

MIGRANT LABOUR, SA. -

PASS LAWS - GENERAL

1983

JANUARY

-

JUNE

Argus 12/1/83

Bishop hits at hostel arrests

Labour Reporter

MORE than 120 people were arrested by Administration Board officials at the Ilco Homes hostel in Guguletu

Mrs Di Bishop, MPC for Gardens, sharply criticised Ilco Homes whose control officer requested the raid which took place early yesterday morning.

The director of the Administration Board, Mr A A Louw, said 123 people were "held for interrogation" after an "inspection" of the hostel

CHARGED

Sixty-six people were charged with being illegally in the area and 38 with being illegally in the hostel.

The control officer for Ilco Homes, who did not want to be named, said: "There are a lot of illegal people there, plus local people who damage the building. More than R25 000 damage is caused a year by people illegally in the hostel."

"Our workers know the rules of the compound. They know they are not allowed to bring in their wives from the Transkei. But the illegal people bring their wives and kids."

Mrs Bishop, who attended yesterday's hearings at the Langa Commissioners' Courts in her capacity as a Back Sash member, said she found it "quite astonishing" that a company admitted to asking Administration Board officials to raid its own hostel accommodation.

She pointed out that none of the accused had been charged with damaging property.

Bishop slams pass laws

CAPE TOWN
12/1/83
207 206
12/1

Staff Reporter

THE Progressive Federal Party MPC for Gardens, Mrs D1 Bishop, launched a scathing attack last night on the pass laws.

She was responding to the arrest of about 50 "illegals" in yesterday's early-morning raid by Western Cape Administration Board officials on the Ilco Homes hostel in Guguletu.

The raid was carried out at the request of Ilco Homes, the company's chief security officer, Mr R Hinds, said yesterday.

An Ilco security officer was present during the 4am raid which Mr Hinds described as "an inspection". He said those arrested had broken windows in the barracks and damaged walls and fixtures.

Those arrested appeared in the Langa Commissioner's Court yesterday on charges of being in the area "illegally" or not possessing the required documents.

Mrs Bishop was present during the hearings, as a Black Sash observer.

She said, "We are building up a terrible debt in the pass courts. Every Capetonian should spend a morning there. They will never be the same again."

Sash fears pass law aims

206 Jan 14/1/87
By Maud Motafyane
Influx control has become a mechanism to prevent further black urbanisation outside the homelands, according to the Black Sash.

In a paper presented recently at an Institute of Race Relations symposium on urbanisation, Mrs Sheena Duncan, national president of the Black Sash, said influx control could not be seen merely as a means of regulating black movement into white areas.

It was as true now as 60 years ago that blacks would be tolerated in white areas only as long as their labour was needed

As South Africa's labour needs changed, from requiring a large pool of unskilled labour to a smaller, better trained work force, "it discarded men and women on whose work the wealth was built," she said.

Mrs Duncan said statistics showed the percentage of blacks living in homelands had increased, reflecting the "success" of influx control and efflux enforcement.

She listed seven major means the Government used to exclude blacks from cities.

● The requirement that black people possess a reference book

● Centralised control of the reference book system by computer, fed and maintained by officials not necessarily concerned with accurate records

● The use, since 1967, of accommodation as a prerequisite for being in urban areas, combined with a totally inadequate housing programme.

● Arrest and harassment for pass law offences

● Deportation of aliens, including people from independent homelands

● Demolition of illegal shelters.

● Co-opting employers to enforce influx control by increasing penalties for employing illegal blacks

Influx Bill likely to be scrapped

ARGUS
18/1/83

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Political Staff

THE controversial Orderly Movement and Settlement of Black Persons Bill is heading for the scrap heap.

No official confirmation could be obtained today that the Bill, which met with widespread condemnation, was to be shelved.

However, members of the Parliamentary select committee on the constitution have been told they will not be dealing with the Bill this year, and they expect it to be scrapped.

The Bill was one of the trilogy of so-called "Koornhof Bills" which were intended to improve the lot of blacks in the urban areas.

OTHERS

The Black Community Development Act was approved by Parliament last year. The Black Local Authority Bill is being dealt with by the select committee, and is expected to be put before Parliament during the forthcoming session.

The Orderly Movement and Settlement Bill has been described as placing blacks under a virtual state of martial law in attempting to control the influx to urban areas.

It is understood that instead of going ahead with the Bill, the Government is contemplating amendments to legislation that would toughen influx laws.

COURT DECISIONS

These could include far heavier penalties for offences under the influx control provisions and reversal of court decisions allowing wives and dependents of people with rights under Section 10a and b of the Black Urban Areas Act to live in urban areas.

The Government has announced that the Bill will be referred to black local authorities for their consideration, but this is seen as a way in which it can be shelved quietly, as it is highly unlikely to receive support from the black urban community.

Talks on 'influx Bill' beyond pale — Soweto leader

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18/1/83

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By Carina le Grange
Black people knew the Orderly Movement and Resettlement of Black Persons Bill was influx control under another name — revamped and refurbished — and therefore it was unacceptable even to enter into discussion with Dr Piet Koornhof on the Bill, the secretary of the Committee of Ten, Mr Tom Manthatha, said yesterday.

ferred to black community councils — due to be elected later this year

The president of the Black Sash, Mrs Sheena Duncan, said yesterday that although consultation was generally to be welcomed, the Black Sash would continue to oppose any form of influx control

"We welcomed the postponement, but hope the Bill will be completely jettisoned — urbanisation should take place as quickly as possible," Mrs Duncan said

Speaking at a meeting of black and white community leaders last week,

Dr Koornhof said the election of black community councils would constitute the third phase of a new political dispensation for blacks.

He warned that promotion of councils to full or limited local authority status would not be automatic. The criteria by which community councils would be judged eligible for town, village council or local committee status would have to be clarified, he added.

"Depending on one's approach to black local government within the restructuring of the South African constitutional framework, one can apply either restrictive or over-generous criteria," he said

But Mr Manthatha rejected the idea that the Koornhof plan would be accepted by blacks. "If Dr Koornhof is sincere, he is maintaining ignorance of the black people's opposition to and horror of community councils," he said.

"It defies comprehension that it can even be mentioned that community councils shall discuss the obnoxious Orderly Movement Bill — or that the election of the councils can be seen as being the third part of a new political dispensation for blacks," Mr Manthatha said.

Mr Manthatha was responding to an announcement last week by Dr Koornhof, the Minister of Co-operation and Development, that the controversial Bill would be re-

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Orderly Movement Bill may be scrapped

INFILUX

206 Sowetan 19/1/83

DRAMA

THE CONTROVERSIAL Orderly Movement and Settlement of Black Persons Bill is heading for the scrap heap.

No official confirmation could be obtained yesterday that the Bill, which met with widespread condemnation, was to be shelved

However, members of the Parliamentary Select Committee on the Constitution have been told that they will not be dealing with the Bill this year and they expect it to be scrapped completely

The Bill was one of the trilogy of the so-called "Koornhof Bills" which were intended to improve the lot of blacks in the urban areas

The Black Community Devel-

OWN CORRESPONDENT

opment Act was approved by Parliament last year and the Black Local Authority Bill is being dealt with by the select committee at present and is expected to be put before Parliament later during the forthcoming session

The Orderly Movement and Settlement Bill has been described as placing blacks under a virtual state of martial law in attempting to control the influx of blacks to urban areas

It is understood that instead of going ahead with the Bill the Government is now contemplating amendments to existing legislation that would toughen up influx laws

The amendments could include far heavier penalties for offences

under the influx control provisions and the reversal of the decision of the courts allowing wives and dependents of people who qualify under Section 10 A and B of the Black Urban Areas Act to live in the urban areas

The Minister of Co-operation and Development Dr Piet Koornhof has already warned that he may amend legislation which would in effect cancel the decision in the Komani case which gave wives and dependents the extra rights

The Government has announced that the Bill would be referred to the black local authorities for their consideration but this is seen as a way in which the Bill can be shelved quietly as it is highly unlikely that the Bill would receive any support from the black urban community

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To Mr. R. D.
P.O. Box 101

Dear Mr. D.

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Name

Address

Convicts
escape
PAGE 5

INSIDE TODAY
Win a R1 000 TV
PAGE 7

Racing
results
PAGE 15

Windies pass all the influx control tests

206
20/1/83
PM
LIKE you, I wish to extend a warm welcome to the West Indian cricketers. They will be an example to us all, and will show exactly how blacks can and should live in South Africa.

They have all the right qualifications, including the following:

1 They are temporary sojourners. Once they have finished earning their modest living here, they will return to their homelands which have the big advantage of being far away across the sea.

2 They have left their wives and families in their homelands.

3 They will show what great changes have taken place in South Africa. Among other things they will prove that any black migrant worker like themselves who earns R50 000 a month is welcome to stay in five-star international hotels provided he behaves and does not:

- Use white public conveniences,
- Ride on the white coaches of trains (al-

though don't forget that our Bantu migrant labourers are now permitted to use the Blue Tram).

● Go to a white bioscope

4. They all hold the passports of their homelands. This means that even if they lived in South Africa on a permanent temporary basis, they would have no moral right to:

● Live next door to a white,

● Send their children to a white government school (unless of course they are among the (merciful few) diplomatic representatives of their homelands),

● Try to get into Parliament

On this last point, I hope steps have been taken to ensure that they carry their passports with them at all times. It would be terrible if one of them was caught without his jacket by the influx control police and deported to his homeland in the middle of a Test —
ANTI-SPORT-IN-POLITICS, Kensington, Johannesburg.

CAPE TIMES 2/2/83

Influx control: Govt's 'plans'

Staff Reporter

urban areas of South Africa"

EVEN if the proposed Orderly Movement and Settlement of Black Persons Bill were scrapped, the government would very likely "amend existing legislation to achieve the same purpose," Mrs Noel Robb, director of the Athlone Advice Office (AAO), said yesterday

She was speaking on the practical implications of proposed influx control legislation, particularly in the Western Cape. The lecture was one of a series organized by the University of Cape Town's Summer School

Mrs Robb said the controversial draft bill, which has been criticized by churches, community organizations and opposition politicians, was meant to "curtail and control as far as possible the number of black people living and working in the

However, according to a recent press report, the draft legislation, currently being studied by a select committee of Parliament, would be withdrawn altogether

Mrs Robb said statements by the Minister of Co-operation and Development, Dr Piet Koornhof, at a National Party congress in East London in October last year indicated that government was planning to amend existing legislation "to achieve the same purpose"

● The AAO's organizer, Mrs Val West, said that during 1981, 13 604 people had been arrested under the influx control laws in Cape Town. This figure excluded the 3 666 Nyanga site squatters arrested and deported to Transkei

(206) Hansard Q. 61.21
Curfew regulations 4/2/83

*3 Mrs H SUZMAN asked the Minister
of Law and Order

How many persons in the Republic
were prosecuted under curfew regulations
in 1982?

The MINISTER OF LAW AND OR-
DER

9 513 persons

Chapman

INFLUX CONTROL

Unhappy families

206 FM 4/2/83
Controversy surrounds a "new" measure making it easier to endorse contract workers out of Reef urban areas if they attempt to bring their families with them. Officials say the clause is not new at all, but has at times simply been ignored in the past. Trade unionists and legal experts counter that they came across its effects for the first time this year.

The measure is a clause in the "call-in forms" issued to contract workers. These forms spell out conditions with which migrants have to comply. The new clause states that they may not bring their wives or families with them to the West Rand Administration Board (Wrab) area, and that if they attempt to do so their contracts will either not be registered or immediately terminated.

Armand Steenhuisen, Wrab's director of manpower, says the clause has been in existence since 1969 in some areas and for five years in others. In some cases the clause was not included on the call-in form, Steenhuisen says, due to a "slip-up" by his staff. He maintains that it is not a new addition to the list of conditions for registration of a contract.

The clause is there, claims Steenhuisen, to ensure that when a person is introduced to an urban area in a work category for which there are no local work-seekers, he does not add to overcrowding, or squatting, by bringing his family along.

If the conditions are not adhered to, Wrab has the option of cancelling the contract or refusing to register it. "This will not be done in all cases," Steenhuisen says. "If the family is sent back to the area from

which they illegally migrated, the employee may be allowed to stay. In some cases where specialised labour is concerned, he may be allowed to bring his family to live in the prescribed area."

A legal source told the FM that a clause relating to families was extraneous to the actual contract and could therefore be regarded as unacceptable. Nowhere in the Black Labour Regulations of 1965 and 1968 was there provision for such a clause, which might, therefore, be *ultra vires*. Steenhuisen refuses to comment on the legal aspect of the clause but says "In terms

of Section 10(2) of the Urban Areas Act we can impose any condition."

The Black Sash's Sheena Duncan sees the clause as "simply an additional measure to curtail the number of migrant blacks seeking a livelihood. Although recent statistics on the number of prosecutions under the influx control laws are unavailable, indications are that control, from an administrative aspect, has been stepped up. The inclusion of the new clause and preference for commuting labour over migrant labour in areas like Natal is evidence of this."

Duncan adds "In addition to limitations placed on the influx of families, it has become increasingly difficult to get call-in forms acceded by various labour bureaus — thus effectively blocking workers from seeking legal employment in the cities."

Trade unions with a large proportion of contract workers among their membership contend that workers have experienced problems registering their contracts in terms of the "new" clause. They describe the clause as placing serious limitations on workers in the Wrab area whose contracts needed renewal.

(206) ~~206~~ Hausard
Influx control/identity documents/illegal
Q.61.96 employment 11/2/83

4 Mr K M ANDREW asked the Minister of Co-operation and Development.

- (1) What amount was derived by the Administration Board Western Cape in 1982 from fines imposed for offences relating to influx control and identity documents,
- (2) (a) what part of this amount was paid by employers in respect of illegal employment of Blacks and (b) how many employers were convicted of this offence?

The MINISTER OF CO-OPERATION
AND DEVELOPMENT

- (1) R629 370
- (2) (a) R195 419
(b) 921

~~83~~ Hansard Q. 61.82-
Commissioners who act as
magistrates/prosecutors 83

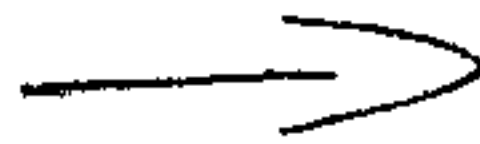
206 11/2/83
*19 Mr P R C ROGERS asked the
Minister of Co-operation and Development.

- (1) Whether any commissioners in his Department have acted as magistrates as well as prosecutors in the same court on the same day, if so,
- (2) whether he has taken any steps to prevent a situation of this nature from recurring, if so, what steps?

The MINISTER OF CO-OPERATION
AND DEVELOPMENT

- (1) Yes In exceptional cases an official holding the appointment of both commissioner and prosecutor acts as presiding officer in one case and as prosecutor in another case This does not constitute an irregularity It did, however, happen in the periodical courts at King William's Town and Stutterheim that a presiding officer acted both as presiding officer and prosecutor in the same case This obviously constituted a gross irregularity
- (2) Yes When the irregularity was detected the practice was stopped immediately Suitable arrangements have been made to avoid a recurrence by providing adequate staff

†Mr J J B VAN ZYL Mr Speaker,
arising out of the hon the Minister's reply,
can he tell us whether the accused was found
guilty or not guilty?



Mr B R BAMFORD Mr Speaker,
arising out of the hon the Minister's reply
can he tell us whether the presiding officer
prosecutor conducted his case from the
Bench or from the Bar? [Interjections]

206 Hansard Q. 61.98-
Reference books/influx control 99
11/2/83

27 Mr S S VAN DER MERWE asked
the Minister of Law and Order.

How many Black (a) males and (b) females were arrested by the S A Police for offences relating to reference books and



99 FRIDAY, 11 FEB

influx control in the Western Cape in 1978, 1979, 1980, 1981 and 1982, respectively?

The MINISTER OF LAW AND ORDER

	1978	1979	1980	1981	1982
(a)	827	436	226	225	103
(b)	442	303	92	88	54

206 ~~193~~ Deportations *1 thousand*
~~105~~ Q. No. 105 *11/2/83*

53. Mr K M ANDREW asked the Minister of Co-operation and Development

- (1) How many (a) men, (b) women and (c) children were deported to Transkei in each month from September 1981 to December 1982,
- (2) whether any such (a) men, (b) women and (c) children qualified for permanent residence in the Western Cape in terms of section 10 of the Blacks (Urban Areas) Consolidation Act, if so, how many in each category?



In death's dominion

South African mine safety

Unsafe and not sorry

JOHANNESBURG

"Production is more important than safety" That statement by the chief safety engineer of one of South Africa's big mining companies goes a long way towards explaining the appalling safety record of South Africa's gold mines. In 1982, accidents killed 596 miners and injured 15,250 badly enough to keep them away from work for two weeks.

South Africa's mining industry paid R60m (\$55m) in pensions and compensation to accident victims and their families in 1982. The size of payments depended on the nature of injuries and on the miner's earnings.

Mine bosses argue that the casualty figures look less alarming when measured against the 500,000 or so working in the mines. Not so. The fatality rate last year was around 1.25 per 1,000 workers—about eight times as high as the annual death rate among Britain's 220,000 coal miners, for example.

Mining in South Africa is more dangerous: some mines go as deep as 12,000 feet, high temperatures, complex geological formations and a high turnover of unskilled workers add to the risks. Mines with the worst accident records, such as Anglo American's Western Deep Levels, also have the highest labour turnover. A big accident invariably pushes up absenteeism and resignations.

Some mines have tightened up on safety. The rate of injuries at the President Steyn mine in the Orange Free State, for

example has halved in the past decade. Better underground ventilation has improved working conditions and productivity in a number of mines and reduced the death toll from heat exhaustion. A new way to detect fires using electrical monitoring of carbon dioxide and dust has replaced fire patrols. Losses from fires in Anglo American's mines have declined sharply.

Yet the overall fatality rate has barely fallen in the past two decades. Better safety precautions have been offset by increasingly dangerous mining conditions. Shafts must be sunk deeper to get at the gold. Patches of gold-bearing rock reckoned to be too dangerous or unprofitable to exploit in the 1940s and 1950s are now being mined. Companies are tempted to put their workers at risk by the shortage of new reefs and the rising price of gold.

Casualties could be reduced if the mines were more mechanised and better lit. That would be technically difficult and say the companies, too expensive. Tunnels would have to be bigger to accommodate more machinery. And machines themselves cause accidents. Gencor's Evander mines, among the most labour-intensive in the industry, report fewer fires than their competitors because these mines have fewer electric cables and winch ropes, which can easily cause fires by fusing or rubbing against wooden props.

Bigger tunnels would also mean more rock bursts—the sudden collapse of rocks into tunnels and shafts—which account for about a quarter of all deaths in the mines. As the mines dig further—Driefontein Consolidated, the second biggest gold producer after Vaal Reefs, removes over 5m tonnes of ore a year—the rocks around them become unstable. Western Deep recorded no fewer than 4,268 tremors in 1982, of which 789 damaged mine workings. The chamber of mines and Anglo American have been trying for three years at Western Deep to predict rock bursts by computer analysis of tremors as light as the impact of a pencil being dropped on the floor. But mine managers cannot tell whether these tremors are likely to cause accidents. If they evacuated men whenever one occurred, the deeper mines would never do any work.

Mining waste mixed with cement is now pumped into disused shafts at one gold mine to prevent them from collapsing. And in several of the deepest mines along the West Witwatersrand, rectangular pillars of rock are being left at regular intervals along the rock face to hold it up. This precaution means that one in every seven ounces of gold stays in the ground, but mining companies can still make fat profits on that.

Foreigners go home!

JOHANNESBURG

South Africa is shedding the foreign labour which it has used for more than a century. In 1973 there were 475,000 foreign blacks working legally in South Africa. The most recent official figure is 287,000. With unemployment rising among the country's black population, foreigners are no longer welcome.

The tide began to turn nearly 10 years ago when only one in every four black workers in the gold mines was South African. The mining industry found itself dangerously exposed in 1974 when the president of Malawi, Dr Hastings Banda, angered by the death of more than 70 Malawian miners in an air crash on their way home, suddenly ordered its recruiting offices to close.

Helped by the higher gold price, the mines raised wages to attract more local blacks and reduce their reliance on foreign workers. Three out of every five black miners are now locally recruited. There are only 15,000 Malawians left in the mines, down from 110,000 in 1973. The number of Mozambicans has dropped from 91,000 in 1975 to around 40,000. Most of the black Zimbabweans who filled the gap left by the Malawians have also gone home. South Africa claims that this is what the Zimbabwe government wants.

Foreign black workers have lost jobs in other industries too. The latest crack-down is on Mozambicans working on farms, particularly in the Eastern Transvaal. South Africa's police have been assigned to look for any without permits, a move which they say has nothing to do with guerrilla incursions in the area.

There has been a big influx of illegal immigrants from Mozambique for some years as its people have tried to escape food shortages and even starvation. Mozambicans are regarded by farmers as excellent workers, and are willing to take jobs that local blacks reject because pay is too low, the work too dirty and the hours too long. One observer in the Eastern Transvaal estimates that there are 60,000-70,000 Mozambicans working illegally in South Africa.

The police are also cracking down on Mozambicans who crossed into South Africa legally but whose contracts have expired. They used to renew their contracts in South Africa at offices of the delegations representing the Mozambique labour department. The South African government now insists that they return to Mozambique to do this.

