

- **who own fixed property under the 99-year leasehold scheme in an urban area**

Note that the Black Communities Development Bill provides that only Permanent Urban Residents and those of their descendants who are lawfully in an urban area may be granted a 99-year leasehold.

- **who were authorised in terms of section 10(1)(a) or (b) of the Urban Areas Act to be in a prescribed area at the time the new Act comes into force**

This creates some problems as to what the words 'were authorised' means. Lawyers say people are 'authorised' by the legislation and not by the rubber stamp, so if a person was entitled to a 10(1)(a) or (b) when the new legislation is promulgated he will be entitled to PUR status even if his rights to be in the area had not been endorsed in his pass. In the Johannesburg Advice Office we have doubts about this.

All 10(1)(b) applications are being delayed, obstructed or refused and one person was told that she cannot have 10(1)(b) because 'there is a new law'.

2 SOUTH AFRICAN CITIZENS WHO HAVE BEEN LAWFULLY RESIDENT IN AN URBAN AREA FOR A CONTINUOUS PERIOD OF AT LEAST 10 YEARS AND WHO HAVE APPLIED TO BE RECOGNISED AS PERMANENT URBAN RESIDENTS

The application may not be refused if the applicant 'fulfills the conditions unless the Director-General 'is of the opinion' that the applicant is not a person contemplated in the Section. Senior Counsel believes that this in practice excludes the jurisdiction of the Courts because it means that the 'opinion' of the Director-General would have to be challenged on the grounds of bad faith (male fides) which is almost impossible to prove.

Note that this application may only be made by South African citizens.

Citizens of independent homelands are excluded from the possibility of acquiring PUR status through 10 years' lawful and continuous residence.

Migrant workers who are South African citizens will probably also be excluded from this provision. I believe that it would be consistent with everything in the present policy if the Minister were to use his powers in terms of Clause 52 to exclude all contract workers from this provision altogether.

3 PERSONS BORN IN AN URBAN AREA TO PARENTS BOTH OF WHOM ARE PERMANENT URBAN RESIDENTS IN TERMS OF PARAGRAPHS 1 AND 2 ABOVE

I can think of many people who are born in an urban area but who will be excluded from this provision. For example, what happens to illegitimate children whose father's position is unknown? What about the children of PUR mothers whose husbands are migrant workers? What about children born to a PUR father and a mother from an independent homeland who cannot be a PUR because she is not an owner of fixed property or a South African citizen?

4 THE DEPENDANTS OF PERMANENT URBAN RESIDENTS WILL BE ALLOWED TO STAY IN AN URBAN AREA

Dependants are defined as the wife or one female partner in a customary union, the dependant and unmarried children, disabled and dependant children, parents and grandparents who are dependant on the PUR. Dependants will be able to remain in the urban area following the death of the PUR until they have achieved the 10 years' lawful residence which will entitle them to become PURS themselves—provided that they are South African citizens. Non-South African dependants will only achieve the PUR status if they are citizens of independent homelands and inherit the deceased's PUR's house.

Permanent Urban Residents will have this status in any urban area in South Africa once they have it in one area, so they will be allowed to move around as anticipated by June 13, 1980 amendments to the Labour Regulations.

ALL OTHER BLACK PEOPLE MAY ONLY BE PRESENT IN AN URBAN AREA BETWEEN THE HOURS OF 10 PM AND 5 AM IF THEY ARE AUTHORISED (ie have a permit) TO BE THERE

As at present the permit will not be given unless the person has approved accommodation in the urban area. There is nothing to say to whom and on what grounds this permit will be granted but we can take an educated guess that the permits to work or to seek work will be as difficult to obtain as they are now and that the 'privilege' of being allowed to work will be concentrated increasingly in the urban group.

SO THERE WILL BE THREE CATEGORIES OF BLACK PEOPLE IN URBAN AREAS

- 1 Permanent Urban Residents** and their dependants — who will have more or less the same privileges and rights as do section 10 qualified people now.
- 2 Authorised people** — who have been given a permit to stay in an urban area in terms of existing legislation. Authorised people will include also hospital patients, hotel guests and visitors.

A visitor to an urban area who wishes to stay overnight must get a permit to do so. This permit will only be granted if he has approved accommodation. The total number of days as a visitor in the urban area may not exceed 14 days in any calendar year.

- 3 Unauthorised people** — who have no permit to work or to seek work or to stay overnight in an urban area. If they are present anywhere in an urban area between the hours of 10 pm and 5 am they will be committing an offence. People who give employment or accommodation to an unauthorised person will also be committing an offence.

Clause 13 makes it illegal for anyone to give accommodation to a black person in an urban area outside a black township except with a permit or licence or in the case of one legally employed domestic worker per household. As at present the Minister may suspend the exceptions in any area.

THE PENALTIES

On black people who are present in an urban area without permission between 10 pm and 5 am —

R500 or 6 months' imprisonment — plus an additional fine of R20 for each day during which the offence continues (or the proportionate term of imprisonment up to a maximum of three months). Present penalty: R100 or 3 months.

On black people who seek or take up employment in an urban area without permission —
R500 or 6 months plus the additional fine of R20 as above.

On people who provide accommodation to an unauthorised person in an urban area between 10 pm and 5 am —

R500 or 6 months plus the additional fine as above. Present penalty: R20 or 2 months.

Everyone knows that at the moment most householders in townships like Soweto are accommodating one or more illegal people. In the future householders will not be able to risk it because who can lightly contemplate the penalties?

The same applies to householders in white suburbs who have up to now turned a blind eye to husbands, relatives and friends of domestic workers living in suburban backyards.

On employers who give employment to any person who has no right to be in an urban area as a PUR or who is not permitted to take up employment there —

R5 000 or 12 months' imprisonment. Present penalty: R500 or 3 months.

The onus of proof in prosecution remains on the accused.

Such a system obviously requires constant inspection by the authorities of places of employment, and of households in both black townships and white suburbs during the hours of the night.

OTHER CONTROLS

Clause 31 is entirely new and is clearly a response to the determined people of Crossroads and Nyanga. It empowers the Minister to order the summary removal of people who have settled on any land if he is of the opinion that their conduct is calculated to canvass support for a campaign for the repeal or amendment of any law or for the variation or the limitation of the application of any law; or if he is of the opinion that their conduct is calculated to endanger the maintenance of law and order or threatens their own health or social welfare.

The Curfew — Clause 54 (1) (f) — re-enacts the Minister's powers to impose a curfew preventing black people from being present in a public place outside a black township during specified hours of the night.

APPEALS

Officials who will carry out the functions of control outlined in this Bill will be known as Designated Officers and appeals by any person aggrieved by a decision of a Designated Officer will be to the Minister.

The Bill ominously says that an appeal 'shall be accompanied by the prescribed amount'. With our wide experience of those who make appeals against the decision of the Labour Officers, having to pay to do so will prevent many from availing themselves of the right to appeal.

Far from leading to any kind of controlled urbanisation process this Bill slams the door shut in the face of landless, rural people who have to come to town to seek survival.

This legislation is totally unacceptable and will remain so whatever changes are made by the Commission before it is brought before Parliament again. It once more illustrates the impossibility of having any kind of just legislation to control the free movement of people in South Africa.

This analysis has been shortened.

The full article can be obtained from any Black Sash office

Labour Officers in Johannesburg are beginning to behave as if the new Bill is already law.

See overleaf

INDEPENDENT HOMELANDS, CITIZENSHIP AND THE PASS LAWS

• WHAT THEY MEAN TO YOU

This small teaching book, published by the Black Sash, explains in simple terms the meaning of homeland independence, influx control and this new Bill. It explains also how the citizenship laws are turning black South Africans into foreigners so that they can never have a vote for the central government.

Obtainable from any Black Sash office

The Orderly Movement Bill has been withdrawn temporarily. But its spirit already guides the decisions of pass officers:

'that Section 10 1 (b) was a present that we gave them.

We are going to take that away'

- 10 (1) (b) applications are being delayed, obstructed or refused and one person was told she cannot have a 10 (1) (b) because 'there is a new law'.
- In the absence of hospital or clinic records, the Registrar of Births is simply not issuing birth certificates for late registration of birth of anyone over a year old. This means that 16-year-olds who do not have birth certificates cannot be issued with their first reference books nor have their 10 (1) (a) rights recognised. They remain in limbo.
- The West Rand Administration Board has ceased to allow migrants who leave and lose their jobs to transfer their contracts to another employer. Like those on the East Rand, they must go straight home and cannot take up alternative employment offered to them.
- Mrs Y is newly widowed and wishes to become the Registered Tenant of her house. She has been on her husband's residential permit as a 10 (1) (c) for 8 years. She was told by her local superintendent to 'wait another two years to finish the 10 years'. Meanwhile the son would be made the Registered Tenant of the house. The 10 years mentioned by the superintendent is a clear reference to the provision of the new Bill. Under the present legislation she would require 15 years' lawful residence in order to get a 10 (1) (b) stamp which would qualify her to become the Registered Tenant of a house.
- A Black Sash member, renewing a permit for her domestic worker to sleep on the property, asked the Labour Officer why all these permits were necessary. He replied in some detail, saying 'There are too many black people in Johannesburg and we are trying to cut down the numbers of black people. We don't want a black location in Johannesburg'. He added,

'that section 10 (1) (b) was a present that we gave them. We gave them that present, but that doesn't mean to say that they will always have it. We are going to take that away and they will not be allowed to be here any more'.

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LANGA COURTS

CAPE WESTERN has continued to arrange a roster of court visitors for each day of the week. This task was ably undertaken by Di Radcliffe until her recent departure for Tasmania and is now done by Bunny Young. The purposes of our court visiting are:

- to encourage members and the public to expose themselves to the horrors of 'sausage machine justice' as one of the daily realities in our city;
- to record accurately information about the accused, monitor remarks and comments of officials (these are not recorded in official court records), and monitor numbers of cases and average length of time each case takes;
- to create a 'white presence' in the courtroom, apart from white officialdom;
- to be available to anyone requiring assistance — legal or otherwise;
- to act as a watchdog of the proceedings in order to report any irregularities to Regional Council for follow-up;
- to encourage Press publicity.

We would like other regions to visit the 'Pass Courts' in their areas so that it may be possible to establish an impression of what occurs in these courts throughout the country.

Some interesting statistics

Estimate of de facto black population of greater Cape Town: 199 600

Estimate of de jure black population of greater Cape Town: men: 49 669; women: 26 718; children: 37 777 — 114 164.

Therefore 85 436 or 42% of the estimated black population is in Cape Town 'illegally'.⁽¹⁾ This estimate is regarded by research workers as likely to be conservative.