One big employer in the Eastern Transvaal said that 250-300 of his 2,500 workers would have to be sent back to Mozambique to get new papers. Another estimates that the rule could affect 8,500 Mozambicans.

Economic 12/2/83

200 'legal' families can stay

CAPE TIMES
15/2/83
206

Labour Reporter

THE authorities have decided that 200 "legal" families in the mushrooming squatter settlement near Guguletu can erect shacks and stay there legally.

But as people continued to move from their township lodgings to the KTC squatter camp yesterday afternoon, the estimated number of dwellings stood at more than 400.

The camp sprang up in less than a week as more than 1 000 people, who said they were "fed up" with overcrowding in the townships, moved in and erected hundreds of dwellings made of Port Jackson branches and plastic.

On Monday last week, when the Western Cape Administration Board (WCAB) demolished shacks on the site, there were only six, and when they demolished again on Wednesday there were 31. By Friday there were 120 and at the weekend the number had more than doubled.

Mr Timo Bezuidenhoud, Chief Commissioner of the Department of Co-operation and Development for the Western Cape, said yesterday that 200 families would be allowed to erect shacks on

vacant land at the KTC site.

Basic services were already available there.

"In view of the fact that these people are legally here, I proposed that they should be allowed to stay on the site," he said.

However, people would not be allowed to squat on adjoining ground set aside for New Crossroads phase two, and only "legal" people — those with Section 10 rights — would be allowed to stay at the camp.

Proper housing

The building of proper housing in the townships, virtually stalled for the past six months, was dependent on availability of funds.

Asked what would happen if there were more than 200 "legal" families at the site, Mr Bezuidenhoud said "We will deal with that when we come to it."

Interviews at the camp show that most of the residents are "legals" who have been lodging at houses in the townships.

As WCAB officials started taking down the details of the camp residents yesterday, still more dwellings were being built. The camp now stretches to the boundary of Nyanga East.



Transvaal annual congress in 1958
The fiery orator — known to many then as the "Black Verwoerd" — later helped form the Pan-Africanist Congress

He once shocked whites with a highly publicised statement that "South African whites must become Africans or get out"
He disassociated himself from the Congress' anti-pass campaign in 1960, but was jailed for 18 months for incitement

He spoke of his objections to whites being permitted as members of the ANC
"I believed that, even if they sympathised with the ANC, they should only be allowed to advise, not become members," he said
During his many years in Johannesburg he worked as a box seller, selling empty cardboard boxes on the corner of Troye and President streets

THE "BLACK VERWOERD" .. Josias Madzunya in Sibasa. "So long as I'm in Africa, I'm happy"

IT WAS a hot day in Sibasa . . . temperatures passed 40°C late in the afternoon. But "The Old Man" was wearing a thick black coat and a jersey

The office he was sitting in wasn't air-conditioned like the plush hotel a few kilometres away where white businessmen and a handful of more affluent locals sipped beer at the poolside. But Josias Madzunya was not complaining

"I'm used to the heat I feel comfortable," he said. Besides, he wouldn't be Josias Madzunya without his coat. He's worn it for more than 20 years and, well, it's a part of the man

Tracing him to his place of employ in Sibasa was like finding the sun in the sky. All the locals knew him, and the first one approached gave accurate directions. Mr Madzunya is 74, but his fiery eyes belie his years. And he spoke with all the enthusiasm and energy of a man more than half his age, especially when the conversation got round to Africanist politics — an issue that has occupied his mind, and life, for almost 30 years

Mr Madzunya was ordered to return to Venda — to Sibasa, the place of his birth — in 1962 after falling foul of South Africa's influx control laws

Before then he was an active member of the African National Congress, eventually quarrelling with the leadership and helping to lead a rebel breakaway from the organisation at its

The 'Black Verwoerd' is still in the fight . . .

Report and picture by DAVID CAPEL

He was a well-known figure, dressed even then in his long black coat which he wore whatever the weather

In 1957 he helped organise what in those days was one of the most effective protest actions organised by blacks — the Alexandra bus boycotts

Ironically, he now works for the Lukoto Bus Service in Sibasa, organising routes, setting fares and dealing with complaints. He has worked for the company since 1972

How does he feel about living in Venda . . . a rural area far different from the envi-

ronment he knew in Johannesburg?

"I'm very happy here I'm at home. Wherever I be, so long as I'm in Africa, I'll be happy"

As his mind drifted back some 25 years and he spoke of the ANC, the PAC and their aims, Josias Madzunya eyed me with a vague suspicion when I produced a camera

The last time someone took pictures of him, they came to take him away a week later. He was held in prison in Venda for three months. Mr Madzunya explained that his colleagues and friends were very worried about his safety. In 1977 a news-

paper team came to interview him for a story and a week later the Security Police took him away. His friends believed there may have been some connection between the two incidents

They had searched as far as Johannesburg and Pretoria for him, but only knew of his whereabouts when he was released three months later

But in spite of their anxiety, and his own harassment, Mr Madzunya spoke openly and unashamedly of his unshakeable belief in Africanist politics and a democratic South Africa, with one parliament and one government for all its people. "The Old Man" expressed his abhorrence of violence. It was another source of argument with the ANC leadership, and he has always held the view that violence had no part in the struggle of black South Africans

Mr Madzunya once told an interviewer "We do not want to throw the white man into the sea. That is alarmist nonsense"

"But we know where we are going . . . and we will get there"

That was in 1958. Today, the "Black Verwoerd" may be out of the political limelight, but he has not changed his views

"We want a democratic South Africa, with all its people represented in government. That is our fight"

9

306 Hansard Q.61.201 -
Reference books/influx control 204

18/2/83
26 Mr S S VAN DER MERWE asked
the Minister of Co-operation and Develop-
ment

How many Black (a) males and (b) fe-
males were (i) arrested, (ii) charged, (iii)
acquitted, (iv) fined and (v) deported in
connection with offences relating to refer-
ence books and influx control in the West-
ern Cape in 1978, 1979, 1980, 1981 and
1982, respectively?

The MINISTER OF CO-OPERATION
AND DEVELOPMENT

	Arrested	Charged	Acquitted	Fined	Deported
1978 (a)	6 519	4 331	1 321	3 010	0
(b)	11 517	6 493	1 354	5 139	0
1979 (a)	12 120	7 307	1 474	5 833	0
(b)	14 489	8 159	2 221	5 938	0
1980 (a)	7 382	4 849	594	4 255	0
(b)	9 238	5 526	559	4 967	0
1981 (a)	8 790	5 695	1 202	4 493	0
(b)	9 551	5 858	1 129	4 729	0

203

FRIDAY, 18 FEBRUARY 1983

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1982 (a)	11 048	7 342	854	6 488	0
(b)	12 261	7 631	688	6 943	0

NOTE. No deportations are executed in terms of legislation on which the question has
reference

(206) Hansard Q.61.222
Identity documents/influx control
18/2/83
Mr D J DALLING asked the Minister of Law and Order

How many Blacks in (a) the Sandton municipal area and (b) Alexandra were charged with offences relating to (i) identity documents and (ii) influx control laws in 1982?

The MINISTER OF LAW AND ORDER

	(a)	(b)
(i)	987	67
(ii)	1 431	139

Mine union pair turn up in court after 2am raid

By STEVEN FRIEDMAN
Labour Correspondent

TWO National Union of Mineworkers organisers who disappeared after being taken away by men in plain clothes on Tuesday morning were questioned at a Klerksdorp police station, taken to a Commissioner's Court and there charged and convicted, the NUM's general secretary Mr Cyril Ramaphosa, said yesterday.

Both the Security Police and the SAP's uniformed branch have been unable to confirm the arrest of the two men, Mr Jeffrey Magida and Mr Muiselo Mtshotshisa.

The two men who were recruiting members at the Vaal Reefs mine with the full knowledge and permission of the Anglo American Corporation, were taken from a house in Jouberton township at 2am.

They reappeared late on Wednesday after being convicted in the Commissioner's

Court of not having a lodgers permit, which black township authorities require of anyone living in a house in a black township. They were fined R15 each.

The incident followed one last week in which the men were twice questioned by Security Police in the office of a Vaal Reefs hostel manager. The NUM labelled this action "harassment".

Mr Ramaphosa said yesterday that the two men had been taken to a Klerksdorp police station "Because they do not know the town well, they cannot identify the station," he said.

They had been questioned about why they were in the township and why they were recruiting workers at the mine, he said.

"The next morning they were taken to the Commissioner's Court where they were convicted. They paid their fines and were released. Mr Ramaphosa added.

For written reply (206)
 Hansard
 Reference books/influx control
 Q. Col. 235 - 238 22/2/83
 2 Mrs H SUZMAN asked the Minister of Law and Order

- (1) How many (a) males and (b) females were arrested for offences relating to reference books and influx control in each of the main urban areas of the Republic in 1982,
- (2) what was the total number of such arrests in the Republic in that year?

The MINISTER OF LAW AND ORDER

	(a)	(b)
(1) Pretoria	17 566	1 933
Johannesburg	33 314	6 909
Soweto	1	—
Durban	5 300	1 869
Pietermaritzburg	—	—
East London	1 986	165
Port Elizabeth	58	18
Cape Peninsula	84	61
Bloemfontein	730	126
West Rand	2 105	468
East Rand	7 984	1 889
(2) Total	76 844	16 532

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TUESDAY, 22 FEBRUARY 1983

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Reference books/influx control

5 Mrs H SUZMAN asked the Minister of Co-operation and Development

- (1) How many Black (a) males and (b) females were arrested for offences relating to reference books and influx

control in each of the main urban centres of the Republic in 1982 by officers of Administration Boards,

- (2) what was the total number of such arrests in the Republic in that period?

The MINISTER OF CO-OPERATION AND DEVELOPMENT

(1)	Males	Female
Pretoria	64	—
Johannesburg	4 789	2 097
Durban	666	22
East London	45	19
Port Elizabeth	1 853	795
Cape Peninsula	6 213	9 654
Bloemfontein	3 311	2 574
West Rand	7 784	2 765
East Rand	25 826	10 065

- (2) 112 646.

Pass arrests last year ¹⁹⁸² _{23/2/83} hit 200 000 ²⁰⁶

Political Staff

MORE THAN 200 000 blacks were arrested for pass law offences last year — a 20 percent increase on the previous year.

This startling disclosure was made yesterday by the Ministers of Law and Order and Co-operation and Development in replies to questions in Parliament by Mrs Helen Suzman (PFP Houghton).

Mrs Suzman said the figures clearly indicated that urban blacks had not been affected by the climate of reform where pass laws were concerned.

Blacks were being thrown into jail not for committing a crime, but for a "technical" offence.

'Dompas'

More people were being arrested since Dr Piet Koornhof declared war on the "dompas" than ever before.

The total number of arrests for pass law offences in 1982 was 206 022. In 1981 the number was 162 024.

Of those arrested last year, 112 646 were arrested by administration board officers. Most of these arrests were on the East Rand (36 000) with 6 886 in Johannesburg.

The remainder were arrested by officials falling under the Minister of Law and Order. Johannesburg had 40 000 arrests, by far the greatest, and the East Rand about 9 000.

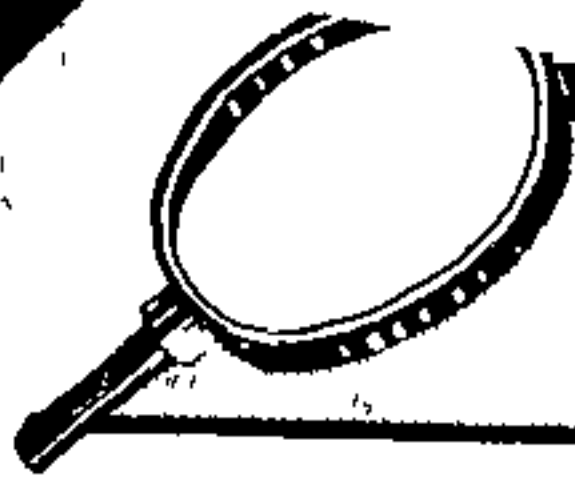
Mrs Suzman commented yesterday: "For a man who has expressed his hatred of the 'dompas', Dr Koornhof has shown little haste in cutting down on the number of offenders."

Friction

"It is very disturbing indeed to see that the number of people arrested has risen by more than 20 percent on the very issue that causes the greatest racial friction and resentment."

The figures given yesterday are broken down into numbers for all the urban areas and these are divided into males and females.

Most of those arrested (127 000) were male.



SPECIAL REPORT BY BERT VAN HEES

Black labour: Policy on "illegal" workers

Argus 23/2/83

MANY householders fear gardeners or chars working for them might be arrested, or that they themselves might be prosecuted, if they make inquiries about whether these workers are in the area "legally"

But Argus Action has been told by the Western Cape Administration Board's chief labour officer, Mr G N Lawrence, following queries from readers, that this will not happen

He said "There is no need to fear arrest or prosecution if, after making inquiries, it turns out that a gardener or char is in the area illegally. Neither the employer nor the worker will be prosecuted, and the board gives an unequivocal guarantee about this. If it turns out that a gardener or char is in the area illegally, he or she will be advised by the Local Labour Bureau in Langa what to do

Casually

"The Peninsula has a policy of coloured labour preference

"A black person who works casually for a householder for longer than three consecutive days in a given week becomes an 'employee', and anyone wanting to employ a black person for longer than three consecutive days a week must first obtain a certificate from the Department of Manpower, at the Thomas Boydell Building in Cape Town, to the effect that there is no suitable coloured worker available

"Before a black gardener or char is employed, it is important to establish that the person is in the area legally. This can be established from an en-

endorsement in the person's identity document. If there is no such endorsement, make inquiries at the labour bureau

Complaint

"Black people who are arrested are those who are found during routine inspections to be in the area illegally, or against whom the administration board has received a complaint

"Black people illegally in the area who are found on private premises will either be arrested, or given a notice to appear in court. Chars will not be arrested if this leaves no one to look after a house," he said

Here are the fines applicable to black people not legally entitled to be in the Western Cape, as well as to householders who employ them

● Black workers:

1. Without an identity document, or unable to produce it. Between R10 to R15 per count

2. In the area illegally from R50 to R75 per count

● Employers

1. First offenders. The Act provides for a maximum fine of R500 or 60 days, but first offenders are given an opportunity to pay an admission of guilt of R100 or to appear in court to argue their case

2. For a second offence within two years, the maximum fine of R500 or 60 days becomes the minimum

Hansard Q Col. 260
Domestic servants on flat premises
206 123 23/2/83
*19 Mrs H SUZMAN asked the Minister of Co-operation and Development

Whether he will review the formulae adopted in 1966 for determining the number of Black domestic servants permitted to reside on flat premises, as referred to in his reply to Question No 31 on 16 February 1983, if not, why not, if so, when?

The MINISTER OF CO-OPERATION AND DEVELOPMENT

Although the residence of unlimited numbers of Blacks in high density White areas overnight cannot be permitted due to undesirable circumstances arising therefrom the formula is at present being re-considered. Compassionate cases are considered on merit with great circumspection and can be brought to attention.

Mrs H SUZMAN. Mr Speaker, arising out of the reply of the hon the Minister, is he aware that permits are being withdrawn from people who have been employing domestics for many years and that no alternative accommodation exists for those domestics either in hostels or in the houses in the townships?

The MINISTER. I am aware of the facts mentioned and that is why I replied in the fashion I did reply.

THURSDAY, 24 FEBRUARY 1983

206 Hansard Q 61. 287 -
Indicates translated version 288
For written reply 24/2/83

Blacks in Western Cape: working committee

17 Dr A L BORAINÉ asked the Minister of Co-operation and Development.

Whether any decisions have been taken on any of the recommendations in the report of the working committee appointed to advise the Government on the presence of Blacks in the Western Cape which were under consideration when he furnished his reply to Question No 3 on 5 February 1982, if so, (a) which are the recommendations involved and (b)(i) what is the nature of such decisions and (ii) when will they be implemented?

The MINISTER OF CO-OPERATION AND DEVELOPMENT

The Government is giving attention to the position of Blacks in the Western Cape on a sustained basis and in the process the recommendations of the Committee referred to are taken into consideration. It should, however, be emphasized that the Committee was appointed primarily to consult on a co-ordinated basis with interested parties and to obtain more first-hand information regarding the situation of Blacks in the Western Cape. It was

not a full-scale investigation but the viewpoints obtained had been of great value. It is, however, not envisaged that any further specific decisions resulting from recommendations of that Committee, will be taken.



CAPE Times
24/2/83
Influx
control
crackdown

Political Staff

STATISTICS released in Parliament on pass arrests during 1982 indicate a massive crackdown in the government's implementation of influx control. During 1982 more than 200 000 blacks were arrested on pass law offences.

This represents a 27 per cent increase over the figure for 1981 and a staggering 90 per cent increase over figures for 1980.

The latest statistics were disclosed by the Minister of Co-Operation and development, Dr Piet Koornhof, and the Minister of Law and Order, Mr Louis le Grange, in reply to questions in Parliament by Mrs Helen Suzman (PFP Houghton).

Dr Koornhof disclosed that during 1982 there were 112 646 blacks arrested under the pass laws by administration board officials while Mr Le Grange disclosed that the police had arrested 93 376 blacks under the pass laws.

Mrs Suzman reacted with shock to the disclosures.

"These shocking figures highlight the fact that while the government is talking reform for coloureds and Indians the exclusion of blacks from the constitutional proposals renders them completely vulnerable as far as discriminatory laws affecting them are concerned," she said.

"Whither Dr Koornhof's declaration of war on the dompas?"

Transkei jobs: SA to fund plan

206
25/2/83
770
FOX
207

Labour Reporter
THE SOUTH African Government is to fund a special jobs programme in the Transkei in terms of which one out every four jobs created will go to a Western Cape black

This was confirmed yesterday by the chief of development for the South African Department of Foreign Affairs, Mr Deon Richter, who said the scheme would initially cost between three to four

million rands a year. A joint statement issued by the governments of Transkei and South Africa said 4 000 new jobs would be created by the scheme, initiated by Mr George Matanzima, Prime Minister of Transkei.

The statement said "It is hoped that this programme will bring some measure of relief to the rising number of unemployed Transkeians in that country, as well as in South Africa."

Target date for the project is March 1 this year and the jobs will be "in the fields of the protection of soil and water resources, forestry and construction"

Mr Richter said that for every three local Transkeians employed, an unemployed Transkeian citizen from the Western Cape would be taken on.

He said the lack of an "effective, efficient administration is a real limiting factor"

Jobs for Western Cape blacks — virtually all of whom are regarded as citizens of Transkei or Ciskei — would be "synchronized" on the basis of jobs available and the "needs of people"

Mr Ken Andrew, PFP spokesman on black affairs in the Western Cape, said "every right-minded person would support any sensible scheme to promote development in underdeveloped areas"

'Squandering?'

However, he said "If this scheme amounts to a further squandering of money in an attempt to achieve ideological ends and to provide a rationalization for forcing people back to the homelands, then it deserves to be condemned"

"South Africa is in reality one country — politically and economically — and the sooner we set about tackling the real challenges that face us and discard the ideological shackles that have hindered our development for so long, the better it will be for everybody"

Black Sash slams pass law arrests

THE BLACK SASH has submitted that influx control has been enforced more strictly over the last two years.

Commenting on the fact that more than 200 000 blacks were arrested for pass law offences last year, Mrs Sheena Duncan said the Black Sash was not surprised by the figures

She said the demolition of self-built housing in Johannesburg, the East Rand, Cape and Port Elizabeth were implications of the Government's determination to push people back to the homelands

Speaking in Parliament, Mrs Helen Suzman said the figures clearly indicated that urban blacks had not been

affected by the "climate of reform" as far as pass laws were concerned

But Dr Nthato Motlana of the Soweto Committee of Ten said he was surprised that Mrs Suzman was still addressing herself to things like a "climate of reform" — something that blacks were hardly aware existed.

He said: "To us this 'climate of reform' is just the opposite"

Dr Motlana said the Government was tightening all aspects of black lives in its vain attempt to curb urbanisation

He said. "All we see is an intensification of influx control and the increased use of the pass laws against women in order to destroy the stability of urban family life in so-called white South Africa

"Nobody ever believed Dr Koornhof when it was said he had declared war on the dompass. The dompass is the pillar of all the nonsensical policies of this Government"

Of those last year, 112 646 were arrested by officers of the administration boards. Most of the arrests were on the East Rand (36 000) compared to 6 886 in Johannesburg

Mr Ishmael Mkhabela of Azapo said while Dr Koornhof was busy telling the world of reform and scrapping of apartheid in the country, his own department was busy drafting one of the most draconian laws against blacks, the Orderly Movement and Settlement of Black Persons Bill

Mr Tom Manthatha of the Soweto Civic Association said the economic imperatives were such that they forced people to defy the laws of the system of this country which were calculated to exclude the majority of the people, on the basis of colour, from sharing in its wealth

206 Hansard Q. Col. 347
Influx control 25/2/83

143 Mr H D K VAN DER MERWE
asked the Minister of Co-operation and De-
velopment.†

- (1) In (a) which areas of the Republic and (b) what manner is influx control at present being applied by the persons and bodies charged with the administration of Blacks,
- (2) whether influx control has been lifted or abandoned in certain areas, if so, (a) in which areas and (b) why?