In 1980, 16 327 people were arrested in the Cape Peninsula⁽²⁾ while in the first six months of 1981, 2 483 men and 4 421 women were arrested for offences related to influx control. Country-wide, roughly a quarter of pass arrests are of women, while in Cape Town the percentage is much higher. 64% of the total number of arrests (based on figures above) were of women.

The Cape Peninsula accounts for 14% of pass law arrests throughout the country (or 27% of such arrests in all major urban centres in SA alone), but for 30% of all women arrested country-wide (or 44% of the arrests of women in major urban centres alone).



Di Bishop, vice-chairman of Cape Western Region, city councillor and PFP candidate for Stellenbosch

In the first six months of 1981, 38 468 such arrests were made, 65% of which were in the main urban centres.⁽³⁾

The Department of Justice would appear not to have kept statistics in 1981 of the numbers of persons charged and/or convicted of employing 'illegal blacks' or 'illegally employing' black people.

The Aid Centre

Just as the name of the Department—Co-operation and Development — is hardly appropriate, so too the 'Aid Centre' hardly seems to fulfil the function of providing assistance. It has been described by a lawyer as 'an extra prosecuting agent' and it would indeed seem to fulfil the function primarily of aiding the magistrate, rather than the accused.

Proceedings in the Aid Centre are meant to be confidential. All arrestees are brought to the court in police or Administration Board vans and are bundled into the Aid Centre cells.

They are then interviewed in turn by officials working with interpreters. Detailed histories are taken; every person passing through the Aid Centre is apparently fingerprinted and the Centre has a system of telex contact with fingerprinting records in Pretoria. Details of previous convictions are kept in the Aid Centre. Cases due to be defended are apparently not interviewed by the Aid Centre. The Aid Centre checks on information provided by the accused and makes a written re-

(1) Hansard No 4, 24-28/8/81. Col 230, Question No 145

(2) West, Martin. Influx control and the New Foreigners in SA Outlook, Sept 1981, pg 133

(3) Hansard No 3, 17-21/8/81. Col 116, Question No 22

commendation on the charge sheet which is handed to the magistrate when the accused enters the dock. The accused is transferred from the Aid Centre cell to the court cell in an adjoining building.

It would seem that people are not encouraged to come to the Aid Centre of their own accord. (Was this one of the original aims of Aid Centres?) Their work would therefore appear to be entirely devoted to the processing of information about arrested persons, and it does not serve as a diversion centre at all. It is unknown whether accused persons have the charge against them explained, whether they are made aware of their rights by the Aid Centre, or whether they are offered Legal Aid. It is doubtful whether these functions are fulfilled.

Sometimes entirely different information seems to be elicited by the Court to what is recorded by the Aid Centre. Such cases are sometimes made to stand down and are referred back to the Aid Centre. On occasion persons who plead 'not guilty' are referred back to the Aid Centre and return to plead 'guilty'. Nothing raises the ire of the officials more than conflicting evidence. In such circumstances, accused persons can be subjected to the raised voice, temper and vindictive call by the prosecutor for 'a drastically heavy sentence' in view of such accused having wasted the time of the officials both in the Aid Centre and in the Court.

Mr V O, charged for contravening Section 10 (4) pleaded 'not guilty' because he stated he was on contract. He was referred back to the Aid Centre and upon reappearing in Court later that morning pleaded 'guilty'. The Aid Centre had now established that he did not have valid contract employment.

The young prosecutor nearly had apoplexy in calling for 'n drastiese swaar vonnis'. The magistrate asked the accused why he had 'told the Court an untruth'. The poignant reply came: 'What can a man do? He must surely take a chance'.

He was sentenced to R80 or 80 days (R10 higher or 10 days longer than common sentence).

Procedure

Until recently, two courts operated at Langa. One of the two is currently occupied by the social workers in the employment of the Department (their offices at the Department's building were devastated by a bomb in December 1981).

The court convenes at approximately 11 am and sits into the afternoon, depending on the number of cases. The cells in which the accused are held are next to the court room. The jangling of keys and clanging of the cell door continues throughout the procedure. The court sergeant usually lines up five or six accused at the court door. Particularly when children are with their accused mothers, these women are kept in the cells until they are called. The crying of the children in the cells can be heard in the court. Such cases seem to be kept until later in the court proceedings, presumably

in the hopes that our observers and/or any Press reporters will leave before these women appear, with their children either in their arms, tied to their backs or walking into the dock with their mothers.

The courtroom is small and stuffy. It has a highly polished tiled floor on which it is easy to slip. Whilst their mothers are cross-examined, the children sometimes wander around the courtroom, often bewildered, then slip when they return hurriedly to their mothers' skirts for protection. The crying and restlessness of the children all adds to the tension in the court. The accused assume differing postures in the dock — some bewildered, unsure; others turn to skim the faces in the courtroom for reassurance that a relative or friend is there to pay the fine; some clearly feel contempt for the indignity to which they have been subjected but many try to put on a brave front, although from where our court visitors sit, one can see knees knocking and trousers and shirts trembling. Many sob quietly in the dock or seek sympathy by wailing.

The accused are old and young, men and women, teenagers, schoolchildren, the employed and the unemployed, those with excuses and those without, mothers and fathers, some physically or mentally unwell and some in mourning. The stories of mitigation sometimes have substance, and sometimes obviously reflect the advice of those who have been through the mill before. Some have nothing to say — they just accept this as one of the hazards of surviving (ie living in Cape Town rather than dying in the Transkei). The daily round and common task taken for granted as part of life for those of us who are white forms the substance of evidence submitted by the accused in mitigation of sentence.

Few are defended. Those that are defended generally have suspended sentences or reduced fins imposed upon them.

The average case takes 2-3 minutes from start to finish. The accused is often sentenced after the name of the following accused has been called. For many, the rapid process from arrest to sentence and paying the fine suits them as it enables them to return to their employment without losing more than a day at a time. There is, in my view, very little, if any, deterrent value either in the existence of the influx control machinery, or in the sentences meted out.

Sentences most commonly given at present are R70 or 70 days for contravention of Section 10(4), R10 or 10 days for contravention of Section 15(1) and R10 or 10 days for contravention of Regulation 19(3) of Chapter 2.

A woman who appeared in the court on 1/3/82 was convicted for the fifth time. She was accordingly given a sentence of R90 or 90 days (Section 10(4)) plus R20 or 20 days (Section 15(1)) plus 60 days with no option of a fine.

A typical morning in court was as follows (24/2/82):

within the space of 1½ hours:

- 26 people appeared and were charged
- the average time per trial was 2½ minutes

- nobody was represented
- a total of R1 470,00 was imposed by way of fines, or the equivalent number of days in prison
- one suspended sentence was imposed

It is estimated that 45% of those convicted pay their fines while the rest serve their sentences at Pollsmoor Prison.

Administering the system has an effect upon those thus involved, as reflected by the comments from the Bench. The comments from the two presiding officers that captured international attention this year were:

- 'We are starving in Cape Town — you can rather starve at home' — said to a woman who had said she came to Cape Town to work because people were starving in the homelands.
- 'You must be sleeping on top of one another' — said to a woman who was living at the single quarters for men.
- '. . . only donkeys, cows and baboons don't need to carry passes'.

This last comment was made by a man who has for many years been the chief prosecutor at the Langa Court. During the Nyanga crisis, with an increased number of accused to be processed, an additional 'court' was set up at the Manenberg Police Station (prior to the decision to summarily deport people). The prosecutor in question was appointed as presiding magistrate at which time the above comment was made. He was subsequently returned to the Langa Court as prosecutor, but has since been transferred to the clerical services of the Department of Co-operation and Development.

Both men claimed to have been quoted out of context. Dr Koornhof gave the following reply to a question about an investigation into the conduct of the two presiding officers:(4)

'The investigation referred to has been completed, but from the nature of the case it has been difficult to find proof for these remarks as such remarks do not appear in the minutes of the court. In some cases some of the alleged remarks were quoted out of context, with the result that completely different connotations were given to them.

'In general it was found that the remarks had not been made to hurt or to insult, but were rather due to thoughtlessness or a lack of understanding with regard to the impact of such remarks.

'The Department is nevertheless concerned about the poor image of the Department and the administration of justice in the country created by such remarks, and circulars pointing out the dangers of such thoughtless actions have been circulated to all legal officers of the Department on September 12 1981.

(4) Hansard, No 10, 5-8/10/81. Col 701/2, Question 7

'With regard to the officers concerned, the matter is further being dealt with departmentally'.

Conditions in the cells

Our regional council has expressed repeated concern at conditions under which people are held while awaiting trial. It has been difficult to prove anything. Die Burger recently published a letter from the employer of a woman who had been arrested, in which she described the circumstances in which she was held. Together with this letter were published the comments of the police and Administration Board under the misleading heading, 'Allegations after early arrest denied by senior authorities',

replied in Die Burger on 28/1/82 that . . .

- It was not denied that the woman concerned had been held for 11 hours in the police/court cells. According to the particulars provided by Mrs Cilliers, the woman concerned — together with other arrestees — was held from 4h00 till 15h00 in the custody of the police. Major-General Nothnagel states that the woman concerned was 'not in police custody during meal times'. One would like to know if a morning or midday meal or at least bread and coffee is not made available. May we ask what the meal times for those in custody are and of what such 'meal times' consist?
- It was not denied that altogether 40 people had been kept in one cell in which there was only one bench. This means that most of these people would have had to sit on the cement floor or stand;
- It was not denied that the only water available to those in custody was in the toilet;
- It was not denied that food and water were not provided for the children and babies;
- It was not denied that those in custody were not permitted to receive food which family members and friends had brought;
- It was not denied that a mother was not permitted to change her child's dirty nappy.
- Whilst it was denied 'rough treatment was necessary or took place for the duration of the investigation', Mr Louw gives us the 'assurance' that the Board does everything in its power 'to apply the control measures as humanely as possible'. Would you not say that allowing the arrested woman to dress before she was driven away in a police van to the cells falls into the category 'humane application of the control measures?'

I am convinced that occurrences of the nature described in Mrs Cilliers' letter take place every day in our city.

It is hoped that persistent pressure to improve the conditions will have at least some effect. Attempts are being made to engage the concern of the SA National Council for Child Welfare.

The Death Penalty

ABOLITION means more than not executing. It means training society in the habit of not killing or seeking violent solutions to problems. Only this training, universally adopted, can save our planet from the devastation of war and the atom bomb.

The existence of Amnesty International, together with the fact that United Nations seeks to move itself, however slowly, towards achieving abolition, seems to prove that humanity knows which direction it must take.