The MINISTER OF CO-OPERATION
AND DEVELOPMENT

- (1) (a) Influx control in terms of the Blacks (Urban Areas) Consolidation Act, 1945 (Act 25 of 1945) is being applied in all prescribed areas in the Republic of South Africa
- (b) In accordance with existing laws and regulations
- (2) No
- (a) and (b) Fall away



A group of women feeding their children in the open at the KTC site.

KTC children *ARGUS 26/2/83* 'better off *301* *206* in Pollsmoor

By PIPPA GREEN
Weekend Argus
Reporter

A MOTHER was told by the Langa court commissioner yesterday that her two children would be better off in Pollsmoor prison than living "in the bush"

Mrs N Godi was one of about 250 KTC squatters who appeared in the Langa Commissioner's Court yesterday on charges of being in the area illegally and of not producing their passes on demand

Mr P Crossley of Findlay and Tait made a special plea for bail for Mrs Godi, who had two young children with her

Asked where she lived, she replied "In the bush"

Mass arrests

The commissioner, Mr W Fourie, said. "Well, in that case, your children would be better off in Pollsmoor"

The appearances followed mass arrests at KTC yesterday morning when police and Western Cape Administration Board officials cordoned off the area

All the accused pleaded not guilty on both counts. No bail was granted and they were remanded in custody

Many of them told the court through an interpreter that they had passes to be in the area but had not been given a chance to produce them when they were arrested

Packed

The tiny court was packed with people who had been released after being interviewed by court officials earlier

Three Progressive Federal Party MPs — Mrs Helen Suzman, Mr Tian van der Merwe and Mr Ken Andrew — were in court to observe the proceedings

Applying for bail on behalf of all of the accused — many of them women with small children — Mr Crossley said there was little doubt that a decision to refuse bail would be a "drastic and serious step"

"Numerous decisions by superior courts have been that the accused should be deprived of their personal freedom only in the most exceptional circumstances"

The accused were not likely to interfere with State witnesses, and if they could identify themselves there was little likelihood they would abscond, Mr Crossley said

Opposing bail, Mr D Mngomeni, for the State, said the accused had no fixed places of abode and could not be identified because many did not have documents

Condemned

● Mr Andrew, the PFP spokesman on black affairs in the Western Cape, condemned the barring of the media from the KTC site

Reporters were barred by the Western Cape Administration Board about 10 days ago after violence had flared up at the camp

"Without eye-witness accounts it becomes difficult to ascertain precisely what happens. If allegations of the indiscriminate use of teargas and letting dogs off leashes are untrue, the board should let the Press be there to see

"The authorities should not be surprised when the public ascribe ulterior motives to their desire to operate in secret"

206
 KOORNHOF'S *206*
 'PLACES *S. Tribune*
 OF UPLIFTMENT' *339*

**A service
to blacks**

**AND THEY ARRESTED
ONE PERSON EVERY
4,7 MINUTES LAST YEAR**

By BARRY STREEK *27/2/83*

WITHIN days of telling Parliament that the 14 administration boards in South Africa were "places of upliftment", Minister of Co-operation and Development Piet Koornhof disclosed that board officials had arrested one black person every 4,7 minutes of 1982 under the pass laws

□ LAST WEEK he angrily denied that the administration boards were symbols of oppression

□ THIS WEEK he said the boards had arrested 112 646 people for influx control and reference book offences last year

That's an average of 308,6 people a day, or 12,85 people every hour — or one person every 4,7 minutes, night and day, non-stop for a year.

Dr Koornhof gave the two faces of the administration boards in parliamentary clashes with the PFP's veteran campaigner Helen Suzman, MP for Houghton

Mrs Suzman had said that the administration boards were being attacked because they were symbols

An angry Dr Koornhof replied that they were symbols to the banned African National Congress Mrs Suzman, he said, was acting "as a spokesman for the ANC" in making these claims about the administration boards — a claim he was forced by the Speaker to withdraw

He then went on to claim that the boards were not symbols to the ANC

"Those places are places of upliftment where a service is delivered by black and white people to the public.

"That is what they are," the Minister said

Then, replying this week to a question from Mrs Suzman, he disclosed what kind of service they were delivering

In performing that service last year the administration boards broke all records for the number of arrests with their total of 112 646

In previous years, the police were the main implementers of the pass laws, last year they were eclipsed by the board officials

Together they arrested 206 022 people under the pass laws — or 23,58 people every hour Or one person every 2½ minutes, day and night, throughout the year

The boards have been in existence for barely 10 years, and they have been the targets of many bomb blasts, burning and stone-throwing

In August 1976, two board offices in Port Elizabeth were attacked, one of them, in Mendi Road, New Brighton, being destroyed

On August 10, 1976, the administration board offices in Cape Town were attacked by 500 schoolchildren

During 1977, the administration board offices in Kwanobuhle, Uitenhage, were burned down and attempts were made to destroy two other Eastern Cape board offices in October of that year

A bomb left in the New Brighton offices in March 1978 killed a woman and injured three more

During 1980, the Eastern Cape board offices were again targets for attack. A petrol bomb was thrown into the Grahamstown office, the office in Despatch was stoned, and four people were injured at Uitenhage when a crowd attacked the building

In December 1981, an explosion damaged part of the offices in Duncan Village, East London

Last year, the administration board offices at Sobantu, near Pietermaritzburg, were damaged in the wake of protests against increased rents

This month a bomb at the administration board offices at Botchebella, near Bloemfontein, injured 76 people and killed one man

The boards have also been involved in controversies of a different kind. The administration of their finances

Over the years, a number of critical comments have been made by the Auditor-General about their accounts

This year, for example, the West Rand board was told by the Auditor-General that its internal control measures "leave much to be desired", while the Northern Transvaal board was criticised for having an outstanding amount of R138 957 in "external accounts"

Accounting by the Southern Cape-Orange Free State board was "contrary to departmental directions" in respect of R82 450 for vehicles and equipment

The same board also managed to increase liquor account costs from R70 895 to R2 532 592 in the 1981-82 financial year

Whatever the deficiencies in financial administration, it is the source of funds which is more controversial

The boards, according to PFP parliamentarian Nic Olivier, basically derive their income from pass law fines and profits on liquor sales

He said that when the boards were established Dr Koornhof himself had said they would be more sympathetic in their dealings with blacks than, say, the Johannesburg City Council

In truth, however, they were "a hopeless failure" and "in no single respect have the administration boards complied with the expectations with which the Minister set them"

"On the contrary, many of the administration boards are regarded by blacks not as the people who are there to help the blacks, but as the people to oppress the blacks

"Basically, they are the people entrusted with the task of seeing to it that thousands of blacks are cast into jail every year"

He estimated that the profits from sorghum beer, made by the boards, amounted to R35,5-million and the profits from the liquor accounts amounted to R5,5-million — R41-million profit in a year

Dr Olivier said "If ever there was an example of Marxist socialism, then it is the fact that the State enters the liquor trade in order to use the profits it obtains, not in the social interests of the people who provide these profits, but in order to persecute these people"

Papers sought for KTC accused

ARGus 28/2/83
Staff Reporter

ANXIOUS relatives and friends today crammed into Langa Commissioner's Court, where 289 people arrested at the KTC site on Friday are due to appear this week.

Defence lawyers addressed the crowd and asked relatives to bring forward documents to aid the accused. Later, lawyers collected piles of reference books from relatives and friends outside the court.

About 20 cases were scheduled to be heard today.

"LEGAL"

Defence lawyer Mr P Crossley said many of the accused were legally in the area but were not carrying their documents when arrested.

He said he would re-apply for bail. Bail was refused to all the accused on Friday when they made a brief appearance.

A spokesman for the Aid Centre said he would recommend that charges be withdrawn against those who qualified to be in the area.

CHILDREN

Relatives outside the court said they were looking after the children of some of those arrested.

The accused face charges of being in a prescribed area for more than 72 hours without permission and of failing to produce a reference book on demand.

● Hundreds of people slept in the open on the KTC site, near Guguletu, at the weekend. Police patrolled the area but took no action. However, police and Administration Board officials mounted another raid on the site today.

About 20 vans were involved. Shelters built at the weekend were torn down and building materials burnt in two bonfires. No arrests were made.

a university lecturer and an Indian businessman

outnumber the 1 800 islanders - Associated Press

Black Sash hits front page of top US paper

The Star Bureau

28/2/83

NEW YORK — Readers of the New York Times, America's most influential newspaper, were acquainted yesterday with "the agonies and anxieties of blacks fighting for the right to live in South African cities — and of the constant, but often futile, efforts made on their behalf by the Black Sash"

In a front page report from Johannesburg, the paper pointed out the difference between what Dr Koornhof had promised some years ago "when he declared war on the dompas", and today's worsened position

In reporting to Parliament recently on his so-called "war", Dr Koornhof said that pass offence arrests had risen by nearly a third last year and had practically doubled since 1980

But it was the Black Sash, from information gleaned from the 25 000 cases it handles annually, that made it possible to chart "the real drift of South Africa's racial policies at a time when the Government is trying to present a liberalising posture"

The paper said the movement's leader, Mrs Sheena Duncan, had become an authority on the administration of the pass laws in the 20 years she had devoted to setting down, case by case, the travails of thousands of blacks

It quoted her as saying that not long ago she was ready to give up the work because she found much of her time was either devoted to counselling those who were actually beyond her help or to "devising ways where people who have rights can finally get them"

"It seemed to her that the Government had effectively closed many of the loopholes in the laws. It was becoming impossible for rural blacks to establish themselves in urban areas and the Black Sash was helping fewer and fewer people"

But then she realised that "the Black Sash's main function is political pressure, which we carry out through educating the black community, and we couldn't do that without the knowledge we get from our daily contacts"

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NPU lifts suspension of Die Suidwester

The Star's Africa News Service

WINDHOEK — The Newspaper Press Union (NPU) of South Africa has offered to lift the three-month suspension it imposed recently on Windhoek's National Party newspaper, Die Suidwester

This follows an urgent application by Die Suidwester to the Johannesburg Supreme Court last week to have the NPU's action declared unlawful and invalid

According to Die Suidwester's lead story on Friday, the union has also offered to pay legal costs on a party-to-party basis. The newspaper is also claiming client and legal costs and has demanded that the NPU ensure news coverage of equal prominence to that given the original suspension

The suspension stemmed from complaints submitted to the Press Council by the DTA vice-president, Dr Ben Africa, about an article the newspaper carried about him in September 1981

The council upheld four of Dr Africa's complaints and ordered Die Suidwester to publish the adjudication

Die Suidwester did so, but also published comment rejecting three of the four findings

The NPU regarded this comment as contempt of the Press Council and consequently suspended the newspaper

2/21

28/2/83

his badly injured s

WASHINGTON — In what a lawyer described as the most serious case he had ever seen, a 65-year-old retired man has been charged here with the murder of his 14-year-old son

Colonel Stanley Stephenson was arrested at a hospital after he had allegedly shot his son. He is now undergoing surgery for severe burns. Martin died being shot

According to neighbours, Colonel Stephenson has been under severe mental strain since his son's suicide more than two years ago

They said Martin had set himself alight in a family home. He had suffered 80 percent burns on some fingers on one hand and was unable to move because of extensive scar tissue

The father stayed with his stricken son, in a hospital bed, every day for 16 hours a day

Last Thursday, Martin entered the hospital but apparently refused to co-operate with medical treatment. According to reports here he had asked his father to end his misery by helping him to die

Barnard heads cell re

LAUSANNE — Professor Chris Barnard, the South African transplant pioneer, has been signed up to head a team at a private clinic near Lausanne, the owner of the clinic said yesterday

Banker Mr Armin Mattli said that under the terms of a three-year contract signed in Cape Town 10 days ago, Barnard would lead a team of 12 Swiss, German and American scientists at the clinic, which specialises in cellular transplantation

The controversial method involves transplanting organs from unborn lambs to humans and is claimed to have no harmful effects

Mr Mattli said Professor Barnard had been a member of the La Prairie clinic at Montreux-Clarens and would begin his work in April — Associated Press



TRANSVAAL — Till 6 pm tomorrow Cloudy with isolated thundershowers but cool over the rest of Transvaal with occasional light rain. The cool conditions will spread to the rest of the province tomorrow

Temperatures and rainfall for the 24 hour period ended 8 am today

	Max	Min	Rain	
Bryanston	30	18	—	Vereeniging
Hill Extension	32	17	—	Cape Town
Westdene	33	18	—	Durban
Nelspruit	35	21	1,5	Port Elizabeth
Pretoria	36	20	—	East London
Krugersdorp	33	18	—	Bloemfontein
Springs	37	17	—	Pietersburg

JOHANNESBURG CENTRAL — Today 8 am 17 deg C Wind NW 32 deg C minimum, 25 deg C Rainfall so far this month, 24.0 so far annual rainfall 769 mm)

SUNSET today, 18 39 sunrise tomorrow, 06 01 sunset tomorrow 18 38

MOON PHASE last night, full moonrise today, 19 50

ROUND THE WORLD

	Mx	Mn		
Madrid	14	9	clear	Paris
Lisbon	16	11	cloudy	London
New York	6	-7	Clear	Berlin
Cairo	13	5	Cloudy	Tokyo
Tel Aviv	13	6	Cloudy	Toronto
Amsterdam	7	2	Rain	Brussels
Geneva	6	5	Cloudy	Moscow
Hong Kong	15	14	Cloudy	Sydney
Vienna	4	-6	Rain	Peking

EXPECTED TEMPERATURES FOR TOMORROW

	Min	Max	
Johannesburg	early AM	PM	Maritzburg
Pretoria	16	24	Port Elizabeth
Durban	17	25	Cape Town
	17	22	

vows: No cover-up

phenomenon that certain moves are in progress. There are new developments but nothing I can discuss"

Mr Smith said at his home in Guisely in Yorkshire that a doctor had admitted to "lying" over the affair.

"I can say for sure this business will not be covered up. It may take a little while yet, but it will come out — have no fear"

His friend, housewife Mrs Gwen Severn (60), of Yorkshire, showed The Star a letter from Mr Smith which said, among other things "You can be sure that proceedings are afoot against (the doctor) in criminal law and from the General Medical Council"

The doctor was a material witness at the Helen Smith inquest in Leeds recently

Miss Smith was murdered at the party, where Dutch sea captain Johannes Otten was also found dead, claims Mr Smith, a former policeman

But the inquest, held after an intensive Press and public campaign, took the case no further. The coroner returned an open verdict after contradictory evidence

Mrs Severn said "Ron Smith wants to clear his daughter's name. He has not stopped fighting to do it and never will"



(207) (204) (206)
 CAPT TIMES 1/3/83
Court is 'no circus', squatters' friends told

Staff Reporter

THE Langa Commissioner's Court was "not a circus tent", a commissioner told a crowd of about 50 friends and relatives of KTC squatters yesterday as the first trials of more than 200 people arrested in the camp on Friday began

Charges against all 242 people of failing to produce the necessary documentation on demand have been withdrawn

As yesterday's trials began, Administration Board officials and SA Police in about 20 vans demolished several KTC squatter camp shacks, building two large bonfires from debris. There were no further arrests

Twenty-three people appeared in the court yesterday, 22 of them women accompanied by young children who spent the weekend in jail with their mothers

Charges against the first 11, of not producing documents on demand were withdrawn and pleas of not guilty of being in the Peninsula for more than 72 hours without permission were accepted by the prosecutor, Mr D Mngomeni

All were "legal" residents of the Peninsula

The commissioner who conducted the morning's proceedings, Mr W Fourie, warned all 11 that they should "stay away from that KTC camp, be-

cause there is a large influx of blacks at the moment, and there could be trouble"

A bail application by Ms Y Meer, on behalf of the remaining 219 accused, was refused by Mr Fourie, who told her "The application is premature I do not hear you, Miss Meer, I do not see you before the cases come before the court"

The 11 women and one man who appeared in the afternoon before Mr J J Uys, were all found guilty of being in the Peninsula for longer than the prescribed 72 hours

They were fined be-

◆◆◆◆ (A)
 To page 2

CAPT TIMES 1/3/83



From page 1

(206) (207)

tween R30 and R70, with the option of the same number of days in prison. Four of the sentences were suspended for periods of one and two years, provided the person left for Transkei by this Sunday and that he was not convicted of the same offence again within the period of suspension

When the crowd gasped at one of the answers given by an accused, Mr Fourie warned them to "behave" and said "If I

hear any more remarks from you people, I will order that you be vacated from this courtroom. This is not a circus tent"

The remaining 219 KTC residents who are still in prison awaiting trial will appear in court in batches between today and March 10

Mr P Crossly appeared for 11 of the accused. Miss Meer appeared for the remaining 12

● PFP hits at KTC 'madness', page 4

CAPE TIMES
1/3/83 (206)
11 illegal KTC squatters guilty

Staff Reporter

MOST of the 11 women found guilty in the Langa Commissioner's Court yesterday of being in the Peninsula for more than 72 hours came from Transkei to find work, to seek medical treatment for sick children or to be with their husbands

All 11 of those acquitted on charges of being in the area "illegally" were legal residents in the Peninsula, but chose to live at KTC because of overcrowding and lack of housing in the Cape's black townships

One of those found guilty of being in the area "illegally" was Mrs Miriam Maqaqa, a 37-year-old woman from Cofimvaba, Transkei

She appeared in court with her three children — an infant on her back, a three-year-old son and a six-year-old daughter

Miss Y Meer, appearing for Mrs Maqaqa, said she was "the wife of a sick

man who lives and works in Cape Town

"She has come here to be with him and attend to him while he is sick, as he has no-one else to care for him in Cape Town"

Mr D Mngomeni, for the State, said "It was not necessary for the accused to come to Cape Town, as there are people specially employed to care for the sick

"The accused built a shelter of her own at KTC. Further, if the accused was coming to visit a sick husband, she should have come alone and left the children in the homelands"

The commissioner, Mr J J Uys, found Mrs Maqaqa guilty and fined her R70 (or 70 days), suspended for two years

The full sentence would come into force if she did not leave Cape Town for Transkei by this Sunday, or if she was convicted of a similar offence within the next two years

206 ~~200~~ *Handwritten*
Deportations Q 61.401
1/3/83
341 Mr S S VAN DER MERWE asked
the Minister of Co-operation and Develop-
ment

(a) How many Black (i) males and (ii) females were deported from the Western Cape in 1978, 1979, 1980, 1981 and 1982, respectively, and (b)(i) in terms of what legislation and (ii) to which independent Black states were they so deported in each such year?

The MINISTER OF CO-OPERATION
AND DEVELOPMENT

- (a) The only deportations for the period 1978 to 1982 from the Western Cape were in 1981 and 1982 when respectively 967 males and 1 248 females and 55 males and 51 females were deported
- (b) (i) The figures given in (a) were deportations in terms of the Admission of Persons to the Republic Regulation Act, 1972 (Act 59 of 1972)
- (ii) They have been deported to Transkei

206 ~~206~~ Hansard
Komani/Rikhoto court cases, legislation

Q. 601. 409

2/3/83

*11 Mrs H SUZMAN asked the Minister of Co-operation and Development

Whether he intends to introduce legislation to counter the decisions in the Komani and Rikhoto court cases, if so, when?

The MINISTER OF CO-OPERATION AND DEVELOPMENT

Legislation will be introduced during the current session of Parliament in order to ensure that orderly settlement in terms of *inter alia* the availability of work and residence will take place

Union to fight against tightened influx control

By STEVEN FRIEDMAN
Labour Correspondent

THE Metal and Allied Workers' Union (MAWU) has vowed to "rally" its members to fight tightened influx control and will ask the Federation of SA Trade Unions, to which it belongs, to back the campaign

MAWU says it has taken this step because, although the Orderly Movement and Settlement of Black Persons Bill has been temporarily withdrawn, administration boards have already begun to implement its "worst parts"

Its move is also a reaction to the demolition of squatters' shacks on the East and West Rand. Many of the East Rand shacks were occupied by MAWU members

MAWU's East Rand shop stewards have been discussing this issue for months and have issued statements attacking tighter influx control and demolitions

But the decision to campaign against them has been

taken by the union's national executive and means MAWU has now decided to campaign nationally against these measures

Among moves recommended by MAWU's executive is an attempt to "make clear to employers that the new measures will cause great dissatisfaction and instability among workers, and employers will also suffer directly from an unstable work force"

It will also call on community councils to resist these measures

Many MAWU members are migrant workers and are affected by the Bill

MAWU said in a statement that measures taken by administration boards to tighten control over workers include

● The tearing down of "hundreds" of shacks owned by workers in East and West Rand townships. Because of the housing shortage, the shacks provided "the only

way they can live with their families

● "Very heavy" pass raids in all townships and towns

● A measure by the West Rand Administration Board stipulating that a contract worker who brings his family to the cities can have his work contract cancelled "so not only will he be fined, but he and his family will be sent home to starve"

"It is clear to all workers that influx control laws have one purpose only — to oppress workers, to keep them weak and to keep their labour cheap

"Through these laws our members are cut off from their families, forced to live in degrading hostels and condemned to starve if they lose their jobs

"Now their lives are to be made even worse — they will be even more insecure," the union said

It said workers and their children could "never accept" laws which made them "criminals"

2/3/83

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New bill 'aimed at squatters'

Labour Reporter

THE Criminal Law Amendment Bill now before Parliament includes massive new penalties for trespassing, which Opposition members maintain are aimed at squatters, particularly in the Western Cape.