The Amnesty Report on the Death Penalty (1979), Chapter II, The Death Penalty in International Law and Organisation, states, 'Since most countries retain the death penalty for certain crimes, it is not surprising that international law does not prohibit its use. What may cause surprise is that, as recently as 1971, no less a body than the General Assembly of the United Nations affirmed the desirability of abolishing (capital) punishment in all countries'. (Resolution 2857 (XXC I)) of 20 December 1971.

Amnesty found it significant that the United Nations Covenant, which came into force on 23 March 1976, and to which 47 countries were then party, refers to capital punishment in the context of the right to life and also treats it as something transitory, pending abolition, in its article 6, which states, 'Nothing in this article shall be invoked to delay or to prevent the abolition of capital punishment by any State party to the present Covenant'.

On a less hopeful note is the observation in the Stockholm Declaration (which arose out of the Amnesty International Conference in Stockholm in December 1977 which marked the beginning of works on a world-wide scale for the abolition of the death penalty) 'The death penalty is increasingly taking the form of unexplained disappearances, extra-judicial executions and political murders'.

Historical evaluation

Nevertheless, looking at history on a larger scale, one acknowledges the truth of Barend van Niekerk's comment: 'The history of the death penalty is the history of the movement to have it abolished. Capital punishment has been with mankind since the dawn of history and a study of its historical evolution involves primarily a study of endeavours to have its application limited or excluded'.

Peace and prosperity likely base for abolition

Unfortunately progress in any humanitarian direc-

*Paper presented to National Conference, March 1982
The rest of this fact paper may or may not be published in subsequent issues, depending on space. The full text is obtainable from the Black Sash office in Johannesburg.*

tion seems to be bound up with economics; for historians have shown that gentler, saner, more constructive attitudes to the problems of society occur first in the more prosperous and settled communities. Studying history from the point of view of the rise and fall of personal freedom, Lord Acton concluded, 'Liberty is the delicate fruit of a mature civilisation' and indeed the story of abolition follows this pattern. It is the Western countries that have given the lead, and it is the equipment of peace and prosperity that seems to have enabled them to do so. It is significant that the less settled European countries have lagged behind the others, and Greece and Spain remain the only non-communist European states where the death penalty exists (but is seldom carried out).

South African public opinion retentionist

If peace and prosperity are the likely base for abolition, one wonders how one can expect an uneasy society like ours even to consider abolishing the death penalty: and indeed it certainly doesn't consider it. It is not surprising that our country leads the Western world in judicial execution. Whites believe themselves threatened by a total onslaught. The black and white public are scared of crime in general and believe matters would be worse if there were no capital punishment. This belief in the death penalty as the protector of a troubled society has deep historical roots (though virtually no historical justification).

This would seem to make the task of abolitionists here almost impossible. Faced with a public that does not seem disconcerted by over 100 executions a year since 1977 or by the fact that multiple hangings now take place, faced also with the future prospect of an increase in statutory offences which carry the death penalty, organisations like ours, whose basic interest is in civil rights, tend to become inert with the hopelessness of the task.

Amnesty International

Perhaps the advice of Amnesty International and the example of Barend van Niekerk point the way.

In December 1979 Amnesty International wrote to our President, 'Amnesty International hopes sincerely that you share our concern about the use of the death penalty. We hope also that you will use all appropriate means to persuade members of Government and other relevant authorities of the need to achieve the total abolition of the death penalty in South Africa. As a first step in that direction, we believe that the Government of South Africa should be encouraged to advise the State

President to make much greater use of the powers of clemency'. What Amnesty is pointing out is that abolition is a slow process and one would agree that a reformist line of action is dictated by the lessons of history — and also the example of Barend van Niekerk. What Barend van Niekerk did was to inject blind energy into the task. Determinedly, he used his intellect and his considerable ability to write and talk persuasively over a concentrated period in the late 60s, and his achievement was a marked drop in the execution rate in the early 70s. Between 1968 and 1971 the annual number of executions had climbed to 80 and over. In the years 1971-76 executions dropped to between 43 and 60 per annum. As the interest that he has aroused began to fade, the execution rate began to climb again, with 71 executions in 1976-7 and over a hundred every year since then, with 148 taking place in the statistical year 1978-9. (Figures from Ellison Kahn, Law Journal, Vol 98 part III, Aug 1981).

Hypocrisy

South Africa's claim to be a Western democracy is important because the claim in itself educates the public to think, albeit imperfectly and superficially, in the democratic tradition. Our hypocrisy at least involves the admission of a standard, to which the Government binds itself by paying it lip service: and this provides reformers with important leverage, which Barend van Niekerk used: 'The abolition of the death penalty is, all said, primarily a moral question . . . and it remains to be seen whether South Africans, and especially those leading them, who so often vaunt their moral characteristics, will rise to the occasion in abolishing an institution which contradicts their morality and sullies their law'. He wrote also, 'It is, after all, in his attachment to certain ideals and sentimental values, especially when they relate to the dignity of man, that Western man has, in his better moments, distinguished himself from his counterparts elsewhere on this planet. By questioning and ultimately abolishing the death penalty, South Africa will strike a telling blow in the defence of the values of the civilisation it so often seeks to represent on this continent'.

Black Sash role

The Black Sash is a small organisation that has to react to many urgent issues in our society all at once — in particular the crises brought about by the pass laws and resettlement. For this reason we are unlikely to match Barend van Niekerk's energy in any one year. But we could write and speak more often on the subject, especially in answer to letters in the press. A routine death penalty section in each annual regional report might be a useful discipline.

This fact paper is not a scholarly exercise, but is just a summary of readily available abolitionist arguments which might help members to play their part in the debate whenever opportunity arises. The sources I have used were all published some time ago. I have relied on The Amnesty International Report of 1979, John Dugard's Human

Rights and the South African Legal Order published in 1978, "Hanged by the Neck" by Arthur Koestler and C H Rolf published in 1961, Christopher Hibbert's "The Roots of Evil" and Barend van Niekerk's articles in the Law Journal of 1969 and 1970.

Popular demand

Retentionist letters to the press often claim that because of popular demand, democratic states are obliged either to retain or re-impose the death penalty.

Both in England and SA this argument has been re-inforced by judges and public representatives who have steadfastly believed in the validity of the popular demand.

Popular prejudice

But popular demand, though often creative, is also alarmingly influenced by popular prejudice. There are conflicting strains within our heritage: on one hand there is the cumulative effect of our rational, humanist literature; on the other the strong influence of irrational traditional belief.

Koestler wrote: 'This belief in the irreplaceable deterrent value of the death penalty has been proved to be a superstition by the long and patient inquiries of the Parliamentary Select Committee of 1930 and the Royal Commission on Capital Punishment of 1949, yet it pops up again and again. Like all superstitions, it has the nature of a jack-in-the-box: however often you hit it over the head with facts and statistics, it will solemnly pop up again, because the hidden spring inside it is the unconscious and irrational power of traditional belief'.

Also 'Public opinion is still the strongest passive support of the hang-hards. The main reasons for this are ignorance, traditional prejudices and suppressed cruelty'.

In acknowledging that a substantial portion of public opinion in any given country is inclined to favour capital punishment, we should remember that this is not necessarily, now or in the past, overwhelmingly so. In England dislike of capital punishment was the basis of each successive move away from it.

Koestler wrote, 'In 1938 a Gallup poll on the question whether the death penalty should be maintained or not showed 50 percent 'ayes' in favour of hanging and 50 percent 'nays' and 'don't knows'. In 1947 there were 68 percent in favour of hanging. In 1955 65 percent voted against the death penalty. Such wild fluctuations of public opinion are unusual in a country where the floating vote amounts only to a small fraction of the total, and general elections are decided by narrow margins.

There is, no doubt, a steady, gradual increase in the number of people who favour a more humane administration of the law; but this slowly mounting tide does not account for the violent gales which blow now in one direction, now in the other. When the vision of the gibbet appears on the nation's horizon, opinion swings and twists like the body suspended from it; eyes bulge and

reason is strangled. If the last victim happens to arouse pity up go the 'nays' of mercy like a flight of doves; if he is a cool customer like Christie, up go the 'ayes' like a swarm of vultures. 'This is not a dignified or desirable state of affairs'

Harnessing popular demand

Popular demand, made up of the conflicting strains of humanist tradition and irrational belief, fluctuating and unreliable as it inevitably must be, perhaps expresses itself most creatively within the ponderous disciplines of parliamentary democracy. Elect-

ed representatives in England, left free to lead and to respond to the complexities and responsibilities of office, have been able to override popular demand for the return of the death penalty and the public has not felt sufficiently strongly to make this an electoral priority. Left and right wing politicians who currently demand more direct popular involvement in government should perhaps be warned by the history of the cruelties inflicted by popular prejudice.

Jill Wentzel

Your editorial on hanging made me want to puke. Nowhere is there any indication that you recognise that people condemned to death have been convicted of violent crime . . . nowhere is there a word of sympathy for their victims and their innocent, still-suffering families'.

— C J M Northam, *The Star*, 24/7/81

'I am more afraid, and all of us should be more afraid, of those people who cry for death and blood and pain for criminals than I am of criminals themselves — and I have known thousands of criminals. The violence of the respectable burgess is the most terrifying of all — and the most destructive of all'.

— Letter to *Weekly Guardian* from a prison governor in England

OBITUARIES

AGNES CROFTON

Agnes Marjorie Crofton went happily on to the next world, on June 18, 1982 at the great age of a hundred years — so went the notice which epitomises the life of this lively, charming and intelligent little lady, a faithful member of Claremont Branch in the Cape Western Region of the Sash since its inception in 1956.

She attended meetings regularly, taking part in Stands until forbidden by her doctor when well into her eighties. One remembers incidents such as the time Mrs Crofton remonstrated with a policeman who was treating two young coloured boys roughly. Such was her charm and air of authority that he desisted immediately, looking most sheepish.

She continued to uphold Sash policy through her conversation and maintained a lively interest in our literature and doings until a few weeks before her death, giving generously and never missing a Morning Market. She was recently made an honorary Life Member, in time to give her pride and pleasure.

Those of us who knew Mrs Crofton will always remember the poise and grit which carried her through life and the thought for those less privileged than herself, which caused her to join the Black Sash.

IMA

Foundation member NEL PIJPER stood with the Black Sash as long as she was able to stand. She worked in the Johannesburg Advice Office until she couldn't climb on to a bus anymore.



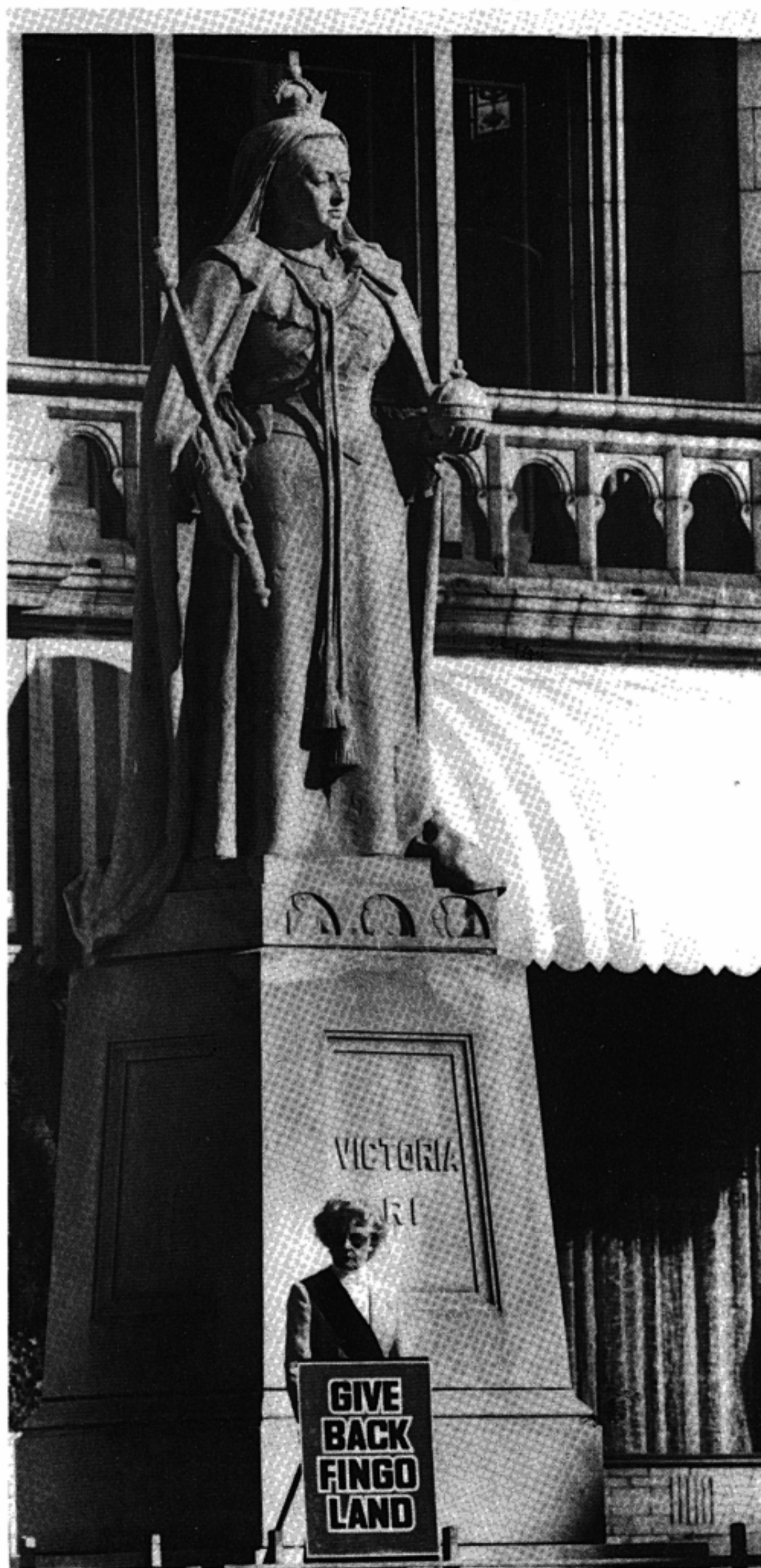
NEL PIJPER

Born Nellie Kluyver, Nel was a Doctor of Law of Leiden University, Holland, and died on September 4, aged 91. In the 1920s, having time from the care of her young family and assisting in her husband's pioneering laboratory, she organised a group of women in Pretoria to study the Hon R H Brand's constitution of 1909 and keep records of subsequent changes. Naturally she joined the Women's Defence of the Constitution League, taking part in all its activities, contributing to fund-raising by street collecting, despite failing health, and making garments for Morning Markets to within two days of her death.

She was a member of the National Council of Women and recently of the Women's Legal Status Committee. Having suddenly lost the sight of one eye, she asked to have read to her and explained the latest newspaper report on the Swaziland KwaNgwane, Ingwavuma dispute, concerned to the last for human rights.

B D Pullinger

FINGOES ROBBED



One of many . . . the Saga of South Africa —

'A peaceful and useful community has been wrenched from the land it has occupied for 150 years and dumped in the veld to live in abject poverty hundreds of kilometres away'.

Andrew Savage, MP

500 Fingo families received an average of R400 each in compensation for their houses. They were not paid anything for the land because it was trust land which they did not own in individual title.

The Fingoes farmed this land in smallholdings, handed down from father to son.

Brazenly advertised as 'Canaan Re-discovered' and 'Little New Zealand', this land is now being sold to white farmers at half the current market price.

THE BLACK SASH met Fingo representatives towards the end of 1981 when they were looking for support in their efforts to regain ancestral lands taken from them four years earlier in the Humansdorp-Tsitsikama area.

'We were moved by guns at 3 am,' they told us. 'No knock at the door. They just came in and pushed the door open. They don't care. The children started to cry. There were GG lorries. They bulldozed the houses. They took the man of the house first to the Land-Rovers. Then they surrounded the houses with guns and soldiers. Cattle and fowls—some were lost and some died.'

← *The Black Sash protests beside the statue of Queen Victoria, who granted the Fingoes their land in perpetuity. 7/6/82*

*Photograph: J Cooper
Evening Post*

Some managed to take them to Keiskammahoek'.

They described Elukhanyweni, the 'place of light' or 'civilised place' to which the community had been moved, where 'conditions are very much unbecoming' and where the people were 'suffering like anything', where they were 'unemployed and dying like flies', where the cost of living is so high that 'even a hundred rand doesn't last' and where 'you can't speak about going back because Rule 252* applies to you—the headman will arrest you any they thrash you just like a child'.

They spoke with longing of the cultivated ground and fruit trees they had been forced (in terms of Section 5(1)(b) of the Bantu Administration Act, No 38 of 1927) to leave behind, of their 4½ morgen allotments — State-held trust lands, transmissible from father to son — which they had had to relinquish for the 'closer settlement' at Elukhanyweni during that Christmas of 1977 and New Year of 1978.

The court action which they fought against the removal had failed and, because the applicant feared arrest, the appeal which they wanted to prosecute was never noted.

The Exiles

No sooner had the 509 families been moved to the closer settlement at Elukhanyweni than the men applied for and received permission to return to work in the Humansdorp district, to which they had been forbidden by Presidential edict ever to return.

The R26 return busfare and five-hour each-way journey sorely limits the number of times fractured families are reunited. The Exiles, as they call themselves, seldom see their families more than once a month if that. Sometimes they send the busfare home instead. Their families long to rejoin them. One woman

*Ciskeian rule 252 provides for summary arrest and detention for up to 90 days renewable for anyone considered a threat to the peace.

said it all: 'If they would let us, I would turn around and go back tomorrow — on my feet'.

Protest meeting

The Black Sash held a public meeting in Port Elizabeth, addressed by Mr Errol Moorcroft, MP for Albany, whose constituency embraces many relocated communities and many places scheduled for black spot removals. The small audience was visibly moved by the intent and silent Fingo men who sat at the back of the hall and who, when asked by Mrs Molly Blackburn, MPC, whether they wanted to go back home, replied with a single emphatic 'Yes!' Mr Moorcroft agreed to lead a delegation to Dr Koornhof to put their case.

No one present realised that their lands had already been advertised for sale to white farmers. When this was brought to Black Sash attention and a check in the Statutes indicated that the reserves had never been removed from the Schedule to the 1913 Black Land Act, it denounced the proposed sale on both moral and legal grounds.

Sash exposes illegality

Telegrams to the Ministers of Co-operation and Development and Agriculture and Fisheries, calling for a halt to the sale of Fingo lands, pointed out that the land was the rightful and historic residential land of the tribe.

The Deputy Minister of Agriculture and Fisheries, Mr Sarel Hayward, accused the Black Sash of lying. He accused Mr Andrew Savage, MP for Walmer, of irresponsibility in claiming that the land was under-priced (a claim borne out by valuers, farmers and officials of the department), and he accused the Evening Post of being 'malicious'.

Koornhof admits it

Later in Parliament, after sustained questioning by Opposition members, Dr Koornhof agreed that the land had not been removed from the Schedule and admitted a departmental blunder.

The probing of the land issue showed how easy it is for officials — from ministers to local representatives — to be ignorant of issues and, in some cases, to deliberately ignore them. In spite of the fact that the Department of Agriculture and Fisheries had asked several times for the land to be transferred, no one seem-

Heartbroken Fingo leader collapses in Parliament

Eight exhausted Fingo tribesmen waited throughout the night at Parliament on Friday to witness the debate on the Government's sale of their tribal lands to white farmers.

They were forcibly removed by Government order in 1975 from the land which had been granted to them 'in perpetuity' under the seal of Queen Victoria in 1834 in gratitude for their loyal services to the colonial forces during the border wars.

Instead of several hundreds of hectares of extremely fertile land near the Tsitsikamma forest, the 500 Fingo families in the tribe were given two-roomed wooden huts in a Ciskei location, Elukhanyweni.

'I came to see Minister (of Co-operation and Development) Dr Koornhof's face so that our children should one day know that we were not afraid to go to the highest authority to put our case,' the leader of the delegation, Mr Isaac Tembani, told me as they waited patiently outside Parliament shortly before midnight. But shortly after midnight, after a day of travelling, he collapsed in the parliamentary corridors.

The question of the excision of the Fingo lands from the black trust lands was the last item to be debated by the House before Parliament rose at 8.20 am yesterday.

Martin Welz,
Sunday Express 13/6/82

ed to realise that this had not been done. During our investigations, representatives of three departments could shed no light on the subject other than to say, 'Well, it **must** have been transferred, otherwise how could they sell it?'

The reason why it had not been done correctly, Dr Koornhof explained, was that suitable exchange land,

as required by the 1936 Trust and Development Land Act, had just not been available to put into the Schedule as replacement for reserves.

Parliament serves final indignity
Having been apprised of the situation by the Black Sash, harried by the Opposition and pressurised by the Department waiting to parcel out the land to eager farmers, the Government — in a dramatic final session of Parliament and watched from the Gallery by silent Fingo delegates — served on the Fingoes what Mr Moorcroft described as 'the final indignity'.

In terms of a resolution passed by the House and strenuously opposed, the Government earmarked as compensatory scheduled land an area near Queens-town due for incorporation into Transkei.

(This was simply a cynical means of complying with the letter of the law. The land was 'compensatory' on paper only and would never

go to the Fingoes. It would be incorporated into the Transkei as planned).