If the bill is passed, the new maximum penalty for trespassing will rise from R50, or three months imprisonment, to R2 000 or two years.

Between 10 000 and 20 000 people are prosecuted every year under the existing Act, which defines trespassing as entering any building or property without the permission of the owner or lawful occupier.

Blacks

According to Mrs Sheena Duncan, national president of the Black Sash, domestic servants are not included in the definition of a lawful occupier and so many blacks visiting friends or relatives in white areas fall foul of the law.

She described the new penalty as "grossly disproportionate" and "a ridiculous penalty for a minor crime like trespassing".

Mrs Helen Suzman, MP for Houghton and PFP spokesman on civil rights, said she believed the move was aimed at squatters.

"This would be another blow at a lot of wretched, desperate people whose only crime, quite frankly, is that they are trying to make a living. They are not criminals, for heaven's sake. In many countries, trespass is not even a criminal offence."

Mr Gastrow, PFP MP for Durban Central, said the disproportionate increase in the penalty raised the suspicion that it had a hidden motive.

He said it could be used against squatters all over the country, and particularly those in the Western Cape, who built their shacks on land owned by the Administration Board.

206 200 206
Cape Times 2/3/83

Union pledge on influx control

Own Correspondent

JOHANNESBURG — The Metal and Allied Workers' Union wants a nationwide campaign in protest against tighter influx control and actions against squatters

A statement released by the national executive of the union criticizes the recently withdrawn Orderly Movement and Settlement of Black Persons Bill, "the worst parts" of which, it alleges, are already being implemented

The move also follows the recent demolitions of squatter shacks on the East and West Rand, many of which had been occupied by MAWU members

Among moves recommended by MAWU's executive is an attempt to "make clear to employers that the new measures will cause great dissatisfaction and instability among workers, and employers will also suffer directly from an unstable work force"

It will also call on community councils to resist these measures

The executive said in a statement that measures already taken by administration boards to tighten control over workers include

- The tearing down of "hundreds" of shacks owned by workers in East and West Rand townships. Because of the housing shortage, the shacks provided "the only way they can live with their families"

- "Very heavy" pass raids in all townships and towns

- A measure by the West Rand Board stipulating that a contract worker who brings his family to the cities can have his work contract cancelled, "so not only will he be fined, but he and his family will be sent home to starve"

MAWU said workers and their children could never accept laws which made them "criminals" if they stayed in a town, looked for work or allowed friends and relations to stay with them

"We are human beings with families that we love. We want to live like human beings"

Roosky!

Handwritten notes at bottom right

Family of eight snared up in a Catch 22 trap

ARGUS. 2/3/83 ~~174~~ ~~207~~ 206 ~~210~~

By STEPHEN NTSANE
Staff Reporter

A GUGULETU family of eight, who were overwhelmed with offers of housing material when they were trapped in a Catch 22 situation three years ago, are still without a home of their own

Today Mr Mvuyiso Gibson Ganjana, 62, his wife Noyamile and their six children live in a rented one-roomed shack in Guguletu in circumstances little better than those that aroused the public's sympathy in 1980. They sleep, eat and cook in that single room

Wife 'illegal'

February of that year marked the start of Mr Ganjana's problems. He and his wife and their children, now ranging in age between 22 and 5 years, were told by Western Cape Administration Board officials to find board in one of Cape Town's black townships

Mr Ganjana has lived and worked in Cape Town since 1944 and he and his children were legally entitled to live in the Peninsula under the Urban Areas Consolidation Act

His wife, who has been in Cape Town since 1960, was not — so the only alternative was for the family to return to a homeland, where there was little prospect of Mr Ganjana obtaining work

Many promises

When the family's plight became known offers of help poured in. Many people promised building material for additions if Mr Ganjana could obtain the single quarters he had been promised in Langa

That's where the Catch 22 situation came in. Mr Ganjana could not obtain a house because his wife



Mr Mvuyiso Gibson Ganjana and his wife, Noyamile, outside their one-room shack in Guguletu, where they have boarded for the past three years with their six children while waiting for a home of their own.

was regarded by the authorities as an 'illegal' resident. And she could not become a 'legal' resident until her husband obtained a house

Eventually, the only boarding the family could get was a one-roomed shack in the yard of a house in Guguletu. They were then issued with a lodger's permit and were enrolled on the WCAB waiting list

This week Mr Ganjana said "I have been on the waiting list for three years now so I don't

know how much longer I will have to wait before I get a house for my family and myself

"When I was told to look for accommodation in 1980 the board officials promised that I would be offered a single men's house at the Langa single men's quarters to alter and renovate for accommodation. I don't know what happened to the promise"

He said that every time he inquired about the house at the Guguletu rent office — where his

name is on the waiting list — he was told no houses were available

Many places

"What bothers me is that unmarried girls are given houses, while people like myself with big families are made to wait long periods before they can get a house," Mr Ganjana said

Before 1980, the couple and their children boarded — without official permission — in various homes in Langa, Guguletu and Nyanga

"My children have nev-

er had a proper home," Mrs Ganjana said

Last month Mrs Ganjana's 22-year-old son, who is in his matriculation class at ID Mkhize High School in Guguletu, returned from initiation school but had to celebrate the occasion in somebody else's yard — although Xhosa tradition forbids this

The chief director of the WCAB, Mr J S L Gunter, said there was nothing he could do because Mr Ganjana was No 352 on the waiting list

Squatter told State not at fault

CAPE TOWN — A Langa Commissioner told a KTC squatter who pleaded guilty to being in the Peninsula for more than 72 hours without permission that she was not the responsibility of the South African Government

Mrs Patricia Papiyana (33) was told this by Mr W Fourie after she had said in mitigation that there was no food in Transkei for her two young children. A doctor had told her they were suffering from TB.

She was sentenced to a fine of R60 (or 60 days) conditionally suspended for a year.

As her children played on the floor of the court room, Mrs Papiyana said she earned R40 a month and that her husband had deserted her eight months ago.

Mrs Papiyana must leave the Peninsula within the next two weeks if she cannot obtain permission from the administration board to stay.

More than 50 KTC squatters, including 35 women, most of whom were holding babies, appeared in the court yesterday. They were among the 242 squatters arrested at the KTC camp on Friday.

Although charges of failing to produce the necessary documentation on demand were withdrawn, fines of nearly R1 000 were paid.

Representatives from the British Consulate, West German Government, community groups, the Black Sash and clergymen were in the court — Sapa

'Trespass' Bill under attack

Spec 2/3/83 Political Staff

206

CAPE TOWN — Opposition MPs and other critics of the Government fear that squatters are the target of tough new penalties.

If the Criminal Law Amendment Bill now before Parliament is passed the maximum penalty for trespass will go up from R50 or three months to R2 000 or two years, or both

Trespassing is defined as entering any building or property without the permission of the owner or lawful occupier.

Mrs Helen Suzman, PFP spokesman on civil rights, said she believed the new penalties were

aimed at squatters, particularly in the Western Cape

She said "This would be another blow at a lot of wretched people whose only crime is that they are trying to make a living"

Other PFP MPs said the sharp increase in the penalty raised the suspicion of a hidden motive

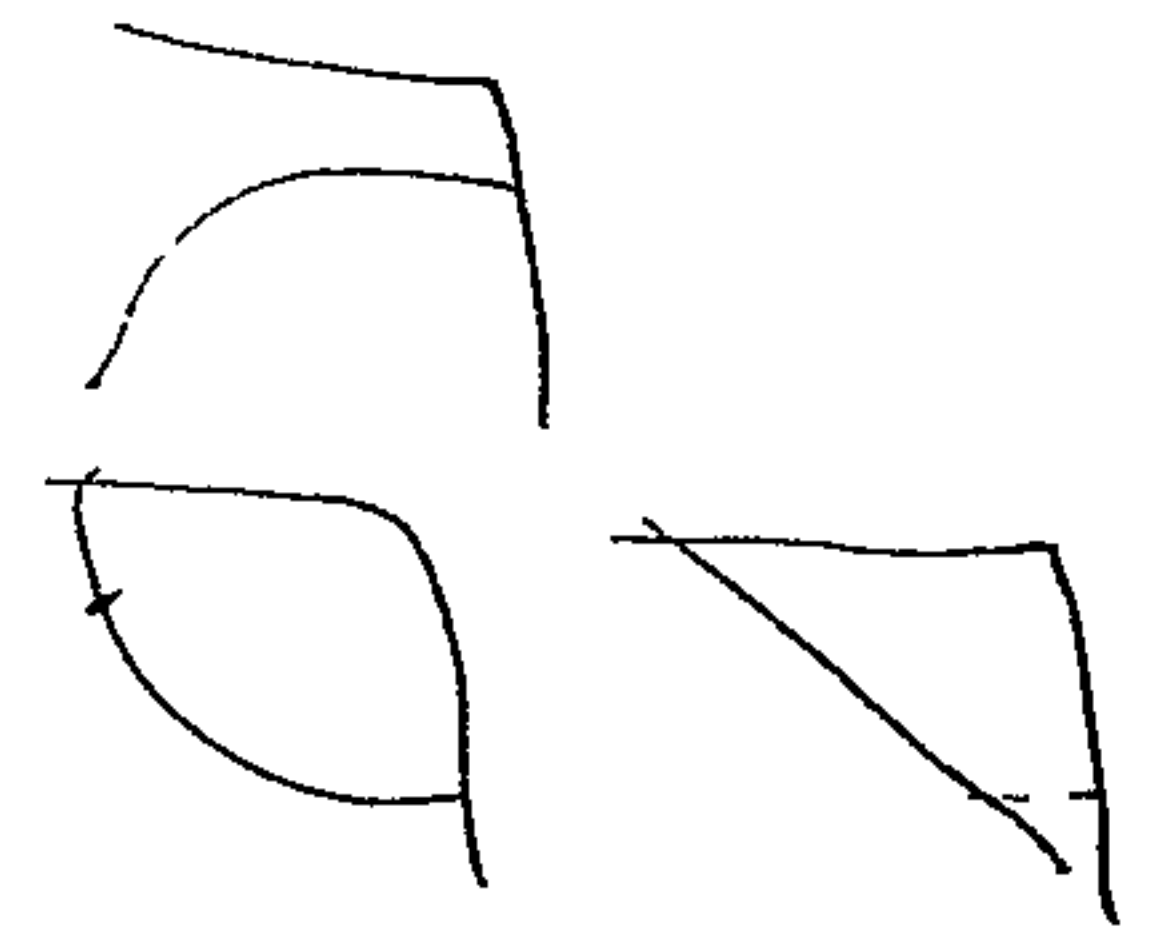
The head of the Black Sash, Mrs Sheena Duncan, said many black people visiting relatives who worked as domestic servants in white areas could fall foul of the law

The proposed fines and imprisonment were "grossly disproportionate for a minor crime like trespassing"

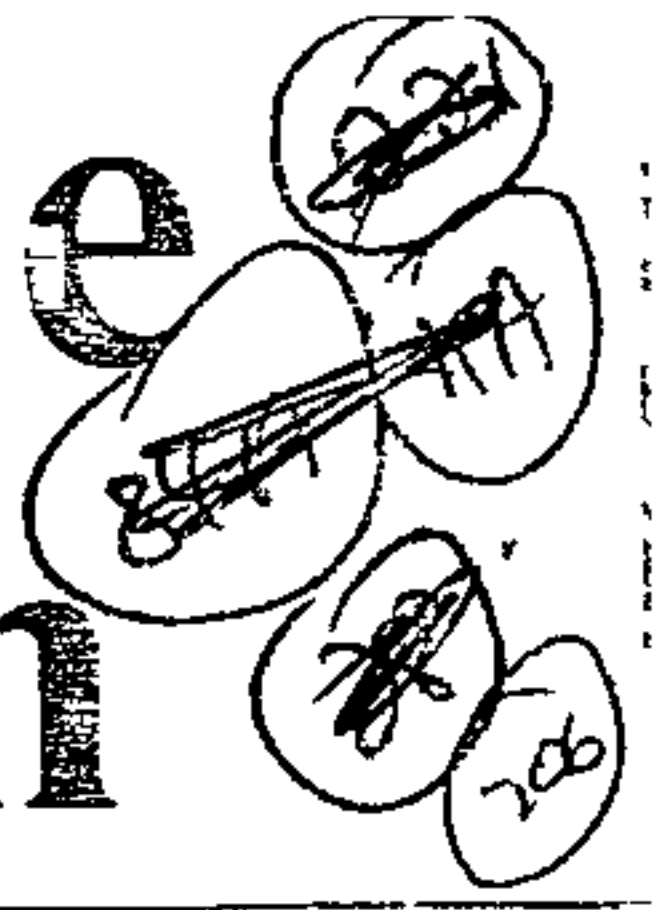
(?) HFC, MEI Model: Building:

- 1) Unemployment: 1 in 1000
- 2) Inflation
- 3) Expenditures, uncertainty
- 4) () rate or price factor
- 5) IRE
- 6) payback
- 7) long gestation
- 8) Technological advances
- 9) keep one own funds
- 5.1) Expenditures of Capital Goods: Model.
- 6) Accurate theory:
- 7) Capitalism (Assessment I)

Supply of Capital Goods:



Hurley sees no hope of peaceful solution



By Lesley Friedman
The Star Bureau

2/1/83

Archbishop Denis Hurley of Durban has told Catholics in London that he does not hold out any hope of a peaceful solution to South Africa's problems

Addressing the Catholic Fund for Overseas Development (Cafod) at the launching of its 1983 campaign entitled "Families Divided Migrant Labour in South Africa" last night, the Archbishop said people in circumstances such as those of blacks in South Africa "lose their patience and have recourse to violence"

He believed a guerilla war in South Africa was impossible but that acts of sabotage would continue

Archbishop Hurley said the bishops who visited Namibia obtained a completely different view of Swapo from that conveyed by South African Government propaganda

Namibians had told them "We don't know much about Marxism, but Swapo is first and foremost a liberation movement"

The people had said they had sons in Swapo and that they had joined the movement with their Bibles

"Now the ANC is to South Africa what Swapo is to Namibia," he said

It was not the job of the church to tell men to turn to violence, "but we can say we understand when men reach the point of utter frustration"

Asked whether the ANC was not associated with communism, Archbishop Hurley said

this was true to some extent

"But our concern should be to have a strong Christian presence so that our friends from behind the Iron Curtain would not have it all their own way"

Asked about the effect of the West Indies cricket tour, the Archbishop said it was unfortunate that this had undermined the sports boycott — "the only means people have to register their opposition to apartheid" — and that it had involved so much money

"But it brought about a black-white reunion such as we have not seen before in South Africa. It broke racial barriers. I'm now ambivalent"

"On reflection it was wrong, but even the best of people sometimes relish the wrong," he said

The church would oppose the new constitution and the Orderly — "God forgive the word" — Movement and Settlement of Black People's Bill

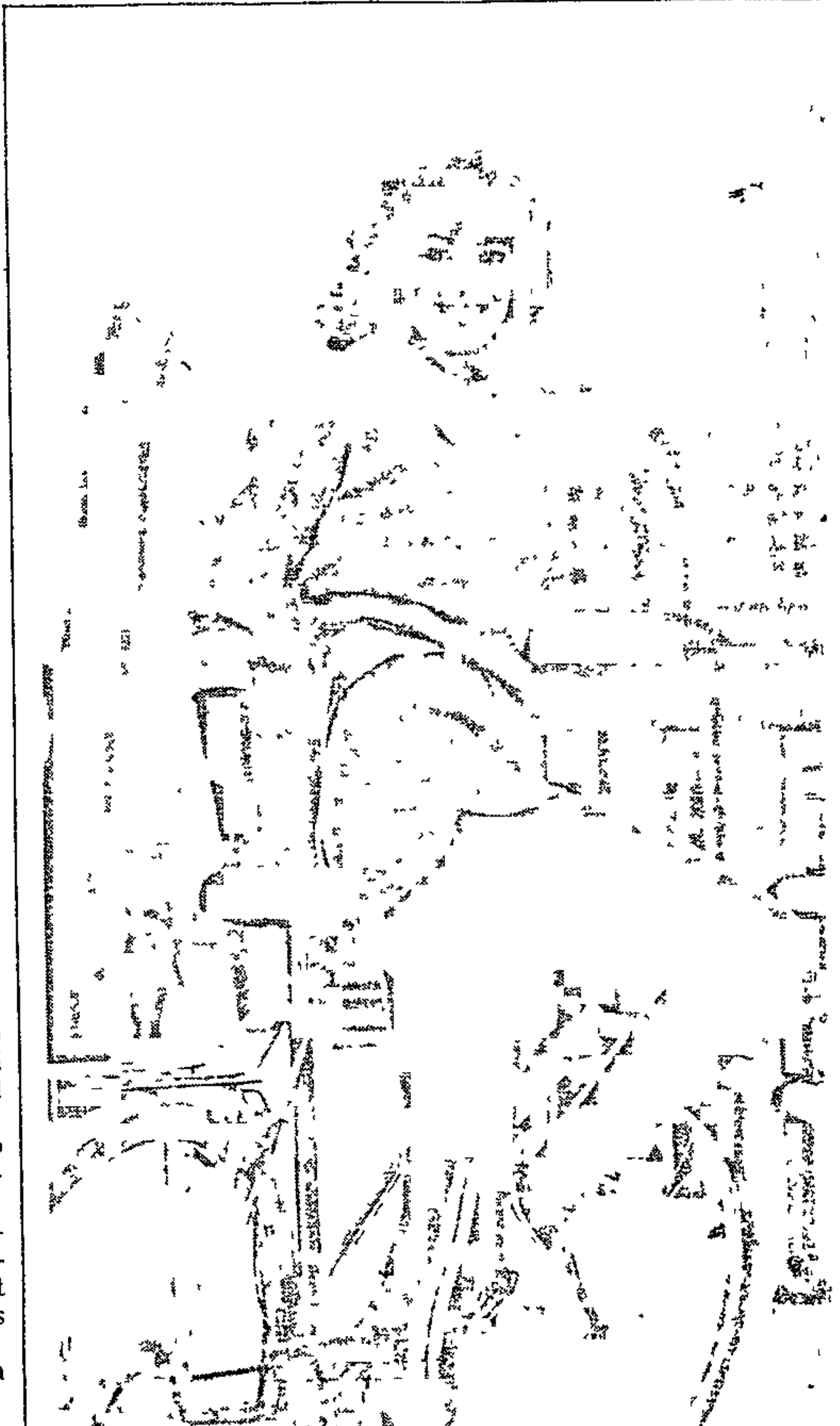
"We have no political power. But we all realise that what is now planned cannot be allowed to go ahead without strong opposition from the Church," he said

The aim of the education campaign is to provide special focus for study, reflection and action throughout the year

Members are encouraged to analyse the root causes of poverty and injustice in the world

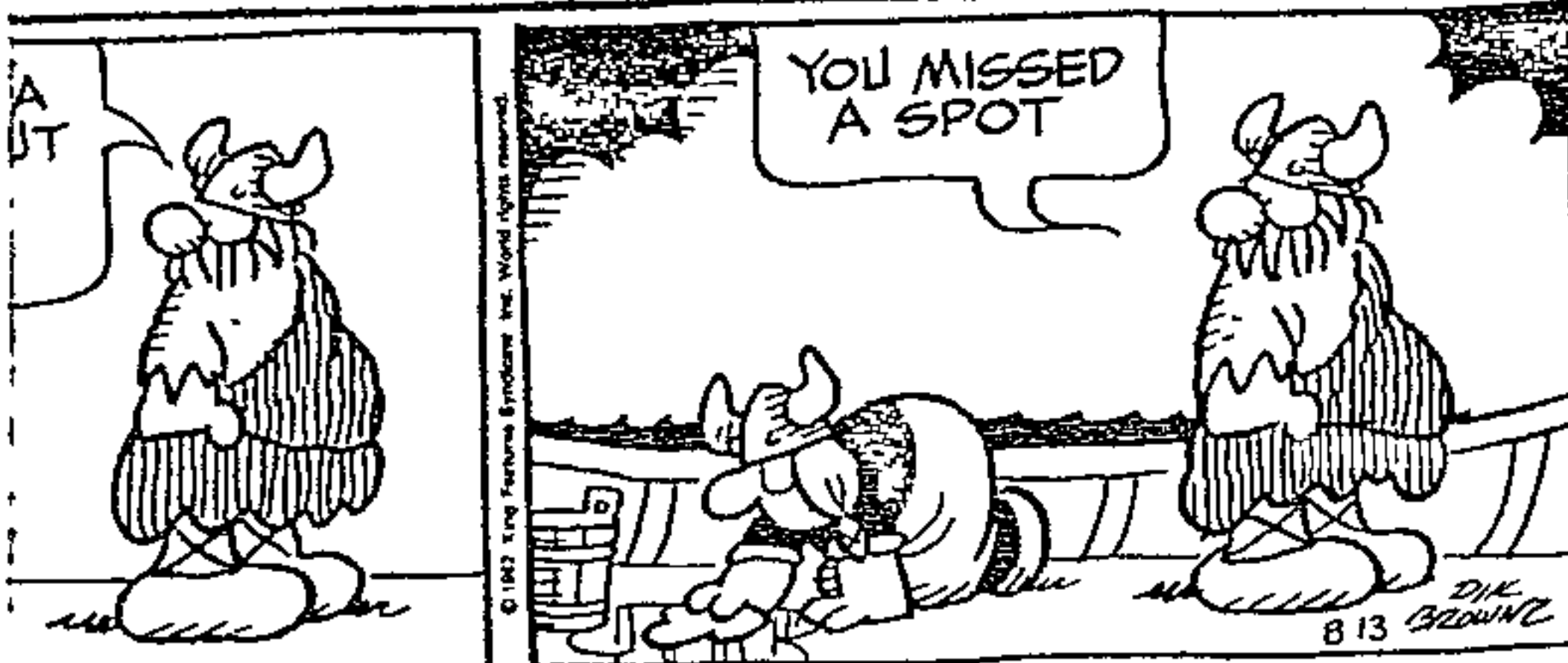
Last year's campaign, "People and Work", is being extended this year to focus on migrant labour in South Africa and its destructive effect on family life

"This one's a hot potato," a Cafod worker said



Miss Lovely Legs of Great Britain, Michelle Jenkinson, in the icy sun of London displaying a new range of bicycles that boasts over 60 different styles in 12 colours. Michelle's model is a five-speed bicycle with flat handlebars, retailing at about R130. With legs like Michelle's, who needs to ride?