Insult to injury

The 'compensatory' land would go, as Mr Moorcroft said, 'not to the Fingoes, not to those who lost their land, not to the country that now has to feed them, but to Transkei, a foreign country that has nothing whatsoever to do with the Fingoes. If ever there was a case of adding insult to injury, this is it.'

Mr Savage described the Fingo people as having been 'cheated of their heritage'. He asked a hushed House: 'Are we so callous, so isolated from the message of our own spiritual heritage, that we cannot see what we are doing? Actions like this will inevitably seal the fate of the white man in this country.'

Others of course, did not see it like this. A legal officer from the district of Humansdorp said blithely that the Fingoes had been 'repatriated.'

Fingo lands brazenly sold

Within weeks of the gazetting, claims were being brazenly

made by agricultural officers that the old Fingo lands were 'Canaan Rediscovered' and 'Little New Zealand'.

BANTUSTAN BUCK-PASSING

- Refusing to see the Fingo delegation, Dr Koornhof said that while his door always stood open to people who wanted his help, he could unfortunately no longer see them directly since they were now citizens of a foreign country.
- Health Minister, Dr Munnik, refused to supply child-death statistics at Elukhanyweni because this was a function, he said, of the Ciskeian authorities.

What was achieved?

What was achieved? There was no halting of the sale or restoration of ancestral lands, only a belated compliance by the Government with the letter of the law. There was, however, a highlighting of the grievous wrong done to a peaceful and settled community by the brutal and self-interested seizure of their land, the misery of a dislocated community, the carelessness and complacency of an arrogant government.

B Melunsky

REMOVALS

Articles in this magazine and the Press are only the tip of an iceberg.

All over South Africa, all the time, removals are happening.

This continuous destruction of viable communities is one of this century's crimes against humanity.

But the more numerous the removals the less their news value, and one day people will be able to say they did not realise what was happening.

Lest our children be among those who didn't know, with the Black Sash map and accompanying booklet, and with advice and directions from local Sash offices, easy detours to resettlement areas can be made on holiday journeys.

FORCED REMOVALS IN NATAL

There are more people threatened with removals now than have yet been moved

THIS is a vast topic and impossible to cover adequately in 15 or 20 minutes. In trying to decide what I should focus on, I was tempted to look at case-studies — since this is what I am most involved in, but given the time constraints and the fact that this is a national and a policy-making conference, it is probably not appropriate or very useful to do so.

What I can most usefully contribute are some general points for discussion relating to the question of opposition. I have no ready-made answers, rather some observations based on my own experience, supplemented by discussion with others involved in similar work.

Because newspaper coverage is generally inadequate and tends to concentrate on isolated examples and those close to the metropolitan centres, there is not enough of an overview of what is happening and why.

The sobering reality is that as far as forced removals are concerned, Natal has still to witness the worst. *Despite two decades of savage removals, there are more people threatened with removal now than have yet been moved.* Hundreds and thousands of people are under threat — easily half a million. There may well be more. Whether Pretoria will succeed in moving all these people is another matter and depends on many factors, the most important of which may be the resistance of those who are threatened with removal.

We may well see some high-profile reprieves in a few cases — St Wendolin's, here in Durban, is a possible example. These, however, although nice for the few who benefit, are irrelevant to the fundamental issue of continued, ruthless removal and dispossession.

Consolidation

There is still no news of the Van der Walt proposals for Natal. We have been told that they may be published this year. It is obvious that the Government has been having problems with the Commission and its findings and I think that at this stage the whole exercise is a non-issue. Far more significant, and needing to be emphasised, is the fact that Pretoria is going ahead with removals in terms of the broad outline of the 1975 blueprint for KwaZulu anyway.

Removals from Sodwana Bay and Lake St Lucia

The best known examples of this are Reserve Four, near Richards Bay, and Sodwana Bay, north of Lake St Lucia — not nearly well known enough, however. Here land was excised from KwaZulu as called for by the 1975 plans — reserve land, scheduled in 1913 — without anybody, least of all those

living there, being aware of it. It took several months for the fact, and the implications, to surface: that perhaps 20 000 people at Reserve Four and another 700 at Sodwana Bay have been deprived of their ancestral lands (in the case of Sodwana Bay so that the white fishing and holiday resort can be expanded) and are to be shunted off to resettlement camps at some unspecified date.

Driefontein — and the need to watch Government Gazettes

It appears that there are other places in exactly the same position that have hitherto been overlooked. One of these is Driefontein, the large block of freehold farms near Ladysmith, land first bought by the great-grandfathers of today's residents in 1867, released land, within the boundaries of KwaZulu, but since 1975 isolated as a black spot, a badly situated area. As far as we can make out, from going through back copies of Government Gazettes, this land was excised from KwaZulu, by proclamation, at the same time as Reserve Four and Sodwana Bay, in January 1981. Nobody was notified until February of this year, when the people — in fact only the councillors — were told that the administration of the area had been transferred from Ezakheni (falling under Ulundi) to Ladysmith (falling under Pretoria). They were not told the significance of this, but it is obvious. It is a preliminary to expropriation and removal. Koornhof has said on several occasions that the elimination of Driefontein is a priority. He has also told us how many people there are that will have to be moved from there: 70 980. The stealth with which Driefontein's legal status has been changed is deliberate; it stems from well-rehearsed tactics and puts the onus on those of us monitoring the situation to be alert and to pay attention to those dreary Government Gazettes.

Black Spots

Linked to consolidation is the eradication of black spots which I take here to mean black freehold farms outside the boundaries of KwaZulu. **The majority of black spots have not yet been removed in this province.** Natal is the one place where there are still fairly extensive areas of African freehold land left in what the State has defined as the white countryside. These places have been under consistent assault by the State in the last 20 years but their elimination is nowhere near complete.

There were some 230 black spots in Natal in the early 1960s! to these we must now add 106 freehold properties that were formerly released for black use but have been turned into black spots

by the dictates of consolidation planning — 336 properties altogether.* We know that 102 of these have definitely been moved and a further 27 former black spots either have been or are likely to be incorporated into KwaZulu in terms of the current consolidation dispensation. That leaves 207 black spots: 18 of them properties on which our information is still inadequate or incomplete, the rest — 189 — under threat of removal.

For those who see black spot removals purely in terms of the ideology of racial separation, it is important to note that the area where black spot removals have been most thoroughly implemented in the past 20 years is the Newcastle/Dundee/Wasbank triangle. During the 1960s and early 1970s, according to our lists, 37 black spots were removed in this area, and it is clear when one visits the area and looks at the map that this zealotness was fuelled by the coal-mining and industrial developments taking place there. Many former black spots either are being or are about to be mined for coal. The ISCOR plant at Newcastle is actually sited on a former black spot called Milton.

We are girding ourselves for the onslaught in the Ladysmith area where, in addition to the Driefontein farms, there are a further five properties under imminent threat: Lusitano, Ndonyane, Matiwane's Kop, Jonono's Kop and Umbulwane.

Timing

The actual implementation of removals is a political process. The timing, the choice of areas and the methods used are determined by an interplay of forces. The degree of organisation and militancy of the local people is clearly very important but is also balanced against other factors — local white pressure groups, economic prospects for the land, the state of finances, the level of outside support, international publicity.

Further threats

I could go on and on about the different categories of places under threat of removal, ultimately merely numbering you with long lists of township deproclamations, farm evictions, removals for infrastructural and strategic reasons, lists that are only really meaningful if you know the places involved.

The question of **farm evictions** is probably the bleakest and, from an organisational point of view, most intractable problem we face. We see a steady stream of evictions but know that most of what is happening is not reaching us, is out of sight.

Conservation

Another category we need to follow up more vigorously is that of removals linked to conservation. This is particularly pertinent in Natal where the ruling group is so proud of its tradition of enlightened conservation management — a kind of conservation of the land stripped of its relation to people and to power.

*Calculated from a variety of sources including official information, topo — cadastral maps and fieldwork, but excluding church properties on which information is incomplete at this stage.

In Natal, as elsewhere, many thousands of black people have already been moved off their traditional lands to make way for forest reserves and game parks where the rich go to relax and look at animals. The 700 people currently under threat at **Sodwana Bay** are the most recent victims of this process, and there is not even a glimmer of a genuine ecological argument. The motive behind it is purely recreational: caravan space for white holidaymakers.

This is not an attack on conservation as such. Ecology is a crucial and neglected subject in South Africa, but it has to be conservation that is acceptable to all if it is to succeed and not, as now, conservation that is the pursuit of the privileged at the expense of the powerless.

I once heard an old man who had been evicted off a farm that has now been turned into the Weenen Game Reserve, say, with a passionate bitterness and anger: 'I should have been born an animal; then I would have been given land, with fences'. He was right. The animals grazing on his former home are far better cared for than he was.

Opposition strategy

It is essential that opposition to removals is a principles one, against the policy of forced removals as such and not simply against the inhumanity of the process of removals. It is important that one does not look at removals only in terms of the material and psychological suffering imposed on the people who are removed, to the exclusion of wider political issues and consequences. One has to understand that forced removals are intrinsic to homeland policy and have certain very clear political and economic objectives.

Removals are a massive dispossession of people, not only of their land — bitter as that is — but of their citizenship of a common South Africa and all that goes with that. No matter how many taps, clinics and schools the Government may promise and even provide in resettlement areas, that dispossession still remains, and is far-reaching.

Once one has accepted that removals are intrinsic to current homeland policy, then one cannot oppose them in isolation from other related issues, such as migrant and commuter labour, influx control, homeland citizenship and independence. I believe that merely calling on the Government to stop all removals is futile. It is not something that will be stopped in isolation. So long as we have the present Government, with its present policies, so long will we have removals. This may sound like words of despair; the problem is too big, too all-embracing. It is not intended as such. It is, however, the reality, and if we are serious in our opposition to removals, then we have to face up to it.

Nondweni — celebrity removals

This raises another issue, the danger of singling out and in a sense celebrating particular communities that are under threat of removal at the expense of other more isolated and obscure ones. The Government is quite capable of making individual concessions when it seems opportune or politic

without abandoning the fundamental policy. We have seen this process at work at Crossroads; we are seeing the counterpart to Koornhof's magnanimity than in what is happening in the Nyanga bush now.

In Natal something similar has recently happened at Nondweni, although without any of the attendant publicity. Nondweni is a resettlement camp near Nqutu which has had serious water problems since it was first started in about 1975. Finally, as a result of lobbying from local medical people and with the spectre of cholera looming ominously, the authorities have frozen the camp and are no longer resettling people in it. They have not, however, abandoned resettlement in the area. Instead of taking people to Nondweni they are now shunting them further down the road to a place called Quderi, where water facilities are even more inadequate but the institutional structure for making this an issue entirely absent.