Horrible © By Dik Browne



URGING

Animal-lovers insist they're playing the game

Youngsters do Mafia's dirty work

M en en

Sowetan 2/3/83 (200) (200)

New bill cracks down on trespassers

THE NEWS that the Government intends raising trespass fines from a maximum of R50 to R2 000 was yesterday received with anger by black leaders.

By CHARLES MOGALE

Thousands of blacks caught in the network of pass laws could be faced with the massive fine or two years imprisonment if the new Criminal Law Amendment Bill, which has been read once, is passed by Parliament.

Black opinion on the new move is that the Government is trying to intimidate squatters by introducing the Bill. It has been disclosed that 200 000 people were arrested for passes last year alone.

Civic leader and president of the Soweto Committee of Ten Dr Nthato Motlana said the Bill exposed "the charade of so-called reform measures taken in this country".

"One can't find words strong enough to condemn this punitive measure against the voteless black population. The whole pattern is over-reaction by the State. It is obvious there hasn't been any reform at all, only more and more oppression," Dr Motlana said.

Leading black consciousness figure Mr Tom Manthata said the Bill could be a step towards implementing Prime Minister Mr P W Botha's "total strategy".

"This is proof that influx control is part and

parcel of the Internal Security laws. The presence of the black man in the urban areas is seen as a threat to whites, and so a threat to the State. But like whites themselves who have holiday houses along the coast, blacks too wish for peace and quiet. They come to the urban areas not because they want to be with the maddening crowd, but because of drought, starvation and want of a better life.

"They come for the same reasons whites come for. But in the South African situation, only the white is catered for. When there is drought, all the Government worries about is the white farmer — not the black man who dies of an empty stomach and lack of water to drink. No civilized, so-called Christian country could consider this kind of Bill."

The vice-president of the Witwatersrand Council of Churches, the Rev Cecil Begbie said the Bill, if made law, could have "very serious implications for people who might be innocent victims".

He said there was a

possibility of the new law being abused at the expense of ignorant masses.

Sard Mr Begbie "For trespassing, it is certainly a very heavy fine. I was once in the Newlands Magistrate's Court where a few people were charged with trespass. They were all given fines of about R25, with option of going to jail. I was so moved that human beings could be sent to jail for a petty offence like trespassing and offered to pay the fine for fellow blacks who were suffering. If the fines are raised, they could make people unnecessary victims of the law."



ANGRY Dr Nthato Motlana

Crime dies in

THE WIFE of a Tembisa Suster Annah Mthombe through the mouth by a man Sunday, died on Monday night.

Her death now brings the number of people murdered in Tembisa at the weekend to seven. She was rushed to Tembisa Hospital after being attacked by a gunman in her house in Xubeni Section. Her husband was in the Eastern Transvaal on business commitments at the time.

Other victims of murderers at the weekend were Amos Nkosi of 121 Emangweni section and Buti Dlamini of 284 Em-

Cops nab five over stock thefts

POLICE have arrested five men in connection with the alleged theft and mutilation of stock valued at more than R40 000 on farms near Hammanskraal, police said yesterday.

Thieves loot Tembisa schools

THIEVES broke into Tembisa's two high schools and stole science equipment valued at more than R2 000.

This was revealed by the principals of Tembisa and Bontumolema



Plan to split Zimbabwe claimed

Argus Africa News Service

HARARE — Zimbabwean dissidents have abducted 20 children from a school in south-east Matabeleland and taken them across the border into Botswana.

A government spokesman said the children were taken from a school near Kezi, close to the Botswana border, on Saturday.

Captured dissidents interviewed last week by Zimbabwean journalists described a training camp at Pikwe in Botswana, allegedly set up by former guerrillas from Mr Joshua Nkomo's Zimliba forces.

TRANSIT CAMP

The camp, they claimed, was used for training dissidents and as a transit camp for those rebels taken to South Africa for further military training.

They had said the camp was known to the Zim hierarchy, and that recruits had come via the army's offices in Bulawayo.

The Zimbabwe Director of Information, Mr Austin Nyoka, has meanwhile disclosed that captured dissidents have spoken of a plan to split the country and form a secessionist state in Matabeleland where Mr Nkomo draws most of his support.

ARMS CACHES

The spokesman also reported that dissidents operating in the same area as the abduction set up a construction equipment worth \$75 000 at a mine.

They assaulted an employee at another mine after accusing him of being a "sell-out".

The spokesman added that a number of arms caches had been uncovered in the Filabusi district, following information given by senior officials of Mr Nkomo's Zimliba party who were arrested in the mining town of Gwanda last week.

Student concern at UCT decision

ARGUS 3/3/83

Education Reporter
THE SRC of the University of Cape Town has called on the University Council to reconsider a decision to restrict them from holding meetings to discuss issues relating to allegations against staff or administration.

The SRC claims it cannot abide by the decision as it infringes its obligation to represent student interests.

The university administration recently agreed to the establishment of a committee of inquiry to investigate any complaints against members of staff and administration. This would be appointed by the Vice-Chancellor on an ad hoc basis.

Ignored

Mr Anton Richman, SRC president, said these decisions completely ignored students' objections which had been submitted to the council.

"We opposed the fact that there is no assurance of any student representation on the committee of inquiry and the fact that the findings of the committee will not be made public.

"If students are not represented on the committee, and if its findings are confidential, we will be put in a situation where legitimate student grievances are lost in the university bureaucracy.

"Fair man"

"The SRC is now prohibited from holding meetings of the student body, if and when such matters arise, and the student press is prohibited from publicising such issues until the vice-

chancellor is happy for us to do so.

"While we are sure that the current vice-chancellor is a very fair man, we feel it necessary to jealously guard our right to consult at any time with our constituency, the student body, in order to discuss issues, to gauge student feeling and to receive a mandate for action.

"This rule prevents us from doing so and puts us in an untenable position because a situation could easily arise where we would be obliged to go against this rule," he said.

Member

The vice-chancellor and principal of the University, Dr Stuart Saunders, who is also a member of the university council, said the matter was still under discussion in the university.

"There is no attempt by anyone to block the expression of legitimate student grievances.

"But it is necessary to ensure that neither the staff nor the students can be subject to unjust and unsubstantiated public accusations before they are properly tested.

"The university is committed to freedom of speech and expression and to fair play."

Juluka fans on their feet

By TONY JACKMAN
JULUKA could probably fill the Good Hope Centre with thousands of ecstatic people for nights on end — even without Steve Kekana and Harari on the same bill.

The band — fronted by Johnny Clegg and Siphosiso Mchunu — have become high fashion since their entry into the British single charts with Scatter-

Fear on rights of black wives

Political Staff

MRS Helen Suzman today warned that the Government could be contemplating introducing harsh aspects of the controversial Orderly Movement and Settlement of Black Persons Bill piecemeal by amending existing legislation.

The warning followed a "baffling" reply by Dr Piet Koornhof, Minister of Co-operation and Development, to a question asked by Mrs Suzman MP (PFP Houghton) in the Assembly yesterday.

Mrs Suzman asked whether Dr Koornhof intended introducing legislation to counter the court decisions in the Koman and Rikhotso cases which gave wives of contract workers rights to live in so-called "white South Africa".

REPLY

Dr Koornhof replied "Legislation will be introduced during the current session to ensure orderly settlement in terms of, inter alia, the availability of work and residence, will take place."

In an interview, Mrs Suzman said the Government should realise the people coming to the towns "are not criminals, they are refugees from poverty".

Mrs Suzman found the reply baffling and hoped Dr Koornhof was not contemplating introducing the strict influx control provisions of the Orderly Movement and Settlement of Black Persons Bill piecemeal.

WAITING

"We must wait and see what he is contemplating. The Minister must take cognisance of the fact that the provisions of the Bill are totally unacceptable," she said.

Mrs Suzman said she hoped that the legislation "did not attempt the impossible of trying to stem the process of urbanisation brought on by poverty in the rural areas".

USA killer storm

DUNDEE BUTCHERY

STATION ROAD, WYNBERG

PHONE 77 4555

EDRICH
STELLENBOSCH
 RYNEVELD STREET, BOX 174
 STELLENBOSCH
 PHONE 7 1177 (02231)

Camericare
PAROW
 VODTREKKER ROAD
 PHONE 92 8271

the Magistrate's Court yesterday on a charge of keeping a brothel

Lorette Vivian Kotze, 29, of Matora Road, pleaded guilty and told the court she had been aware that men were given pelvic massages at the Philadelphia Health Studio during February this year

The hearing was adjourned to April 7 for sentence in the Regional Court and Kotze was warned to appear

Mr B Carroll was the magistrate Mr T Lerm appeared for the State Kotze was not represented

16 arrested squatters found not guilty

204/10/83 206/10/83 Cape Times 3/3/83

Staff Reporters

AFTER spending five days in custody, 16 KTC squatters were found not guilty in the Langa Commissioner's Court yesterday of being in the Peninsula for more than 72 hours without permission

They were part of a group of 242 squatters who were arrested at the KTC camp on Friday morning and who later appeared in court but were remanded without bail

Charges of failing to produce the necessary documentation on demand were withdrawn earlier this week.

In all, 25 people appeared before the commissioner, Mr W Fourie, yesterday Three had been arrested in Durban-

ville earlier in the morning but the rest were from KTC

Four squatters were fined up to R90, the case against one was withdrawn and one was remanded till March 11

One squatter, Andries Nqwiliso, 26, said in evidence he was not "under any circumstances" prepared to return to Transkei

Asked by Mr Fourie if he had been satisfied with the conditions in which he had lived at KTC, Nqwiliso said he preferred them to those in Transkei He had searched for a job there without success for three years and his wife and two children had also joined him in the Peninsula, he said

Nqwiliso was fined R60

or 60 days He had "deliberately broken the law" and therefore "had to be punished", Mr Fourie said

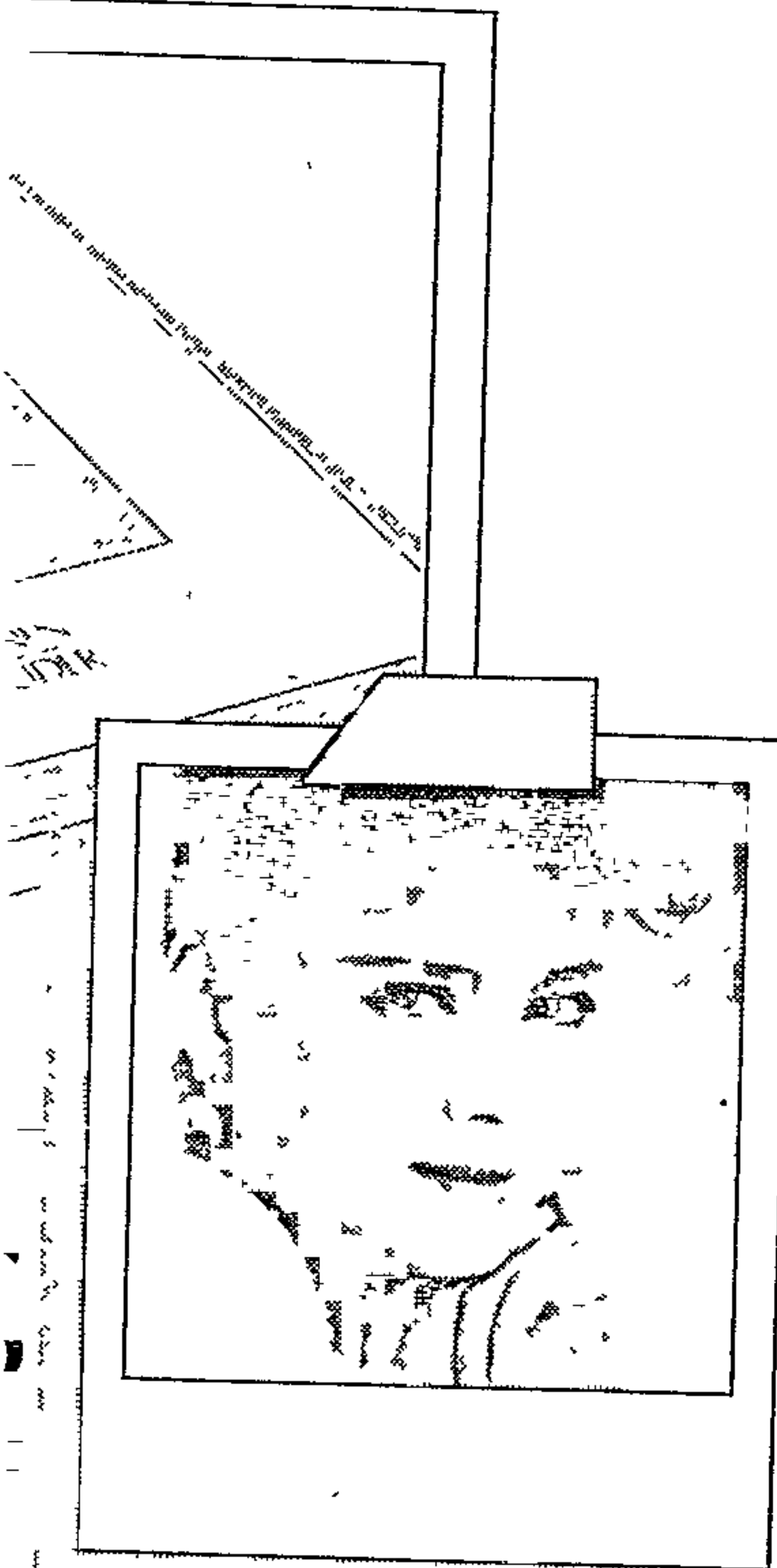
Mrs Maria Nqwiliso attended her husband's trial but could not pay the fine as she had only R40 She said afterwards that she had been among the group arrested on Friday and had already paid a R50 fine

"I only earn R50 a month and I have just bought a monthly train ticket," she said "I haven't got any more money to pay my husband's fine"

A total of 59 people, including nine KTC squatters, appeared in the Commissioner's Court on Tuesday

Mr D Mngomeni appeared for the State Mr B Kantor appeared for Nqwiliso

for you.



Flat damaged by fire

Staff Reporter

A GREEN POINT woman wept yesterday as she described how her husband and son had escaped from a fire that devastated the lounge and hallway of their Exhibition Terrace flat

Mrs M De Freitas works in a small dairy about 20 metres from the flat in which she, her husband and their children, Maria, 10, and Tony, 4, live

"At about ten to nine this morning somebody came into the shop to tell me my flat was on fire," Mrs De Freitas said

"All I could think of was my little boy I ran up here screaming, sure that my little boy was being burnt alive and I would never see him again

"Fortunately he was playing in the back room and the fire started in the lounge My husband was woken by the smoke and he went and found my little boy who was coughing from the smoke He couldn't breathe Then they got out of the flat and the fire engine arrived"

Mrs De Freitas said she thought the fire had been caused by an electrical

short The flat had recently been rewired because there had been only one plug when the family moved in

"The only insurance for the flat belongs to the

landlord," a distraught Mrs De Freitas said

Other items destroyed by the fire included the television set and telephone



Tony de Freitas, 4, who was playing in the back room at the time of the fire

ding GST). Drifting in, White Linen. This city until spring comes head-to-toe smoother.

Stuttards

ance lipstick — great stick! And White e to live in all day long! February and white like Stuttards.

City author dies in smash

Staff Reporter

A CITY author and retired teacher, Mrs Josina Magdalena Bergman, 64, died on Tuesday after a collision between her car and a truck at the corner of Wale and

Mrs Bergman, who wrote under the name Jossie Breytenbach, was the author of several educational books and a reading aid for children entitled "Speel-speel die Leesbult Uit" Her most recent novel

... of the ... je ... in va tu pr Th a ...

4/3/83 Q. Col. 493-4
206 72-hour restriction
~~239~~ ~~(101)~~ Hausanol
*14 Dr A L BORAINÉ asked the
Minister of Co-operation and Development

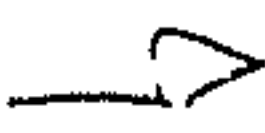
Whether the 72-hour restriction in terms of section 10(1) of the Blacks (Urban Areas) Consolidation Act, No 25 of 1945, applies to Blacks from (a) Transkei, (b) Ciskei, (c) Bophuthatswana, (d) Venda and (e) KwaZulu?

The DEPUTY MINISTER OF DEVELOPMENT AND OF LAND AFFAIRS
Subject to the provisions of section 13 of the Blacks (Urban Areas) Consolidation Act, 1945, the provisions of section 10 of the said Act are now still applicable

Dr A L BORAINÉ Arising out of the hon the Deputy Minister's reply, can he tell us whether citizens of other independent States such as Germany or Australia or any other Western country are subject to a similar restriction?

The DEPUTY MINISTER No

Dr A L BORAINÉ Mr Speaker, aris-



MARCH 1983

494

ing further from the hon the Deputy Minister's reply, can he tell us what the difference is then between an independent Black State such as Transkei and any other independent State? Is it because the one happens to be Black and the other White?

The DEPUTY MINISTER Mr Speaker, it is not because certain people are Black or certain people are White. This arrangement has arisen because of certain agreements between South Africa and certain of the Black States

*15 Mr E K MOORCROFT—Reply
standing over

Sowetan 4/3/83

206

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Mawu executive slams migrant laws

'Bill intolerable'

THE NATIONAL executive committee of the Metal and Allied Workers Union (Mawu) yesterday issued a statement condemning the planned Orderly Movement of Black Persons Bill and the destruction of shacks in the townships.

The committee resolved to rally its members to oppose the new measures and will also request the Federation of South African Trade Unions (Fosatu) to take up the campaign. The shop stewards councils have been discussing the matter for some months and found that more than half the union's members are directly affected.

The union felt that although the bill had been temporarily withdrawn, the administration boards were already implementing many of the

worst aspects of the bill

- Hundreds of shacks have been torn down in Katlehong, Soweto and Alexandra. These shacks are said to belong to workers and because of the shortage of housing, this is the only way they can live with their families,

- There has been heavy pass raids in all townships and in the town centres,

- The West Rand Administration Board has ordered that a worker who brings his family to the town can have his contract cancelled — so

not only will he be fined, but he and his family will be sent home to starve.

Mawu said "The national executive supports the initiative of the Transvaal branch in informing all members about the Bill and in mobilising members, through the shop steward councils, to demand that employers and the community councils condemn these measures. It also recommended that it be made clear to employers, that the new measures will cause great dissatisfaction and instability among workers. Em-

ployers will also suffer direct from a dissatisfied and unstable workforce."

Mawu's NEC stated "It is clear to all workers that influx control laws have only one purpose, to keep them weak and to keep their labour cheap. Through these laws our members are cut off from their families, forced to live like ants in degrading hostels and condemned to starve in the areas if they lose their jobs.

"Now their lives are to be made even worse — they will even be more insecure. The new

By SELLO RABOTHATA

(206)

16 guilty of 'influx' offences

Staff Reporter

FINES totalling R760 were imposed in the Commissioner's Court in Langa yesterday on 16 people for influx-control offences

Thirteen others were found not guilty and discharged

In all, 54 people appeared in court yesterday, only some of whom were from the KTC squatter camp. Two KTC squatters were fined R60 or 60 days, one was fined R50 or 50 days, five were given suspended or partially suspended sentences, one was cautioned and discharged. Several of the 13 found not guilty were from KTC.

Charges for failing to produce documents on demand were dropped in all cases, as has been the practice at the Langa courts this week.

The commissioner, Mr W Fourie, said outside court afterwards that 20 KTC people were released from Pollsmoor Prison yesterday after it was shown that they resided in the Peninsula legally.

Mr Mziwabantu Bengwa, 43, of shelter C14 in KTC, said in evidence that he had brought his

sick wife to Cape Town in 1979 after finding medical services in Transkei "hopeless". Treatment at Grootte Schuur did work, but she needed constant medical attention, he said.

Mr Fourie said that if everyone in Transkei brought their sick families to the Peninsula, "the Transkei would be full of healthy people and we would have all the sick". That would be "totally unbalanced", he said.

Bengwa was given a suspended sentence of R60 or 60 days, provided he goes back to Transkei.

In an earlier case, the court said it had observed that the accused "suddenly say in evidence that they are willing to go back home", and that it was difficult to judge "whether it was a real desire".

In the case of Zindisile Best, Mr Fourie said it appeared the accused was earning a good wage for odd jobs and was probably under the impression that he could earn more as a freelance labourer than he had previously earned as a contract labourer.

Mr D Mngomeni appeared for the State. Mr Brian Biebuyck appeared for Bengwa.

MO

of 1/15
conclusion

This is a mindless kind of behaviour

Har
4/3/83

206

There is a familiar pattern of double-talk and the irreconcilability of words and deeds in the Government's determination to pen black people into its policies of so-called reform

Despite Dr Koornhof's stated hatred of the "dompas" and his determination to do away with it, he published the Orderly Movement and Settlement of Black Persons Bill, which was so harsh and restrictive that public outcry compelled him to send it to a parliamentary commission

The trouble is that the contents of this Bill are absolutely central and fundamental to the Government's policy of apartheid or separation or co-operation and development or call it what you will. The Bantustans must contain and encompass all black people whose services are not required by the white commercial, industrial and agricultural machine

This machine requires increasingly skilled labour, which in turn requires a stable and trained labour force — hence the few concessions for that small percentage of black people that qualifies to live and work and lead a family life in the urban areas.

The rest must inevitably be hounded and controlled and restricted to ensure that they may be pushed into the Bantustans and effectively prevented from leaving them unless their services are required

To this end the Orderly Movement and Settlement of Black Persons Bill was an exceedingly effective instrument. It was also an exceedingly inhuman one. However, for as long as the Government retains its present policy it has little alternative but to implement the proposals contained in this Bill by subterfuge, as it is unable to do so directly

Events in Parliament and all over the country indicate that this is exactly what is happening. The shacks which desperate and homeless people in all parts of the land have built are being demolished with a harshness and callousness that beggars description.

When these same desperate people attempt to rebuild or simply to provide a shelter for their furniture, these edifices too are demolished.

This is a mindless kind of beha-

By Joyce Harris

National President

of the Black Sash

viour that seems to imply that the perpetrators believe that all the unwanted people will simply disappear if their humble homes are destroyed.

But the people still exist. They still need shelter. They still need to work to feed and cloth themselves and their families. Some of them are even legally employed but have nowhere to live

For a government which has responsibility for the well-being of all its citizens, whether or not they have been arbitrarily deprived of their citizenship, such behaviour is totally unacceptable. But that does not prevent it from happening.

That is because it is all part of a broad and consistent pattern of which the present proposals in the Criminal Laws Amendment Bill to impose a fine of R2 000 or two years or both on trespassers is another facet. The objects of the Orderly Movement Bill are being achieved through the back door

Many black people are accused and found guilty of trespass. It is a very useful crime when no other will conveniently fit the bill. Trespass means being on property without the permission of the owner

This will leave countless numbers of black people vulnerable — husbands who are living with their wives on their employers' property, all the "illegals" who are seeking work or living as families in the urban areas, all those selfsame squatters who are at present suffering under the heel of the oppressor. The prisons won't be big enough to accommodate them all

If the Orderly Movement Bill could not be passed as it was, its objectives are being achieved by diverse and devious means while the Government bluffs itself, its followers and a fair number of whites, coloured people and Asians that it is instituting reform. It should ask the black people what they think

The seeds of disaster are being sown

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n

Koornhof's 'places of upliftment' ensure that:

PASS LAWS STRIKE EVERY 2 1/2 MINUTES

By BARRY STREEK

Cape Herald
5/3/83

200

WITHIN days of telling Parliament that the 14 administration boards in South Africa were "places of upliftment", Minister of Co-operation and Development Piet Koornhof disclosed that board officials had arrested one black person every 4,7 minutes under the pass laws.

● LAST WEEK he angrily denied that the administration boards were symbols of oppression
● THIS WEEK he said the boards had arrested 112 646 people for influx control and reference book offences last year
That's an average of 308,6 people a day, or 12,85 people every hour — or one person every 4,7 minutes, night and day, non-stop for a year.
Dr Koornhof gave the two faces of the administration boards in par-

liamentary clashes with the PFP's veteran campaigner Helen Suzman, MP for Houghton

SYMBOLS

Mrs Suzman had said that the administration boards were being attacked because they were symbols

An angry Dr Koornhof replied that they were symbols to the banned African National Congress Mrs Suzman, he said, was acting "as a spokesman for the ANC" in making these claims about the administration boards — a claim he was forced by the Speaker to withdraw

He then went on to claim that the boards were not symbols to the ANC

"Those places are places of upliftment where a service is delivered by black and white people to the public"

"That is what they are," the Minister said

Then, replying this week to a question from Mrs Suzman, he disclosed what kind of service they were delivering

RECORDS

In performing that service last year the administration boards broke all records for the number of arrests with their total of 112 646

In previous years, the police were the main

implementers of the pass laws, last year they were eclipsed by the board officials

Together they arrested 206 022 people under the pass laws — or 23,58 people every hour Or one person every 2 1/2 minutes, day and night, throughout the year

The boards have been in existence for barely 10 years, and they have been the targets of many bomb blasts, burning and stone-throwing

In August 1976, two board offices in Port Elizabeth were attacked, one of them, in Mendi road, New Brighton, being destroyed

On August 10, 1976, the administration board offices in Cape Town were attacked by 500 schoolchildren

During 1977, the administration board offices in Kwanobuhle, Uitenhage, were burned down and attempts were made to destroy two other Eastern Cape board offices in October of that year

BOMB

A bomb left in the New Brighton offices in March 1978 killed a woman and injured three more

During 1980, the Eastern Cape board offices were again targets for attack A petrol bomb was thrown into the Grahamstown offices, the office in Despatch was stoned, and four people were injured at Uitenhage when a crowd attacked the building

In December 1981, an explosion damaged part of the offices in Duncan Village, East London

Last year, the administration board offices at Sobantu, near Pietermaritzburg, were damaged in the wake of protests against increased rents

This month a bomb at the administration board offices at Botchabella, near Bloemfontein, injured 76 people and killed one man

The boards have also been involved in a controversy of a different

kind the administration of their finances

Over the years, a number of critical comments have been made by the Auditor-General about their accounts

This year, for example, the West Rand board was told by the Auditor-General that its internal control measures "leave much to be desired", while the Northern Transvaal board was criticised for having an outstanding amount of R138 957 in "external accounts"

Accounting by the Southern Cape-Orange Free State board was "contrary to departmental directions" in respect of R82 450 for vehicles and equipment

The same board also managed to increase liquor account costs from R70 895 to R2 532 592 in the 1981-82 financial year.

SOURCE

Whatever the deficiencies in financial administration, it is the source of funds which is more controversial

The boards, according to PFP parliamentarian Nic Olivier, basically derive their income from pass law fines and profits on liquor sales He said that when the boards were established Dr Koornhof himself had said they would be more sympathetic in their dealings with blacks than, say, the Johannesburg City Council

In truth, however, they were "a hopeless failure" and "in no single respect have the administration boards complied with the expectations with which the Minister set them

JAIL

"On the contrary, many of the administration boards are regarded by blacks not as the people who are there to help the blacks, but as the people to oppress the blacks

"Basically, they are the people entrusted with the task of seeing to it that thousands of blacks are cast into jail every year."

Govt 'determined to push Genocide Bill'

By CHRIS FREIMOND
Political Reporter

THE Government is "clearly determined" to introduce the draconian Orderly Movement and Settlement of Black Persons Bill as soon as possible — despite a Select Committee investigation still under way

This was said yesterday by the national president of the Black Sash, Mrs Sheena Duncan, who was reacting to the announcement in Parliament this week by the Minister of Co-operation and Development, Dr Piet Koornhof, that legislation would be introduced during the current parliamentary session "to ensure" the orderly settlement (of blacks) in terms of, *inter alia*, the availability of work and residence

He was replying to a question by Mrs Helen Suzman, PFP Houghton, who asked if he intended introducing legisla-

tion to counter the court decisions in the Komani and Rikhoto cases, which established the rights of certain categories of blacks to live permanently in "white" cities

The orderly movement Bill was dubbed the "Genocide Bill" by the Black Sash after its publication last year

Mrs Duncan said yesterday it was difficult to comment fully before seeing the intended legislation, but she was "convinced" the Government wanted to introduce provisions of the Bill as soon as possible

The recent amendment to trespass laws, providing for vastly increased penalties, was the first of an expected series of such moves, she said

Tightening legislation affecting black mobility was simple

The orderly movement Bill would have been "tidier", but because that avenue was blocked for the time being, the Government was merely planning to

amend existing laws to achieve the same end

Unlike the orderly movement Bill which was published for comment, amendments to existing legislation could become law within two weeks of introduction in Parliament

The Black Sash would continue its efforts to get people to claim what rights they have to live and work permanently in "white" areas before those rights are taken away by new laws, Mrs Duncan said

If enacted in its published form it will virtually seal off "white" urban areas — including jobs and accommodation — from millions of "unqualified" blacks

Proposed penalties under the Bill include a fine of R5 000 or 12 months' imprisonment for giving employment to an "unauthorised" person, and a fine of R500 or six months' plus a daily fine of R20 for giving accommodation to "unauthorised" persons

S. EXPRESS
6/3/88 (206)

Bill is aimed at the blacks — Sash

By JEAN LE MAY
Political Reporter

THE proposed amendment to the Trespass Act, which will raise possible penalties from R50 to R2 000, would be used to control the movement of blacks pending enactment of the Orderly Movement of Black Persons Bill.

This was said this week by Mrs Sheena Duncan,



● Mrs Sheena Duncan
...tightening control

national president of the Black Sash. The Orderly Movement Bill has been referred to a parliamentary Select Committee.

Mrs Duncan said: "The Government is obviously planning to legislate 'sideways' in its determination to tighten control on blacks."

"Although convictions for trespass have halved — from 20 000 in 1978/9 to 10 000 in 1981 — the Government has apparently decided to clamp down on blacks by means of the Trespass Act, which in itself is not racially based but which is almost always applied only in the case of blacks."

Mrs Duncan described how, speaking to a gathering of black women recently, she had asked how many had been arrested for trespass — and almost every woman in the room put up her hand.

The Black Sash had always considered that the Trespass Act and the curfew provisions of the Blacks (Urban Areas) Act were seen by the Government as part of the 'pass laws', she added.

Mrs Duncan said hundreds of people in squatters' camps in the Cape and in peri-urban areas on smallholdings near Johannesburg had been arrested under the Trespass Act during the past few weeks.

There was a furore in Parliament recently when the Minister of Law and Order, Mr Louis Le Grange, said in reply to a question that arrests under the pass laws had almost doubled in the past two years, from 108 000 in 1980 to 206 000 in 1982.

Mr Piet Koornhof, the Minister of Co-operation and Development, was not available for comment.

206 Piet Relief influx control 8/3/83
308 Mr G B D. McIntosh asked the
Minister of Co-operation and Development
Q Col. 547-548

MARCH 1983

54

How many persons were prosecuted in terms of influx control regulations in the Piet Relief magisterial district during the periods (a) 1 February 1980 to 31 January 1981, (b) 1 February 1981 to 31 January 1982 and (c) 1 February 1982 to 31 January 1983?

The MINISTER OF CO-OPERATION AND DEVELOPMENT

(a) 61

(b) 194

(c) 191

206

Piet Retief. influx control 9/3/83
308 Mr G B D McINTOSH asked the
Minister of Co-operation and Development

Q Col. 547 ~ 548



MARCH 1983

544

How many persons were prosecuted in terms of influx control regulations in the Piet Retief magisterial district during the periods (a) 1 February 1980 to 31 January 1981, (b) 1 February 1981 to 31 January 1982 and (c) 1 February 1982 to 31 January 1983?

The MINISTER OF CO-OPERATION AND DEVELOPMENT

- (a) 61.
- (b) 194
- (c) 191

member of his Department was concerned with the (a) printing and (b) distribution of the pamphlet *Campus News* during February 1983, if so, on whose instructions,

(2) whether he will make a statement on the matter?

The DEPUTY MINISTER OF FOREIGN AFFAIRS AND INFORMATION

(1) (a) No

(b) No

(2) No

Handwritten: Q. 601. 575 Crimes: statistics 9/3/83

*15 Mr C W EGLIN asked the Minister of Law and Order

Whether the South African Police keeps any statistics of alleged crimes reported at police stations in the Cape Peninsula, if not, why not, if so, (a) what statistics are kept and (b) where are they kept?

The MINISTER OF LAW AND ORDER

Yes

(a) Statistics of all alleged offences reported to the Police

(b) At all police stations and at Police Headquarters, Pretoria

I should just like to add, for the information of the hon member, that I decided to furnish the information to him by way of exception. This does not mean that it will happen again next time, but on this occasion we can in fact do it

Mr G. B D McINTOSH. You should be ashamed of yourself

Handwritten: Q. 601. 575 - Nursing of patients of other races 576 9/3/83

*16 Mr K M ANDREW asked the Minister of Health and Welfare

Whether it is the policy of the Govern-

ment to permit nurses to nurse patients of other races in (a) State, (b) provincial and (c) private hospitals, if not, why not, if so, under what conditions?

The MINISTER OF HEALTH AND WELFARE

It is Government policy that patients be nursed by nurses belonging to the same population group.

Handwritten: Q. 601. 576 9/3/83
*17 Mr M A TARR asked the Minister of Co-operation and Development

Whether he proposes to introduce during the current session of Parliament legislation amending the Blacks (Urban Areas) Consolidation Act, No 25 of 1945, as referred to in his reply to Question No 30 on 2 March 1983?

The MINISTER OF CO-OPERATION AND DEVELOPMENT

The amendment of the Act in regard to sporting events envisaged in the reply to Question 30 of 2 March 1983, will be introduced during the current session of Parliament

Handwritten: Q. 601. 576 - 578 9/3/83
*18 Mr R R HULLEY asked the Minister of Agriculture

Whether his Department undertook or caused to be undertaken any soil tests in the Kruger National Park during the latest specified period of five years for which figures are available, if so, (a) during what specified periods were such tests conducted, (b) what was the (i) purpose and (ii) nature of the tests and (c) in which locations did they take place?

The MINISTER OF AGRICULTURE

Yes

(a) Since 1972 to date

(b) (i) To determine the distribution of soil types in the Republic

(ii) Pedological surveys were conducted as part of the Department's country-wide surveys of the climate, terrain and soils. These surveys are supplementary to the Plant Growth Charts of Acocks

(c) South of the 24th degree of latitude

Rights to mine coking coal

*19 Mr R R HULLEY asked the Minister of Mineral and Energy Affairs

Whether Iscor has acquired the rights to mine coking coal in any national state, if so, (a) in respect of which locations were such rights acquired, (b) what is the extent of the rights, (c) what was the cost of acquiring them and (d) during what specified periods is it estimated that these rights will be exploited?

The MINISTER OF MINERAL AND ENERGY AFFAIRS

No

(a), (b), (c) and (d) fall away

Kruger National Park

*20 Mr R R HULLEY asked the Minister of Mineral and Energy Affairs.

Whether any branch of his Department has conducted any geological surveys in the Kruger National Park during the latest specified period of two years for which figures are available, if so, (a) who (i) conducted and (ii) authorized the surveys and (b) what (i) is the nature and (ii) are the findings of the surveys?

The MINISTER OF MINERAL AND ENERGY AFFAIRS

Yes

(a) (i) The Geological Survey

(ii) The then Minister of Mines after consultation with the National

Parks Board and the then Minister of Agriculture

(b) (i) Detailed geological mapping and stratigraphic boreholes to confirm surface observations

(ii) The results have shown, amongst other, that the geology is complicated due to a large number of faults and that the coal-bearing seams occur from the border of the Republic of Venda over a distance of some 40 kilometres in a southerly direction in the Kruger National Park. It is estimated that the total *in situ* tonnage of coal which occurs up to a depth of 500 metres within this area of 240 square kilometres amounts to approximately 900 million tons

Mr R R HULLEY Mr Speaker, arising out of the reply of the hon the Minister, may I ask if it is Government policy not to exploit the Kruger National Park in any way, why were these surveys carried out? [Interjections]

The MINISTER Mr Speaker, the hon member must please Table his question. He could have included that question in his question on the Order Paper

Handwritten: Q. 601. 578 - 580 9/3/83
*21 Mr K M ANDREW asked the Minister of Co-operation and Development

(1) Whether the list of persons resident in Crossroads as at 31 December 1978 has been finalized, if so, (a) when was it finalized and (b) how many persons are on the list, if not, when is the list expected to be finalized,

(2) whether the cases of any persons are still under consideration, if so, how many,

(3) whether such persons have been granted temporary permits, if not, why not,

206 Influx 10/3/83

Cape
to stay'
control

Staff Reporter

INDICATIONS in 1982 were that the "absolute inferiority" of the position of Western Cape blacks was to be "rigorously maintained", the Athlone Advice Office says in its annual report.

"Because the Western Cape is a coloured labour preference area, blacks are doubly prejudiced. They face more controls in their search for employment and their influx is more rigidly controlled than anywhere else."

The report said the "rigidity" of government policy could be seen in the Department of Co-operation and Development's "apparent paralysis" in crises in the Western Cape.

Major problem areas of 1982 remained unresolved. The Nyanga site crisis, unregistered Crossroads residents and contract workers still hoping for Section 10 rights.

All this took place against the background of the Orderly Movement and Settlement of Black Persons Bill. Though postponed, it clearly indicated the department's thinking.

"Influx control is to be maintained, especially in the Western Cape."

Dinopatl 10/3/83

Transkei: don't link job aid, repatriation

UMTATA — Transkei has rejected any attempt to link the repatriation of 1 000 squatters with aid from South Africa for a multi-million rand job-creating scheme in the country

This was confirmed here by the Prime Minister, Chief George Matanzima

Transkei had motivated a scheme to South Africa to alleviate the jobless situation in the country estimated at 150 000 and had asked for R13,6 million aid to create 7 000 jobs over two years

Chief George said he rejected any attempts to link squatters to the scheme and explained Transkei's stand

"The question of our

people in the Western Cape is a problem to us because South Africa had in the past decided to take busloads and dump them in Transkei. We do not want to be a party to that

"We feel our people go to the Western Cape because they want to work. So we insist that South Africa must create work opportunities in Transkei so that if any people should be repatriated at any time, they would

find work"

He said Transkei would undertake to take the people back providing work opportunities were available

Chief George condemned the demolition of shacks at the KTC camp near Guguletu and said Transkei would never be party to that

In a separate interview, the Minister of Foreign Affairs, Mr Mtuzeli Lujabe, said creat-

ing job opportunities in Transkei was not done to solve the squatter problem of the Western Cape

"The squatter problem is South Africa's baby and was caused by their lack of foresight and their laws," Mr Lujabe said

Mr Lujabe said when enough jobs had been created for the unemployed in Transkei, Transkeians who left the country in search of work could not be barred from coming back and getting work

"It must be made clear that the question of job opportunities in Transkei is not one of encouraging South Africa to drive away people they call squatters" — DDR

Unemployed man barred from job

10/3/83

Labour Reporter

Mercury

A DURBAN businessman wants to employ a former employee who has been out of work for the past four months but is unable to because the man cannot get a permit to work in Durban.

A frustrated Mr. Frank Pretorius, owner of a Durban panelbeating firm, is now without the skilled labourer he says he needs.

And the man in question, who lives in Inanda, is without a job he badly needs.

'The situation is hopeless. The man, who I don't want to identify in case of repercussions at the labour bureau, worked for me for several years in the 1950s.

'At that time he was registered to work in Durban,' Mr Pretorius said.

'He then joined another firm which subsequently moved to Pinetown in 1972.

Skill

'The owner of the firm had his entire workforce re-registered to work in Pinetown.'

Mr Pretorius said the man was retrenched in November last year, and being unable to find a job in Pinetown had approached him.

'He is a body shop assistant and I need his skills in my workshop, but he can't get a work permit from the administration board.

'And if I don't give him a job he will remain unemployed,' Mr Pretorius said.

A spokesman for the Port Natal Administration Board's department of Employment Services said the man would need permanent accommodation in Durban before he could get a permit.

He said although he had been living in Inanda for several years he would have to register with the employment bureau at Verulam or Kwa Mashu.

Citizenship trauma for PE family

By JIMMY MATYU

A NEW BRIGHTON family has decided that their son should remain without a pass book rather than take out a citizenship that will brand him a foreigner in the land of his birth

The family's hopes were briefly raised last week when the local division of the Department of Co-operation and Development promised to sort out his problem over a pass book and birth certificate

But their hopes were dashed when today a spokesman for the department in Pretoria said that since Lennox Mpho Letlhage's father was a Tswana, he would have to apply to Bophuthatswana

After a 13-month wait for a pass book, Mpho, a Standard 8 pupil at Cowan High School, was told last week he would have to apply to Bophuthatswana for the pass book. In his birth certificate he was also described as a citizen of Bophuthatswana

But his parents, Mr Abraham Mojalefa Letlhage and his wife, Poppy, hold South African citizenships

Last week the Evening Post brought the family's plight to the attention of the Commissioner for Co-operation and Development at

Africa House in Port Elizabeth, Mr F J Fourie. He agreed that it was "not necessary" for children of Section 10 (1) (a) black South Africans with South African citizenship to apply for a certificate of an independent state when applying for a reference book and that people could not be compelled to take out citizenship

Later, Mrs Letlhage said Mr Fourie told her she should have no fears even if Mpho took out Bophuthatswana citizenship he would not lose his full South African rights

"When I refused, he advised me then to apply for either Ciskei or Kwazulu citizenship and that I should not be afraid as Mpho would not lose his South African rights and qualifications." They decided against this.