Black Sash role

It is, however, inevitable that campaigns will focus on particular places and our opposition will be channelled along these lines. This is partly because the timing of removals differs for different places (another obvious strategy of the State) and partly because communities under threat will themselves rally to the defence of their own interests first. What becomes important then is the degree of organisational link-up that can be achieved by these communities, as well as the linkage of their campaigns to wider issues. It is here that outside resource groups, support groups, people like us, can play an important part. We can help build the links between isolated and fragmented communities, within campaigns, and to the Press and general public. We can put communities in touch with each other, relate their particular crisis to what is happening in other parts of the country, encourage a regional approach to their organisation and pressure the Press to take a more responsible, less ad hoc attitude in its reporting on removals.

I believe we have to realise that our role — the role of outsiders — is that of resource, supportive rather than innovative. There is always the danger of outside groups co-opting, both wittingly and unwittingly, local struggles and deflecting them into channels that do not ultimately benefit the people. Belief in 'the community', 'grassroots organisation' is widely accepted by now. But intellectual agreement with the slogan is very different from the political practice, and the formulation of democratic principles is far easier than their implementation, particularly in places as dislocated, fractured and divided as most rural communities have become. Nevertheless, the point remains: only when these communities are organised, politicised, in control of their own struggle, will they be in a position both to force concessions from the State and to have some control over the nature of the concessions that are won.

Umbulwane

Having said that, I would like to end with a quotation from a letter written by the residents' commit-

tee at Umbulwane, a threatened black spot on the edge of Ladysmith, in response to official confirmation that they were going to be moved.

'The Government states that illegal people must go back to their places of origin yet people were expelled from the farms and most of these farms were taken by the Government. Some of these people were aiming to settle in Steadville which is the urban black settlement, but due to the fact that there was no housing, people became tenants of Umbulwane.

We do not believe that we can only live in KwaZulu. We know that we owned a lot of large pieces of land all over Natal (that do not fall in KwaZulu) and this land had been occupied a hundred years or more before the whites came to Natal and took land for themselves.

'We know we can ask for rights in South Africa. We can ask for jobs, pensions, justice and more in South Africa . . . Maybe the Minister was not informed that we have been paying rates for so long without any service, that we have title deeds and that the Government is separating the people of Umbulwane by saying some people are illegal and that the Government cannot help them . . .

'The Government states that those who are said to be legal will be settled at Ezakheni. It sounds as if those people will be looked after at Ezakheni. The fact that it is too far, that buses are so expensive, that there is a crime problem with violence and tribal fights that the people of Umbulwane do not now face, that rents are expensive and most unable to pay all these things, is not being considered.

'The Government said people must not be forced to leave their homes. We do not want to leave Umbulwane where there is peace'.

Cherryl Walker

AFRA

Talk given to Black Sash Conference on March 13 1982 by Cherry Walker

FACE VALUE

*Jan van Riebeeck, Jan van Riebeeck,
Tell us sailor, tell us true,
Have we brought to pass the dreams you
Dreamed in sixteen fifty-two?*

*Has the justice we've out-meted
Been the same for every man?
Are we making too free use of
Prison cell, and threat, and ban?*

*Oh, the questions which still vex us!
Such as: who may speak his mind?
Who may vote? Who choose his schooling?
Who may work where he's inclined?*

*Jan van Riebeeck, gallant sailor,
Gazing from my two rand note,
Tell us, has apartheid helped us
Make or miss the boat?*

Eleanor Anderson

Many communities are moved twice. Black Sash members report on a recent double move

ROOIGROND

MANGOPE CALLS A FESTIVE MEETING TO EXPLAIN WHY THE ROOIGROND PEOPLE MUST MOVE YET AGAIN — TO A WORSE PLACE

Our resettlement committee attended the meeting. Sue Sher and Ethel Walt report



The Rooigrond community has sunk into a state of apathy ever since 1971 when it was uprooted from its fertile ancestral land at Machavistad, near Potchefstroom.

In return for houses which families had built and progressively enlarged over the years, and for fields which they had planted, they received R18 per head in compensation.

Dumped in the arid and thorny Rooigrond area, these 470 people have spent over 11 years in apathy and despair, their herd of 250 cattle reduced to 80, their

agricultural equipment rusting through lack of use on the dry, stony ground.

Now another move is planned for them — to an area that is even worse: nothing better than a quarry, say Black Sash members who inspected the area.

But opposition to this new move has kindled fresh spirit in the community and they ingeniously used a 'show' indaba, set up by the Bophuthatswana authorities, to renew their demands that they be returned to their rightful land at Machavistad.

THE APPROACH to Rooigrond looked quite festive with Bophuthatswana flags lining the dusty roadway to this terribly grim little settlement area. There was a dais under a canopy, and a marquee where tea and lunch would later be served to the distinguished visitors, that is the Mangope party. In a separate tent food supplied by the Bophuthatswana Government was being prepared for all the Rooigrond residents.

There was a brass band in smart uniforms who were playing the Bophuthatswana national anthem, hymns and songs.

This festive atmosphere was in stark contrast to the bleakness of Rooigrond with dust everywhere and miserable tin shacks rattling in the freezing cold wind. It was really very cold there. We wondered how the cattle survived on that barren ground — and we learnt that indeed they did not survive; for the original herd of 250 was reduced to 80 (of which a further 30 had recently been stolen). Farm equipment lay idle, a witness to better days, rusting through lack of use on the dry, stony ground.

President Mangope had sent his Secretary and the Minister of Works to handle the meeting. Also present was Mr Nel, the white magistrate of the area. A community leader, Mr Serwalo, welcomed the guests. Appropriately he read a prayer dwelling on the land theme.

It was expected that Mr Nel would then deliver the final ultimatum for the re-removal, but he did not do so, and just opened the meeting with some very unctuous, kindly remarks.

Then Mr Makodi, the leader of the community, spelled out their grievances. He said, 'We have been thrown away. We feel very much grieved. When I talk of our land I mean the land of our forefathers, the land where our forefathers' graves are. I would like to pose the question: who are the foreigners? I can say that my people were there to accept the foreigners when they came. It is so painful that those people are the ones who are now telling us to go. We grieve for our forefathers' graves which have been ploughed over'. Mr Makodi was overcome. His speech came to an end because he seemed unable to continue.

The Bophuthatswana Minister of Works replied at great length, claiming it was useless to resist. He went into the history of previous communities which had tried to do so and went on, 'We feel that you are our brothers in a sorry plight. We share your pain. We know that you are grieving for the graves where your roots are, but you are not the first to be victimised in this way. We know the pain of removals. Who brought us this problem? Maybe we should evaluate ourselves. You are the weaker ones. You came here because you were removed from the place of your ancestors. We believe that everything will come through the will of our ancestors. You should appreciate what has been done for you and be on guard against those who are misleading you.'

'They will give you nothing. There have been others before you who have tried to resist and



11 years in tin shacks at Rooigrond.

From established homes and gardens in Machavistad — to this.

they have gone to white legal representatives but it hasn't helped them at all. You can't go on this way. Think of your children and stop your useless efforts. What have you gained by resisting? Let us thank God and let us look at Bophuthatswana who will see that we will be saved. What is the point of trying to fight? You are not the first to be moved and you won't be the last.

'Think of the Bible. Do you remember how the Israelites went to the promised land and there were those who didn't want to go, but they ultimately reached the land of milk and honey?

'You say you want your country, but where is it? You have been offered land and you have refused it. We will accept you in Bophuthatswana. We will

welcome you. I plead with you don't be selfish and think of your children. What if there is an outbreak of infectious disease? Going back to your land is not important. You are our people. It is fruitless to demand to go back. You are not the first and you won't be the last to be moved.

'I am saying with a painful heart we are in sympathy with you and we ask you to co-operate. Obstinance does not help. Let us allow ourselves to be part of the tribe at Bodibe. They will help you. You must forget the past. We were not responsible for your removal or for the removal of any others.

'Everyone here in Bophuthatswana is free. We have a Bill of Rights and we are all free people in our own countries and it is the wish of our President that you join us'.

Mr Makodi replied: 'We have heard what you have to say and we say that we want to go back to our own land. We have been here in the wilderness for many years. We have lost our land and we have lost our cattle. We are cold and hungry. We hold South Africa responsible for what has happened to us. We blame Botha and Koornhof. We hold them responsible. Why have they done this to us? Where is our thanks for the services which we have given to the white man? We gave our services to the Voortrekkers and to the white man in World War I and World War II. We have laid down our lives for the white man and for the country. We have not been compensated for our losses. What has been done to us is very painful. We have laid down our lives for them and now we have lost everything. We want our own land. We do not want to be packed on top of other people. That chief at Bodibe is the junior chief. We are seniors and we

cannot go and join ourselves to the junior members of the tribe. We lost our land because they called it a black spot. They gave us no compensation. They gave us no help'.

At that moment there was agitation on the platform and one of the officials got up and tried to stop him and he shouted out, 'Don't stop me. I will have my say'. And he continued, making the officials listen to the story of the destruction of a once prosperous, cohesive, orderly community.

There was obvious embarrassment on the platform. Officials clearly had not expected that Mr Makodi would speak in this vein.

Standing on the side of the stairs was two very obvious Bophuthatswana security policemen, looking like something out of a B grade movie. They kept us under strict surveillance all the time.

Subsequently they interrogated the two community speakers.

Bodibe

We went home via Bodibe, where the Rooigrond people are supposed to be re-settled. It would seem scarcely possible: but this area is worse.

It is situated on a quarry where one of the large cement producers operates. The ground is more barren — fine white sand and stones which seem to support no life and on which the pathetic remains of attempts to cultivate plants could be seen.

Made of stone, the houses of the Bodibe people were set in wasted plots too small to serve any useful purpose even if abundant water were available, which it is not. Some of the houses actually seemed to be teetering on the edge of the quarry, and a truck was busy gathering sand.



'What is the point of trying to fight? You are not the first to be moved and you won't be the last.'



All photo's in this article by Robert Tshabalala

St Wendolin's

Report on the situation at St Wendolin's, Natal: 1981/1982 — Outline of information given at Black Sash Conference — 13 March 1982

IN PROBLEM AREAS of housing Black Sash works with Women for Peaceful Change Now, Diakonia, the SA Institute of Race Relations and the National Council of Women of SA in the Durban and District Housing Co-ordinating Committee.

Confronting the authorities

In the past two years a confidence has developed between us all and whenever asked to do so, representations have been sent to the Minister for Co-operation and Development, telegrams to Parliament, etc. In emergencies when families are threatened with immediate eviction, Black Sash members stood by and created stalemate situations, as local representatives of Port Natal Administration Board did not like to be seen breaking down homes and taking people away in lorries. However, within half an hour of leaving, we were told the home-wreckers came in to continue their work.