Mr Fourie said he had explained to Mrs Letlhage that her son's application for a pass book was not turned down by his Africa House office but by his headquarters in Pretoria

"A spokesman for the Department of Co-operation and Development in Pretoria today said "The language, the affiliation, the ethnic grouping and the person's associates determine his citizenship"

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(204) (305)
Cape Times 10/3/83

Worker wants residence rights

Supreme Court Reporter
A CONTRACT worker, who has worked in Cape Town during the past 16 years, applied to the Supreme Court yesterday for an order declaring him to have permanent residence rights

Judgment was reserved
Mr Mdandweni Mthiya, a worker for Chick's Scrap Metals, issued the application against the Administration Board of the Western Cape and the Municipal Labour Officer, Langa

In papers before the court, Mr Mthiya said he had applied for permanent residence rights, and

had been refused
He was born in Engcobo, Transkei, and began working for Chick's Scrap Metals in January, 1967

Since then, he had renewed his contract of employment during his leave each year, after his company obtained the authority to do so

On three occasions he was granted long leave For six months during 1969-70, for four months in 1976-1977 and for eight months during 1979-1980

He submitted that he had worked continuously for the company for a period of more than 10 years

The manager of the company, Mr Ivan Harcourt-Wood, stated in an affidavit that the company records stated that Mr Mthiya had been in the company's employ continuously since 1967

Opposing affidavit

In an opposing affidavit, Mr Graham Lawrence, Chief Labour Officer of the Western Cape Administration Board, said that in view of Mr Mthiya's three long absences from the Cape, he could not accept that he had continuously worked for the company for more than 10 years

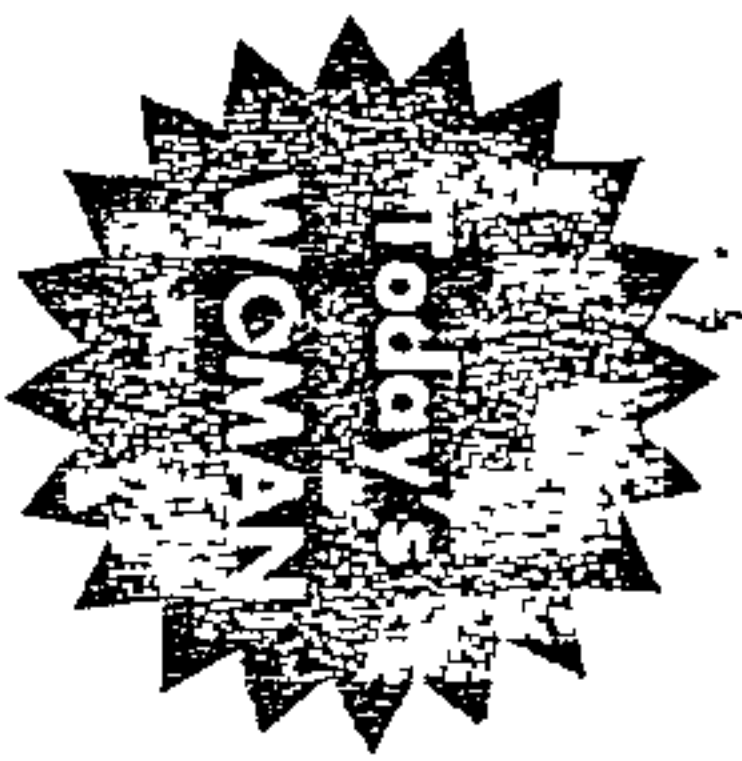
His employment contract was on an annual basis During his periods of absence, his contract had expired and he was not employed by the company

Mr Justice Tebbutt presided Mr J J Gauntlet, instructed by Mallinck Ress Richman and Closenber, appeared for Mr Mthiya Mr L R Dison SC, assisted by Mr J T Schoombee, instructed by Bornman and Hayward, appeared for the respondents

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Newborn baby in the rain

16/3/83
206

By LINDA VERGNANI
A SCRAWNY new born baby has had to spend the first few days of her life exposed to fierce storms at KTC squatter camp

The baby, Mfazwe Bengwa, was born at the Peninsula Maternity Hospital last Friday

By Saturday Mrs Victoria Bengwa was back at the camp with the 2,75 kg infant As Mrs Bengwa's meagre shelter had been broken down by the authorities a few days before she went into labour, she and the baby had to weather the first few nights in the open

The child's father, Mr Mzwabantu Bengu who first came to Cape Town in 1964 said "It makes me very sad to be here The first two nights we didn't have any plastic so we had to cover Mfazwe with blankets and overcoats to shelter her from the rain

"We managed to keep her dry but two of our other children got soaking wet The little one

who was born in 1981 got sick in the rain"

Now the baby and Mrs Bengwa lie in bed in a makeshift tent of plastic which has been draped over a beach umbrella, a rusting iron bed base and wattle branches It is a hazardous place for children — rusty wires poke out at all angles and a paraffin stove blazes on the sodden cardboard floor

Mr Bengwa says he and his wife and seven children shared a house with nine other people "The owner told us to go, so we came here There was no other place for us"

Many of the squatters at KTC have been on the housing list for years They gathered at KTC because they despaired of ever being allocated houses if they did not make their presence felt.

Some have left overcrowded houses voluntarily where they were living as lodgers Others have been thrown out Now they live in tiny hovels — the pathetic remnants

of shelters that have repeatedly been broken down by Administration Board officials backed by police with dogs and teargas

Mr Timo Bezuidenhout, Chief Commissioner for Co-operation and Development in the Western Cape says "They must move off the site before they are given accommodation The matter is receiving top priority at Cabinet level but I cannot comment any further"

Last week the camp had its first death when five-month-old Sydwell Ngambi died of gastro-enteritis After his death his mother said "I am so angry We had no place to stay. We had only our little shelters They took them away — and now I have lost my baby"

Despite the Board repeatedly asking the people to move from the site they seem determined to stay

Mrs Patricia Ceku who was born in Cape Town and has lived here all her life says "We decided to come here because we have

to push to find a place for our children"

Both her eight-month-old baby and her three-year-old son are at present being treated for tuberculosis Gesturing to her tiny shack of iron and plastic she says "The inspectors broke this down a lot of times The other night we got soaking wet — our blankets are still not dry.

"We feel angry at what is happening but we cannot take any action They do what they do and after that we build our places again"

Mrs Ceku said her husband was on the housing list "Both my husband and myself were born in Cape Town and so were our children We were staying with my mother in law but we were getting fed up because there were 14 of us in a two bedroomed house We had to stay in the dining room where there was no chance of even washing the children

Nearby the Ceku's, Sarah Gampi and her children crawl out of a

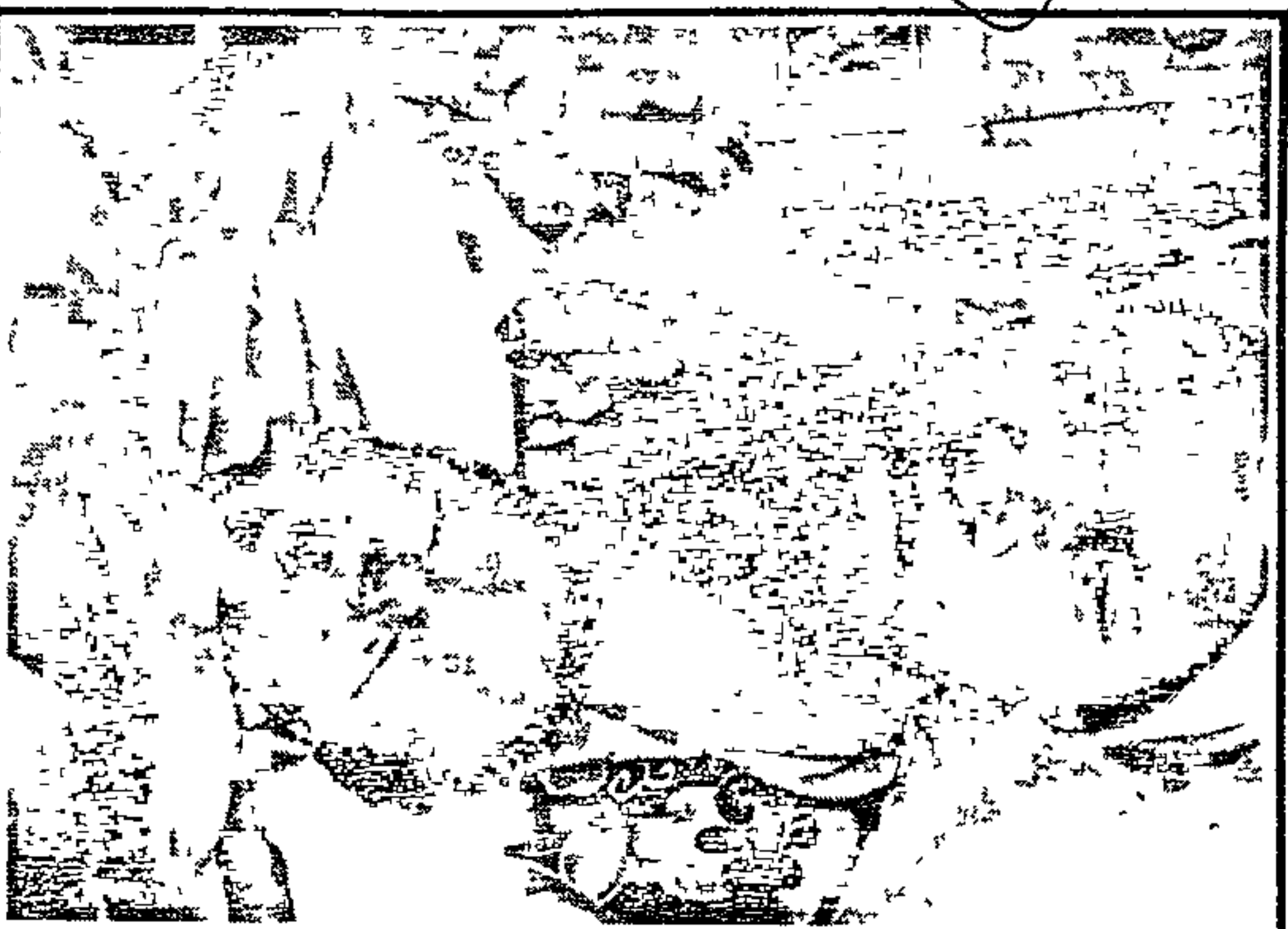
shelter less than a metre high Two-year-old Victor has a running nose and a running septic sore on his ear

"We've been here a month now," she says "I've been waiting three years for a house I was lodging with other people but the house was very overcrowded and when I came back from work I would find my children wandering around outside in the rain

"It is terrible being here The inspectors have broken my house three times But I will stay here until I can get a place where my children will have a proper roof over their heads"

Several KTC residents allege the latest raid by "the inspectors" took place on Sunday

Lordman Sotshangane who came to Cape Town to join his wife and children says "On Sunday the inspectors took our plastic It rained all night and my wife who is seven months pregnant got sick and had to be taken to hospital"



Victoria Bengwa and her newborn baby Mfazwe

"I'm very upset about it"

A woman who is close to tears interrupts "My name is Oriana Mayekiso and I want you to take down my story I have a permit to be in Cape Town and was staying at Old Crossroads but the people rejected me. I came here two weeks ago and was staying next to the creche On Sunday the inspectors came and took away my plastic

and all my clothes and my children's clothes We have just been left with what we have on Please can you get our clothes back for us"

Asked to comment Mr Bezuidenhout says "I've spoken to my chief inspector and there was no raid on Sunday The Board does not remove clothes and personal belongings anyway So either it's a lie or there is some sort of misunderstanding"

amended and complemented at a later date, does not prescribe any figured formula with regard to accommodation. It only stipulates that all accommodation provided for the use of prisoners, shall meet all requirements of health, due regard being paid to climatic conditions and particularly to cubic content of air, minimum floor space, lighting, heating and ventilation. Accommodation provided for prisoners in the Republic of South Africa comply with these directives in every respect.

(b) The average daily prison population during January 1983 was 102 069

(2) Yes Overpopulation of prisons is a phenomenon which appears all over the world and is also experienced in South African prisons. Notwithstanding, it should be pointed out that a considerable amount of money was spent on the establishment of new prisons, the replacement of old and obsolete prisons, and the modernizing of established prisons during the last few years. Examples hereof are the new prisons put into service at Johannesburg and Pietermaritzburg, and also the Durban Westville Prison which is in progressed stage of construction. The earnestness with which this situation is handled is clearly illustrated in the fact that R111 522 773 was spent on the establishment and renovation of prisons and related services during the last five financial years.

In the meantime a Departmental Working Group is still engaged in research to investigate the phenomenon of overpopulation and to seek possible solutions. Significant progress has been made in this regard. Apart from the fact that judges and magistrates visit prisons undisturbed and regularly without prior notice, various hon members of Parliament have had the opportunity to visit pris-

ons during the last few years and could see the high standards applied in the Republic of South Africa for themselves

206 *How and*
Blacks (Urban Areas) Consolidation Act
Q. Col. 616 11/3/83
334 Mr G B D McINTOSH asked the Minister of Law and Order

How many Black (a) males and (b) females were (i) arrested and (ii) prosecuted in the Pietermaritzburg municipal area in 1981 and 1982, respectively, for contraventions in terms of the Blacks (Urban Areas) Consolidation Act?

THE MINISTER OF LAW AND ORDER

	1981	1982
(a) (i)	5	12
(a) (ii)	5	12
(b) (i)	1	—
(b) (ii)	1	—

These figures only represent the number of persons arrested by the South African Police

General How and
Q. Col. 616-620 11/3/83
Relief available to farmers

375 Mr H H SCHWARZ asked the Minister of Agriculture

(1) What are the different forms of relief available to farmers in South Africa in the event of (a) droughts, (b) pests and (c) other natural disasters,

(2) whether assistance is available to farmers in respect of any other matters; if so, (a) what forms of assist-

ance and (b) in respect of what matters?

THE MINISTER OF AGRICULTURE

(1) (a) DROUGHT

(i) Rebate on transportation, by rail or authorized and licensed cartage contractors, of all approved stock feeds to the listed pasturage distress areas

(ii) Loans, subject to a means test, to farmers in the listed pasturage distress areas for feed purchases. These loans are partially subsidized

(iii) Loans for carting drinking water for stock—at present applies in respect of Gordonia. These loans are partially subsidized

(iv) Short term loans, subject to a cash flow test, to finish stock to be removed from the drought disaster area—only applies in respect of the long-term drought relief scheme for extensive stock grazing regions, which is provisionally being applied on an experimental basis only in the Northern and North-western Transvaal

(v) Compensation (incentive) for the duration of the drought disaster in respect of the one-third by which the stock must be reduced in terms of the scheme—this only applies in respect of the long-term drought relief scheme for the extensive stock grazing regions and which is provisionally being applied on an experimental basis only in the

Northern and North-western Transvaal

(vi) Subsidies on interest in respect of deferred debts at agricultural co-operatives

(vii) Subsidies on water quotas for irrigation farmers below the Kalkfontein Dam

(b) PESTS

(i) *Locust control*
The Government bears all expenses

(ii) *Finch control*
The Government bears all expenses for aerial spraying. Farmers supply the diet-soline required for preparation of the poison

(iii) *Jointed cactus control*
Farmers do their own spraying and pay only R2 per 200 litre weedicide which is provided by the Government at R36 per 200 litres

(iv) *Nasella control*
The Government subsidizes the weedicide by 95 per cent. Heavily infested areas are sprayed by the Government and the farmer pays only R3 per hectare

(c) OTHER NATURE DISASTERS—1981 FLOODS

(i) 100 Per cent subsidies for irreparable irrigation land

(ii) Loans and subsidies for resettlement and resettlement costs

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Influx control ~~7/12~~ talks verdict for *Merrin* 12/3/83 Umlazi residents

African Affairs Reporter

RESIDENTS of Umlazi township will congregate at the local stadium tomorrow to hear the outcome of the talks between the local KwaZulu MPs and the Port Natal Administration Board over the board's refusal to relax the influx control regulations

The board has restricted people who are not homeowners in the township from looking for jobs themselves. They are forced to wait at the local labour bureau for jobs to be announced. Homeowners are exempt from this restriction.

At a recent meeting over the issue, a representative of the board, Mr F Rogers, was told that the MPs would not intervene any longer should the restricted people resort to violence.

It was resolved that lo-

cal MPs led by Mr W Sabelo should convey the feelings of the community to the Chief Director of the Board, Mr H A du Plessis. The delegation will report to the residents tomorrow.

This week Dr Frank Mdlalose, Minister for the Interior, told the KwaZulu Legislative Assembly that there were 143 000 people out of work in three KwaZulu townships in Durban of which 73 000 were from Umlazi.

The minister said influx control had made unemployment harder to bear for black people. The South African Government influx control policy fuelled feelings of discrimination and hatred.

Dr Mdlalose said if people were free to look for work where they wanted and could not find any, they would accept this as bad luck.

Cape Times (206)
Eleven
arrested
in WCAB
farm raid
12/3/83

Staff Reporter

ELEVEN people were arrested by inspectors of the Western Cape Administration Board in a pre-dawn raid on a Hout Bay farm yesterday and charged under influx control laws

A nearby resident, who asked not to be identified, said inspectors arrived at the farm Oakhurst in seven vehicles about 4am and "raided" occupants of the cottages

"They loaded men, women and children into the vans and took them away. As far as I know, they all had passes, but were picked up for trespassing," the woman said

Later yesterday, she gave some of the people a lift back to Hout Bay after they had been dropped on Constantia Nek by the inspectors

"There were about 30 people walking down to the valley, which is about three kilometres from Constantia Nek."

The liaison officer of the Western Cape Administration Board, Mr Gert du Preez, confirmed that eight men and three women had been arrested by inspectors and charged under influx control regulations

'No pass,' because you're dead

RDM
206

14/3/83

A YOUNG black woman was recently refused a pass, and thus the right to live in the cities . . . because a Government official told her she was dead .

The official allegedly told her this to prevent her gaining the right to live permanently in the cities which the law allowed her

And this is only one of several similar alleged incidents in which officials have allegedly invented reasons to deprive blacks of their city rights

They are cited in the annual report of the Black Sash's Johannesburg advice office on the implementation of the Government's influx control laws — the pass laws — which are designed to keep to a minimum the number of blacks in the cities.

The report is specially authoritative because the office has more practical experience of influx control than any non-Government body. Last year alone, its staff saw some 12 400 blacks with pass problems

And the charges of official obstructionism are only part of a grim picture painted by this year's report. that, despite Dr Piet Koornhof's claims of reform, the pass laws are being implemented more strictly than ever before

This toughest-ever crackdown on blacks' right to live legally in cities is carrying on, the Sash says, despite the temporary withdrawal of Dr Koornhof's Orderly Movement and Settlement of Black Persons Bill, which seeks to toughen control

In some cases, it says, other laws are being introduced to achieve the same aim as the Bill

In others, the authorities are toughening up the implementation of existing laws to cut down the number of blacks in the cities.

In still others, it charges, officials are acting as though the Bill is now law . which, of course, it isn't

And then there are the cases in which officials either ignore the law or allegedly invent reasons to obstruct it where it gives blacks greater rights

The report — and other documents presented to the Sash's annual conference — spell out a simple message. that euphoria about the Bill's withdrawal is sadly misplaced

This decision seems to have made no difference to the implementation of the pass laws, which rule the daily lives of all blacks and are becoming more severe by the day

The report also points out that the Government is still able to say it is bettering the lot of urban blacks because this term does not mean the same for them as it does for everyone else

When businessmen and most other whites talk about "urban blacks" they mean the blacks they see around them in the cities But the Government means only those who have a permanent legal right to work in the cities

They are a minority even of black city-dwellers one which is shrinking as the crack-down continues

How is the crackdown achieved? Firstly, the recently proposed move by the Government to raise the fine for trespass from R50 to R2 000 is a prime example of laws which seek to achieve the same goal as the Koornhof Bill

Dubbing trespass "the pass laws in disguise," the report says trespass has for years been an alternative charge for people arrested under the pass laws

During the first weeks of this month, it

By STEVEN FRIEDMAN

says, blacks living on plots in southern Johannesburg were raided and their homes demolished Many were arrested and many charged with trespass

The Sash believes the new law will be used against blacks who are "squatting" on public land or living "illegally" in servant's quarters in homes or in flat premises

Dr Koornhof's threat to overturn recent court judgments extending the rights of urban blacks is another example.

Tougher implementation of existing law is illustrated by the sharp rise in pass arrests — nearly 90% up in two years — and the demolition of shacks in East and West Rand townships

The continued working of existing control policies also robs more and more blacks of the right to live in cities.

For example, black townships outside the Durban area have been incorporated into KwaZulu This means their residents are automatically stripped of their right to work in the cities.