Background

In the whole situation of forced removals, St Wendolin's has more than adequate reason to require that its residents be undisturbed.

Land was granted to the first Mariannahill missionary, a Father Pfaeffer, by two chiefs just at the turn of the century, so he could found St Wendolin's Mission. Today over 20 000 people live in this area, the name St Wendolin's being understood by all living there to include portions of numerous former large farms.

A major part of St Wendolin's has been renamed 'Savannah Park' — a name not recognised by local people — apparently in preparation for Indian occupation: this being the official reason for forcing removals of residents.

A little later an additional reason for removal was stated to be that much of the area was 'slum'. This aroused indignation, as those of us who know the homes feel also.

Between 1930 and 1960 eighty families had acquired title deeds, and until recently believed they possessed freehold rights to their land. Now, however, these deeds are housed in the Department in Pietermaritzburg with 'Indian occupation' annulling such rights to individual owners. The Port Natal Administration Board seems to hold funds allocated for 'compensation' and we know of a few instances of pay-outs ranging from R1 000 to in one instance (hearsay only), R6 000 for both land and house. As recently as February 1982 we have learned of the sale of a property to an Indian, be-

cause the owner had not paid his rates. Some rates are about R100 annually; others seem to pay an annual sum of R4 only to Mariannahill Institute.

Mariannahill Institute sold part of this land to the Department of Community Development, having been given the alternative of having the land expropriated.

Removals

People being moved include those who are descendants of families present when the land was originally handed over to Father Pfaeffer. They are fine independent and mainly elderly people who have lived all their lives closely related with their immediate environment.

By the close of 1980 over 1 100 families were reported as having been moved to KwaNdengezi and over 142 to KwaDabeka. By mid-1981 over 15 000 persons were living in KwaNdengezi alone; however, people are also obliged to move there from areas other than St Wendolin's.

On November 22 1980 St Wendolin's Welfare Committee forwarded a statement to the Department of Co-operation and Development, giving reasons why they had a right to remain undisturbed. This statement was supported by several other organisations, but none received any real response: one or two merely had an ultimate acknowledgement from the Deputy Minister.

By this time regular and frequent meetings were held with St Wendolin's Welfare Committee, at their request. They and the Durban and District Housing Co-ordinating Committee took the following action:

- On April 23 1981 the residents sent a petition to Dr Koornhof
- A Press campaign was started
- A slide-tape presentation was produced by a representative of Natal University, who was co-opted to the Housing Committee
- Race Relations researched documents relating to Mariannahill and St Wendolin's, although specific information was not easy to obtain
- Diakonia published a pamphlet which was circulated among churches in and outside Durban during the month of compassion
- A member of St Wendolin's spoke at the Race Relations conference on Resettlement in Johannesburg in 1981
- Diakonia enlisted support of church leaders from whom a letter, with seven signatories, was addressed to the Minister on June 22 1981
- Legal advice was obtained to investigate the position of title deeds of landowners, to check eviction notices, etc. Such notices were informal, often handwritten, usually with no place of origin. The wording was in English and not

always signed by the local representative of Port Natal Administration Board at Klaarwater

- Mr H Pitman, the MP for Pinetown, was contacted and advised of the steady trickle of removals. He wrote to the Minister in July and raised the matter in Parliament. It was hoped to arrange a deputation of St Wendolin's people to see the Minister. This did not materialise however
- July 8 1981: six women's societies in the area sent an appeal to the Minister. (This was indicative of a stable community of long standing)
- August 22 1981: a service of solidarity was held at the Catholic Church in which clergy of various denominations took part. About 1 500 people attended, despite bad weather
- On August 24 1981 a telegram was received from the Deputy Minister inferring information contained in our representations was inaccurate and that over 300 people were 'willing' to be removed. Research was undertaken by a member of Women for Peaceful Change Now, to find how many might be willing to move. Of over 150 families interviewed, not one in favour could be found.
- Diakonia organised a workshop on St Wendolin's which was well attended and set up primarily to create white awareness. A senior representative of Port Natal Administration Board was present. He learned directly from people present that they would not move.
- December 16 1981 (Day of the Covenant). A mass meeting on the removals situation in Natal and KwaZulu was held, entitled 'Ikusasa Lethu?' (Our Future?). Over 380 persons came from more than 15 areas, many travelling long distances, and all under threat of removal with scant warning. Among these over 130 St Wendolin's people were present.
- Following consultation with legal opinion, St Wendolin's people expressed their willingness voluntarily to sign affidavits giving details such as length of time they and their forbears have lived in St Wendolin's, conditions of tenure, size of families, or their unwillingness to be moved, and of their lack of understanding of ever having knowingly signed any form expressing willingness. Some had apparently been tricked into signing. Well over 2 000 affidavits have been prepared.
- On January 9 1982 a meeting of landowners and tenants and a few concerned representatives of other organisations, was called by a senior Church representative, who also invited a former Mayor of Pinetown to speak. These people reported having visited the Minister of Co-operation and Development, Dr Piet Koornhof, and gave assurance to all present that the 'ridge' section of St Wendolin's would be 'saved'. This action seemed to have been taken without consultation with or knowledge of the residents. Other speakers emphasised the absolute need for the major area previously sold to the Department of Community Development, re-dubbed Savannah Park, to be returned

to St Wendolin's, so that those already moved would one day come home again.

- Evening meetings had been held regularly in St Wendolin's to which concerned people were invited, resulting in mutual understanding and trust.
- The South African Indian Council have also shown some interest, the area having been proclaimed for occupation by Indians and some plots in fact being already sold to Indians. Having heard the strongly expressed determination of St Wendolin's people to remain where they rightly belong, several organisations, including the SA Indian Council, now state it would not be anyone's wish to have land allocated for their use obtained in ways that have brought so much misery to others. Durban Housing Action Committee, a group dealing with housing problems in many areas, have also openly expressed solidarity with St Wendolin's people.

STOP PRESS: On Friday, June 18 1982 a Group Areas Board investigation was called in terms of Act No 36 of 1966. Numerous organisations have prepared memoranda, including St Wendolin's Welfare Association and several Women's Associations in St Wendolin's.

Joan Hemson

Good morning, Mr Employer!

My name is Annie Tshabalala. I am resident in Dube, Soweto.

I have undergone aptitude and other selection tests, as well as some training, at Pubilee Centre, Johannesburg.

My documents are in order. My eyesight is first class, my hearing good.

I am of smart appearance.

I am now looking for a job.

The ladies at No 1 Polly Street have also guided me, and my friends, in a choice of a career.

The West Rand Administration Board officials that we have come into contact with are all our friends.

All that we now ask from you, Mr Employer, is a fair wage, a sympathetic attitude and on the job training and we will come forward in our hundreds to serve you, in your homes, offices, factories, departmental stores, supermarkets, petrol stations — you name it!

Please telephone the West Rand Administration Board officials at one of their Guidance and Placement Centres.

Circular issued by WRAB

PRINTING ERROR

Page 3 of last issue, Vol 25 No 2, August 1982; at bottom of page under Avowson Trust delete J le May. This was a printer's error. There is no J le May on the Avowson Trust.

The scandal of non-payment of pensions in 'homeland' areas is well known to the readers of Sash Magazine.

Sash member Merle Beetge has found that even those 'privileged' people who qualify to receive their pensions and disability grants in 'South Africa' have extreme difficulty in getting their money.

PENSIONS

by Merle Beetge



Living in Walkerville, 21 kilometres outside Johannesburg, in a weekend-farm area, Merle Beetge and her husband are the only available 'ambulance service' for isolated local farm labourers whose employers live in town during the week. Through this contact she has become involved in local problems, especially the lengthy procedures for pension and disability grant applications. She monitored the bi-monthly pension pay-out at the Grasmere Spa shop and set up a one-man advice office every other Thursday. Here are her conclusions:

THE PROCEDURE for obtaining a pension from the Oranje-Vaal administration Board is as follows:

Application is made at the Board's Houtkop office, and the pensioner is handed a form which has to be signed by a person familiar with the old person's circumstances. Every single line has to be filled in.

In one case investigated, a woman had been to the office for fourteen months, only to be turned away each time because her application form was not correct. On investigation, it appeared that her employer had entered her African christian name first, and then her second christian name, whereas in her reference book, it was the other way around. Once this correction was made, her form was accepted.

After the form has been completed, it is returned to Pretoria for proof of age. The pensioner is then told to return to the offices in sixty days. Sometimes, proof of age takes up to 120 days to come through from Pretoria. The waiting period is made more difficult due to the fact that applications can only be made on a Tuesday or Thursday every second month, as the entire staff are out paying pensions on alternate months.

Once proof of age has been established, finger prints are taken, and the applicant has to wait in a form of court to be interviewed by the Commissioner. The Commissioner arrives at around 12 o'clock, and personally interviews every applicant, and signs the application forms. I have been quite unable to get a reasonable explanation for this time wasting procedure, beyond being told 'This is how it has to be done'. Once the Commissioner has signed the application form, it is returned to Pretoria, and the applicant is told to come back in three months' time. This is where the waiting really begins. Old people queue for hours, only to be told time and time again that nothing has come

through yet. Apparently, Administration Boards have never heard of a duplicate notice being sent through the post, advising that the old person should go to his nearest payout point on the next pension day, where his reference book could be stamped, and he could receive his pension.

On an average of 48 applications made last year, it took approximately 11 months for an ordinary, uncomplicated pension application to be granted.

Disability grants

I find it very difficult to make an objective report on this subject. The procedure is exactly the same as that for pension applications, but the person has to have a medical report from a doctor or hospital, which is taken to the District Surgeon of either Vereeniging or Vanderbijlpark. These cases are attended to by the District Surgeon on Wednesdays from 8.30 to 11 pm. Although apparently official policy is that any case which is 50% or more disabled is eligible for a grant, in practice only cases which are certified by the District Surgeon as being 100% disabled are accepted.

Daniel Moloi is a 32 year old epileptic, who lives with his aged parents on a farm. He has spent months in both Baragwanath and Sterkfontein Hospital, and is unable to do farm labour. Although the doctor at Baragwanath recommended he be given a permanent disability grant, the District Surgeon at Vanderbijlpark found him to be only 80% disabled, and suitable for 'sheltered employment'. He was therefore refused any sort of grant, although a letter was written to Pretoria explaining that his classification did not allow him to live in a suburban area, but only on a farm, many miles from any form of transport, let alone 'sheltered employment'. No reply has been forthcoming from Pretoria, beyond an official form stating 'Application refused'.

Once the District Surgeon has filled in the form, and the person has seen and had his application signed by the Commissioner, and had finger prints taken, the application is sent to Pretoria for approval. I find it quite incredible how often the Pretoria Board seems to disagree with both specialists from Baragwanath and the local District Surgeon on an applicant's fitness for work. Without having set eyes on a patient, they are very often able to decree that the applicant is not 100% disabled, and can therefore support himself. The number of queries on these applications that are sent through are also amazing.



Photographs: The Star

VOTERS AND VOTELESS — Fifty white pensioners 'queue' at Brixton. Thousands of black pensioners stand all day at Dube.

Lizzie Sibaya was run over by a car two years ago, and she lost her right leg below the knee. Due to head injuries, her hearing and sight are impaired, and she does not have full use of her right hand. A full medical report, plus the District Surgeon's report was sent to Pretoria, stating 100% irreversible permanent disability. Nine months later her application arrived back at Houtkop with the query 'Does HE wear a prosthesis?'. This query meant another visit to the District Surgeon to have the relative form filled in, more stairs and queues to negotiate, plus a return visit, also with more queues, to Houtkop. She lost her husband three months ago, and has three children to support, but has been totally unable to obtain any form of interim relief.

The sheer physical difficulties involved in getting badly handicapped and ill people in and out of cars, up stairs, to say nothing of the hours spent waiting in long queues make the situation when queries are received quite intolerable, particularly in the case of farm workers, who have no transport, and the nearest public transport many kilometres away from their homes.

Difficulties in proving age

There is another type of Disability Application which is very disheartening. If a person made late application for a reference book, or does not have a birth certificate (often the case with farm labourers), the records at Pretoria reflect their ages incorrectly. Many old people have no proof of when they were born.

James Thall is a man who according to both the District Surgeon and three doctors at Baragwanath is at the very least 65 years old, but his records show him to be 45. His application for a pension has been refused three times. Baragwanath Hospital have now done a full examination, by a heart specialist, who has found evidence of heart malfunction, and a physician who reported that he was suffering from senility and cirrhosis of the liver. A four page medical report, confirmed by the District Surgeon, was submitted in February 1982. He was advised on the 22nd of August that his application had been lost in Pretoria, and he must re-apply, with all the necessary reports by doctors and District Surgeon having to be redone. His first application was made in October 1980.

Red tape

There are several cases of old people having lost their reference books, and being refused new ones, as they now belong to 'independent homelands', although they qualify for section 10 rights due to the number of years they have worked in the Republic. Three applications have been made on these 'homeland' passports, two nine months ago, and one eleven months ago. So far, nothing has come through from Pretoria.

Payout monitor

When the pension is finally received, and the reference book duly stamped, the pensioner has to go once every two months to the payout point. Two payout points have been monitored, one at Soweto and one at Grasmere.

Whilst I fully realise the Board has a staff problem and cannot accommodate everyone's needs,

it should be possible to review payout points from time to time.

At one time, Grasmere was a farming area, today it is a coloured residential area. On payout day from five in the morning one sees long crocodiles of old people walking to get their pensions. A large number of them walk anything from 10-12 kilometres from their homes to the payout point. Many of these people have been attacked and robbed on their way home, and we heard the same story from many of the pensioners at the payout point in Soweto. No form of extra police patrol appears to be arranged on payout days.

As far as the actual payout procedure goes, once again surely it is possible to overhaul this.

At Rosettenville Post Office it took an average of 50 minutes from the time a white pensioner entered the door till he received his pension, and this apparently is one of the largest white payout points in the Transvaal. At the Soweto payout point it took one woman two and a quarter hours from the time she joined the queue till she left. At the Grasmere payout point it took an average of one hour and forty-five minutes.

Finger-printing

The difference between white and black pensioners is that black pensioners are subjected to having their finger-prints taken. Is this really necessary? A white pensioner merely produces his book of life and signs the pension card. The Administration Board seems to presuppose that all black pensioners are illiterate and cannot sign their names. Surely the production of a reference book, and scrutiny by the clerk, as in the case of white pensioners, is sufficient to ensure the correct person gets the pension? Why the indignity and once again time-wasting of finger-printing everyone of approximately two thousand people per payout point?

No pay slips

Another glaring lack of control is the fact that no pay slips are provided with the pension. Where pensions are granted retrospectively, e.g. an application might be approved say in July, but the pensioner collects the first pension some months later. There is no record of the gross amount to be collected. In several cases old people have had lump sum payments the first time, but have then been told not to return for the next two payouts. Also, they have no idea and no indication is given as to how much they should receive at their first payout. Also, where pension increases are granted, these come through in lump sum payments several months later, and once again, no one is told how much they should receive. Many old people in the farming areas still count their money in 'pounds', and in one case, a pensioner queried his pension, and claims that rands were counted for him as pounds by the clerk concerned. When this was queried, an error was found, but no pay slip had been provided.

Missing payout through illness

What happens when a person is ill and misses a payment? A number of complaints have been received that the back money is never made up and the pensioner is told he has missed that payment.

Grass-roots apartheid

It seems that apartheid runs all through a black man's life, from the time of birth to the time of death, and all the assurances we get from Government officials that petty apartheid is on the way out are quite meaningless, when one takes only one area, pensions, into consideration. The new pension rise increases the gap between black and white. White pensions rise from R122 to R135, black pensions rise from R80 every two months to R98 every two months, an increase of R9,00 per month, as against the white increase of R17,00 per month.

The means test allows white pensioners investments of approximately R10 000 cash, whereas if a married black couple have an income of R25,00 per month, they do not qualify for a pension.

White disability grants are granted pro rata on the disability, and the main consideration is that the applicant should not be able to support himself by selling his labour on the open market. In spite of official policy, in actual fact black applicants have to be totally disabled before they receive any relief.

White applicants go and fill in a form, wait approximately three months, and are advised by post when their pension applications are through. Black pensioners wait and queue for months and months on end before their applications are approved.

The government cannot claim that discrimination is being done away with in the allocation and administration of pensions.

STOP PRESS

Telegram to the Synod of the Nederduitse Gereformeerde Kerk from Black Sash, Transvaal Region

We are very distressed by reports of torture of detainees which are now so widespread that we are convinced of their truth.

We ask you to concern yourselves with this issue because torture should never happen in a Christian and civilised society.

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

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DETAINEES WHO HAVE DIED IN DETENTION

Name	Date of death	Act detained under	Cause of death
Solwandle Ngudle	5/9/63		'Suicide by hanging'
Bellington Mampe	?/9/63		Undisclosed
James Tyita	24/1/64		'Suicide by hanging'
Suliman Saloojee	9/9/64		'Fell 7 floors during interrogation'
Ngeni Gaga	9/5/65	Proclamation R400 (Transkei)	'Death from natural causes'
Pongolasha Hoyo	9/5/65	"	"
James Hamakwayo	?/8/66	180-day clause of CPA	'Suicide by hanging'
Hangula Shonyeka	9/10/66	"	'Suicide'
Leong Pin	19/11/66	"	'Suicide by hanging'
Ah Yan	5/1/67	"	"
Alpheus Madiba	9/9/67	"	"
J B Tubakwa	10/9/63	Terrorism Act	"
Unknown	Unknown		Reported in Parliament
Nicodemus Kgoathe	5/2/69	Terrorism Act	Bronchial pneumonia after slipping in shower
Solomon Modipane	28/2/69	"	'Slipped on soap'
James Lenkoe	10/3/69	"	Signs of electric shock, but verdict of 'suicide by hanging'
Caleb Mayekiso	1/6/69	"	'Natural causes'
Michael Shivute	17/6/69		'Suicide'
Jacob Monnakgotla	10/9/69	Terrorism Act	'Thrombosis'
Imam Abdullah Haron (45)	27/9/69	"	'Fell down stairs' and died of heart failure
Mthayeni Cuthsela	21/1/71	"	'Natural causes'
Ahmed Timol (30)	27/10/71	"	Fell from 10th floor of John Vorster Square
Joseph Mdluli (50)	19/3/76	Criminal Procedure Act	Severe injuries inflicted before death
Mapetla Mohapi (29)	5/8/76	Terrorism Act	'Death by hanging'
Luke Mazwembe (32)	2/9/76	General Laws Amendment Act	'Suicide by hanging'
Dumisani Mbatha (16)	25/9/76	Terrorism Act	'Natural causes'
Fenual Mogatusi (22)	28/9/76		'Natural causes — epileptic fit'
Jacob Mashabane (22)	5/10/76		'Suicide by hanging'
Unnamed man	6/10/76		Undisclosed. Reported died in Carletonville cells
Edward Mzolo (40)	9/10/76		Undisclosed
William Tshwane	14/10/76		"
Ernest Mamasila (34)	19/11/76	Terrorism Act	'Suicide by hanging'
Thalo Mosala	26/11/76	Proclamation R400	'Natural causes'
Wellington Tshazibane (30)	11/12/76	Terrorism Act	'Suicide by hanging'
George Botha (32)	15/12/76	General Laws Amendment Act	'Suicide by jumping 6 floors down stairwell'
Dr Nanoath Ntshuntsha (43)	9/1/77	Terrorism Act	'Death by hanging'
Lawrence Ndzanga (53)	8/1/77	"	'Heart failure'
Elmon Malele (52)	20/1/77	"	'Brain haemorrhage'
L Mathews Mabelane (22)	15/2/77	"	'Fell 10 floors to his death'
Twasifene Joyi	15/2/77		Undisclosed
Samuel Malinga (45)	22/2/77	Terrorism Act	'Pneumonia'
Aaron Khoza (35)	26/3/77		'Suicide by hanging'
Elija Loza (59)	1/8/77	Terrorism Act	'Stroke'
Phakamile Mabitja (27)	7/7/77	General Laws Amendment Act	'Fell from 6th floor during interrogation'
Hoosen Haffejee (26)	3/8/77	Criminal Procedure Act	'Suicide by hanging'
Bayenpini Mzizi (62)	13/8/77	Terrorism Act	"
Steve Biko (31)	12/9/77	"	'Brain injury after a scuffle in interrogation room'
Sipho Malaza (18)	16/11/77	"	'Suicide by hanging'
Lungile Tabalaza (19)	10/7/78		'Jumped from 5th floor, Security Police HQ, Port Elizabeth
Saul Ndzumo	10/9/80	Transkei Public Security Act	'Natural causes' — No inquest was held
Tshifhiwa Muofhe (28)	12/11/81		'Died two days after his detention by Venda Security Police, who were found responsible'
Neil Aggett (29)	5/2/82	Section 6, TA	Inquest in progress
Ernest Moabe Dipale	8/8/82		Not yet determined