The Durban advice office says some 515 000 Durban blacks have become automatic residents of KwaZulu Of an estimated one million blacks, only about 5% are now eligible for city rights

The Johannesburg report says a "pecking order" has been established to determine which blacks can work in cities

Jobs go first to people with rights, then to "commuters" those who live in a homeland but work in "white" areas Other homeland dwellers are increasingly excluded

Examples of officials acting as though the Bill is law are provided by Sash president Mrs Sheena Duncan in her address to the conference.

In some cases, she said, officials have refused rights because "there is a new law" or "there are no more qualifications" They have also threatened employers with R5 000 fines for employing people

All these are accurate descriptions of the Bill. But it is not yet law

Equally serious are charges that officials are ignoring the law by refusing to implement court orders which extend rights.

And then there are the charges of pure obstructionism, of cases where blacks are entitled to rights but are blocked by officials. The woman who was told she was dead is one case

So, says the report, is the man who was told his mother was not the person who gave birth to him, the man whose birth certificate was confiscated because an official said it was "cancelled" and the man who was refused his rights because "you know too much about the law"

As the report asks "What do you do when you are told you are not the person you know yourself to be?"

In essence, the report argues that the law is making it more difficult by the day for the vast majority of blacks to find a legal job and home and to live with their families

"Obedience to the law," it argues, "is now impossible for most black people in South Africa Skill in disobedience and in evasion of the forces of law and order, and in the (illegal) manipulation of the system, is the only way to successfully win survival"

200

Board officials make own laws, says Black Sash

By Jo-Anne Collinge

Cases handled at the Johannesburg Advice Office of the Black Sash have led the office to report that officials make their own laws and impose impossible requirements on people "They often act unlawfully and increasingly black people believe they have to pay somebody if they are to achieve recognition or to obtain redress of wrongs done to them"

The report of the office states pass law maladministration is corrected after intervention by lawyers, but adds nothing is done within administration boards to rectify the alleged abuse "We can only assume that such actions have the tacit approval of the men in charge," it concludes

The report includes the following cases

● S M is a young man whose birth certificate shows he was born in Johannesburg The certificate bears a stamp showing he has section 10(1)(a) rights to be in Johannesburg His family's

house permit also reflects this He went to the West Rand Administration Board office at New Canada to get an application form for a reference book Officials allegedly refused the form and instructed him to make an affidavit explaining why he started school so late

● Mr M Z has section 10(1)(b) rights for Johannesburg He applied to be put on the waiting list for a house He was allegedly told by a Wrab official — quite wrongly — that he did not qualify for a family house because he was Xhosa and therefore foreign

● Mr M T has been legally resident in a hostel in Johannesburg since 1966 He went to the pass office to ask for his section 10(1)(b) qualification on the ground that he had been continuously employed in one job for 10 years He was reportedly told "You know too much" — and endorsed out of the city

● Miss N M, a healthy young woman, was refused a reference book by the Commissioner of the Department of Co-operation and Development, allegedly because the official regarded her as dead

● Mr H D was born in Johannesburg and is listed on his father's house permit as having section 10(1)(a) rights for the city He has a birth certificate scored across with a red pen, reportedly by an official of the Department of Co-operation and Development He was allegedly told he was not born in Johannesburg and that his father's lawful wife was not his mother He was allegedly told he was born outside Johannesburg to a woman other than the one he has always known to be his mother

"What do you do when you are told that you are not the person you know yourself to be?" the Sash report asks It concludes that the solution is bound to be unlawful — an attempt at bribery, civil disobedience or, ultimately, resort to violence

● See Page 7 of the World section

Sash: most forced to evade law to survive

By Jo-Anne Collinge

"If the law becomes so punitive that successful disobedience becomes impossible, there will be no survival — and that is a point of desperation to which no sensible government would choose to push people"

The voice is that of Mrs Sheena Duncan, speaking as head of the Black Sash's Johannesburg Advice Office The despairing reflection is the result of 12 432 interviews conducted in the office in the past year

Reporting trends in problems brought to the Sash by black residents of Johannesburg, Mrs Duncan told the organisation's national conference in Cape Town on Saturday that "skill in disobedience and in evasion of the forces of law and order" was

becoming the only way for most black people to survive

Faced with the alternative of obeying the law by leaving the city or ensuring some income for children left in rural areas, the family's survival became an imperative which could not be ignored, Mrs Duncan asserted

But even illicit methods of survival were increasingly difficult to pursue because

● Arrest and punishment for pass-law and influx-control offences was steadily increasing

● Legislation was in the pipeline to tighten up on trespassing, deny families of urban residents the right to join them and ensure that contract workers never qualify as urban residents

● Action against squatters continued

HÄGAR the Horrible

®

By Dik Browne

YOU'RE NOT LIKE THE OTHER VIKING BOYS, HAMLET



YOU'RE NEAT AND POLITE AND KIND AND WELL GROOMED...



BUT I CAN'T HELP MYSELF... I LIKE YOU ANYWAY



More to storms la

NEW YORK — A fresh Pacific storm doused soggy California yesterday with as much as 17 cm of rain, closing roads with dozens of mudslides and driving some residents from their homes In New England a blizzard left snow 30 cm deep



The latest in fashion is the do town and country look Model L, twill breeches, silk waistcoat and bowler, the outfit would set the best in British traditions, it

206
The Times
**Officials
'ignoring'
ruling**

Labour Reporter 9/3/83

TWO-and-a-half years after the historic Komani Supreme Court judgment, Administration Board officials were ignoring it and still refusing to apply it, Mrs Sheena Duncan, national president of the Black Sash, told the Sash's national conference in the City this weekend

The Komani judgment established the right of wives and children of blacks with rights to live in the City to Section 10 (1) (c) endorsements in their pass books, which allows them to remain in the urban areas

She said that, in addition, all claims for 10 (1) (b) rights by migrant workers who had worked for an employer for longer than 10 years were being denied

"How can citizens be expected to obey the law when the government itself ignores it?" Mrs Duncan asked.

"We believe that the amendments to the Trespass Act are but a small part of what is intended to bring in the provisions of the Orderly Movement and Settlement of Black Persons through the back door"

(206) 14/3/83
Influx control regulations
Hansard Q.61644-645
357 Mr G B D McINTOSH asked the
Minister of Co-operation and Development:

How many persons were prosecuted in terms of influx control regulations in the Paulpietersburg magisterial district during the periods (a) 1 February 1980 to 31 January 1981, (b) 1 February 1981 to 31 January 1982 and (c) 1 February 1982 to 31 January 1983?

The MINISTER OF CO-OPERATION AND DEVELOPMENT

Prosecutions in terms of section 10(1) of

and

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645 MONDAY, 14
the Blacks (Urban Areas) Consolidation Act 1945 were as follows —
(a) 1 February 1980 to 31 January 1981—
2,
(b) 1 February 1981 to 31 January 1982—
9
(c) 1 February 1982 to 31 January 1983—
2

Labour Week

Unions Take Up Question of Influx Control

BY STEVE FRIEDMAN

FOR reasons which are at best obscure, influx control is only now becoming a labour relations issue.

As metal unionist Mr. Ike van der Watt pointed out last year, few issues have more direct implications for black job security than tougher clamps on their right to stay in the cities.

Until fairly recently, employers tended to ignore the issue. Indeed many employers might still be surprised to find how many of their workers are not urban blacks at all according to the law.

And it is only recently that unions like the Boilermakers Society and Metal and Allied Workers' Union (MAWU) have taken up this issue.

The reason they have done so is that, as a Black Sash report shows, controls tightening all the time, and black union members are feeling the effects.

Though the recession makes factory floor unrest

this issue unlikely, union demands on employers to take up workers' influx control problems are certain to grow.

In a limited way, some employer groups have tried to meet this challenge. A Sash call for employers to help their workers obtain city rights has met with some response.

But the report also notes that most employers are co-operating, perhaps unwittingly, with influx control by refusing to hire blacks who lack city rights.

Indeed, at least one firm in a group with an enlightened labour image has a stated policy of not employing workers who lack rights.

This makes it far easier for management to guarantee workers housing and other perks aimed at achieving a stable workforce and worker loyalty.

But union members tend to take the opposite view. In the

Cape those with rights have sacrificed jobs to protect those of migrants. They say workers with rights are far more likely to find new jobs than those who must return to job-starved homelands.

(206) Jabulani Township: raid 16/3/83
*7 Mrs H SUZMAN asked the Minister
of Co-operation and Development

- (1) Whether a raid took place in Jabulani Township, Soweto, on 1 March 1983 if so, (a) what was the purpose of the raid and (b) at what time of the day did it take place,
- (2) whether any persons were detained, if so, (a) how many and (b) under what statutory provision were they detained?

†The DEPUTY MINISTER OF CO-OPERATION

- (1) No
(a) and (b) Fall away
- (2) No
(a) and (b) Fall away

WEDNESDAY, 16 MARCH 1983

† Indicates translated version

For oral reply

~~334~~ ~~506~~
206 ~~255~~ Hansard
16/3/83 Trespas Q 61 682

*1 Mts H SUZMAN asked the Minister of Co-operation and Development

How many Black persons were (a) arrested by officials of his Department for and (b) convicted of trespass in 1982?

† The DEPUTY MINISTER OF DEVELOPMENT AND OF LAND AFFAIRS

- (a) No members of Black Communities were arrested for trespass by officials of the Department of Co-operation and Development in 1982
- (b) Contravention of the Trespass Act 1959 are tried by magistrates court only. The information in respect of the magistrates courts under the control of the Department of Co-operation and Development is as follows:

Court	Number of convictions
Moutse	None
Soshanuve	393
Verulam	Figure not readily available and impossible to determine owing to limited time and the large number of cases during 1982

206 Repatriations
411 Mrs H SUZMAN asked the Minister of Co-operation and Development
Hansard Q. to 1,700 -
11.12.102 - 701

16/3/83

701

WEDNESDAY.

- (1) How many Black workers from (a) Zimbabwe, (b) Lesotho, (c) Swaziland, (d) Botswana and (e) Mozambique were repatriated as at the latest specified date for which figures are available,
- (2) how many such workers in each category were as at that date granted exemption from repatriation on the ground of long service?

The MINISTER OF CO-OPERATION AND DEVELOPMENT

- (1) (a) 5 655
- (b) 3 904
- (c) 131
- (d) 1 584
- (e) 10 239
- (2) (a) 4 389
- (b) 1 905
- (c) 168
- (d) 1 661
- (e) 3 022

The abovementioned figures are as at 31 January 1983

Call to
relax
influx
control

206

DURBAN — The chairman of Anglo American and retiring president of the South Africa Foundation, Mr Gavin Relly, yesterday called on the Government to relax its influx control measures

Addressing delegates at the annual meeting of the foundation in Durban, Mr Relly said that South Africa could not expect its major trading partners to continue their policy of constructive engagement unless the Government encouraged economic growth by allowing blacks to participate fully in the country's economy.

He outlined two kinds of reform constitutional, which was of "fundamental importance", and economic

"Constitutional reform tends to be dramatised and is measurable and subject to control. On the contrary, developments from shifting emphasis in the economy are largely unseen. For this reason they may ultimately be more significant," Mr Relly said.

He praised the Prime Minister, Mr P W Botha, for showing courage in adapting reformist policies.

"I hope he will now accept the risks of allowing the productive forces in our economy the freedom to meet those demands," he said — Sapa

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programme and removals continue

In addition, many who qualify to live in urban areas can be obstructed by bureaucrats Duncan says "Tens of thousands of people affected by the Komani and Richoto judgments (basically extending urban residential rights) are still not receiving recognition of their rights The introduction of the Orderly Movement and Settlement of Black Persons Bill will mean that "government will be legislating to legalise what its officials are already doing"

According to Duncan "The pass laws give enormous power to officials who make their own laws and impose impossible requirements on people They often act unlawfully and, increasingly, black people believe that they have to pay somebody for something if they are to achieve recognition of their rights or to obtain redress for wrongs done to them"

Not working

The increasing numbers of people arrested for pass offences seem to indicate that the law is not working Last year 206 122 people were arrested for pass law and influx control related offences — a 27% increase over the 162 024 people arrested in 1981 and an 89,99% increase over the 1980 figure of 108 499

Duncan points out "The arrests and punishment do not deter people from staying in town, they have no alternative Obedi-

ence to the law is now impossible for most black people in SA Skill in disobedience and in evasion of the forces of law and order, and in the manipulation of the system by illegal means, is the only way to successful survival"

**POLITICS FM 18/3/83
Change, not reform**

206

The Black Sash (BS) is among those who don't believe government's constitutional plans amount to reform Its president, Sheena Duncan, holds that "the euphoria about change in white SA is unjustified"

Duncan told the BS national conference last week that "change is certainly happening in SA — probably the most radical change since 1652, but that change cannot, by any stretch of the imagination, be described as reform"

"We believe that it is change away from the goal of democracy towards the entrenching of political economic power in the hands of a minority elite and towards the complete exclusion of the majority from political, economic and social participation in our common society," she said

Duncan argues that "the political exclusion of the majority is being achieved by the de-nationalisation of black SA through the bringing to independence of the homelands Reform demands, at the very least, restoration of citizenship to all those from whom it has been taken away, and no further such deprivation in the future Without this recognition of our common citizenship, no constitutional arrangements can even begin to be seen as a step in the right direction"



Sash's Duncan ... towards entrenched power

In 1960, 40% of the black population was resident in the homelands, but by 1980, 54% lived there Government's resettlement

206 ~~206~~ Hansard
Illegal employment of Blacks
486 Prof. N. J. J. OLIVIER asked the
Minister of Justice

739

FRIDAY, 18

- (1) Whether any persons were (a) prosecuted for and (b) convicted of illegally employing Blacks in the area of the Western Cape Administration Board in 1977, 1978, 1979 and 1980, respectively, if so, how many in each category in each such year;
- (2) what was the total number of Black employees involved in each of these years?

The MINISTER OF JUSTICE.

Separate statistics in respect of the relevant offences are not maintained. The gathering thereof at this stage is a comprehensive task which can unfortunately not be undertaken.

206
Cape Times
**Court's judgment
not ignored**

From Mr G T DU PREEZ,
Chief Directorate,
Western Cape Admini-
stration Board

IN the report (Cape Times, March 14) headed "Officials 'ignoring' ruling", it is inter alia stated

● "Two-and-a-half years after the historic Komani Supreme Court judgment, Administration Board officials were ignoring it and still refusing to apply it", Mrs Sheena Duncan, national president of the Black Sash, told the Sash's national conference in the city this weekend

● "How can citizens be expected to obey the law when the government itself ignores it?" Mrs Duncan asked.

These statements are not in keeping with the true facts and are a misrepresentation because since August 19, 1980, the Western Cape Administration Board has, as a result of the Supreme Court decision, authorized a number of 1753 wives to join their husbands and to remain in the urban areas under the Board's jurisdiction

It is obvious that Mrs

19/3/83
letters

PO Box 11
Cape Town
8000

Duncan has formed an opinion without having taken the trouble to establish the real facts of the matter Her statements are unfounded

[Asked to comment, Mrs Duncan said

"The Cape Times report was based on an extract from the Johannesburg Advice Office report which I presented at the conference In the report I was explicit that the Komani case was being ignored by officials of the West Rand Administration Board and made no mention of other administration boards

"However, I also mentioned the Rikhoto and Boo! cases as instances where administration board officials were ignoring Supreme Court rulings

"Can the Chief Director assure the public that the Cape Supreme Court ruling in the Boo! case is being implemented in the Western Cape? It is the experience of the Black Sash that migrant workers are being officially denied their Section 10 (i) (b) rights by all administration boards"

— Editor, Cape Times]

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Pebco meeting ~~1/1~~ told pass laws are ²⁰⁶ being intensified ^{21/3/83 E. Post}

By JIMMY MATYU

THE president of the Port Elizabeth Black Civic Organisation, Mr Qaqawuli Godolozu, told a well-attended commemoration service in Kwazakele yesterday that instead of relaxing pass laws the Minister of Co-operation and Development, Dr Piet Koornhof, was intensifying them

He was speaking at a service in the small Daku Hall to remember 67 people who died in Sharpeville in 1960

A poster, captioned "Missing", of Mr Siphiso Mthimkulu, former political detainee and Port Elizabeth student leader who disappeared in April last year, was displayed at the service

Mr Simon Mkhapi, a blind former treason

trialist, of Kwazakele, was a guest speaker. He cannot be quoted because after his five-year banning order expired in 1968 he was designated a listed person

In his opening prayer the Rev Paul Verryn of the Methodist Church, who is secretary of the Detainees' Parents' Support Committee, said "We pray for those who still seek justice in our country and that they find the truth. We pray to the Lord to keep our eyes open to the rights and dignity of all people irrespective of colour or race"

Another commemorative service organised by the local branch of the Azanian Peoples' Organisation (Azapo) will be held in the Sisonke Community Centre, Zwide, today at 6pm

206 ~~206~~ Hansard 22/3/83
influx control/identity documents
Q. Col. 756 - 757
492 Mrs H SUZMAN asked the Minister of Co-operation and Development

- (1) How many persons were (a) tried for and (b) convicted of offences relating to influx control and identity documents at the Commissioner's Court in Market Street, Ferreira'sdorp Johannesburg, in 1982.
- (2) what was the average daily number of such cases heard by this court during that period.
- (3) what amounts accrued to the State from fines imposed for these offences?

The MINISTER OF CO-OPERATION AND DEVELOPMENT

- (1) (a) 41 850 persons
(b) 35 355 persons

WEDNESDAY

- 7
- (2) 165 cases
 - (3) R34 253

Officials working 'outside the law'

Community Affairs Reporter LINDA VERGNANI talks to Sheena Duncan of the Black Sash

INCREASINGLY, officials are operating outside the law when it comes to influx control, according to Mrs Sheena Duncan, national president of the Black Sash

In an interview in Cape Town, Mrs Duncan said "The kind of thing that is happening in South Africa is the kind of thing people are afraid of in, say, Russia. It is what white South Africans talk about when discussing black African countries — the bribery, the corruption, the power of officials. We are really following the same pattern."

FRUSTRATED

"In the field in which we work, which is the pass laws and influx control, the Government either ignores the law or it is the law."

Mrs Duncan said that in Johannesburg the Komani Supreme Court judgment had "been consistently frustrated by the refusal of officials to recognise the legal rights of women and children. More than two years after the judgment, women are still having to enlist the help of an attorney before their rights are endorsed in their identity documents."

The Rikhotla and Boo Supreme Court judgments, which should have established the rights of migrant

workers to acquire urban residential rights after ten years legal employment in one job, were also being ignored.

The "refusal of the bureaucrats to obey the law" and to give Section 10 rights was being extended to other categories of people who had perfectly straightforward claims to urban qualifications.

"People have complained that they have been told, 'There are no more qualifications' or 'there is a new law' or 'you will be fined R5 000 if you continue to employ this person'."

Expanding on her report Mrs Duncan said "You get the Government, because of its own lawlessness, leaving people no option but to be lawless themselves because the whole idea of law disappears."

"What the Rikhotla and Komani judgments should have allowed was a limited but steady process of urbanisation which is what the Government is absolutely determined to prevent."

In the annual report of the Black Sash's Johannesburg Advice Office, Mrs Duncan wrote "Officials make their own laws and impose impossible requirements on people. They

often act unlawfully and increasingly black people believe that they have to pay somebody for something if they are to achieve recognition of their rights or to obtain redress of wrongs done to them."

Asked how widespread bribery and corruption was, Mrs Duncan said she could only speak for Johannesburg. There, people who were illegally evicted from their houses often alleged that it was because others had paid either a community councillor or somebody in the superintendent's office a large bribe to find them a house.

WIDOWS

"They look for the defenceless widows, the people they think won't fight back and move them out. So many can be helped if they come to us immediately, but so many come a few months later and then it is very difficult to do anything."

She said the situation in Ciskei was particularly bad. "I've just come back from Ciskei and I was completely horrified at the total ruthlessness of the Ciskei government and the power of the Ciskei National Independence Party. It's the only party allowed and has literally got power over every detail of people's lives."

25/3/83

X
206 206 *Huisvuur*
Trespass
Q 601 816-817

527 Mrs H SUZMAN asked the Minister of Law and Order

How many (a) Whites (b) Coloured persons and (c) Indians were arrested for trespass by the South African Police in 1982?

The MINISTER OF LAW AND ORDER

- (a) 1 913
- (b) 12 436
- (c) 1 068

Trespass

528 Mrs H SUZMAN asked the Minister of Justice

How many (a) Whites, (b) Coloured persons and (c) Indians were convicted of trespass in 1982?

817 FRIDAY

The MINISTER OF JUSTICE

The required information is unfortunately not readily available

X

Influx control becomes a leading shopfloor issue

By PHILLIP VAN NIEKERK, Labour Reporter

INFLUX control is fast emerging as a leading shopfloor issue for black workers

The forced return of retrenched migrant workers to the homelands during the current recession has led to emerging, mainly black unions taking a strong public stand on the issue. Even the more conservative, Tucs-a-affiliated Boilermakers' Society has spoken out against the tightening of control on contract workers.

If influx control leads to industrial conflict it could draw the government into the arena of industrial relations and force employers to face what many see as a "political" issue, outside their area of interest.

Central

Unions with majority migrant worker membership such as the Metal and Allied Workers' Union (Mawu) and the General Workers' Union (GWU) believe that influx control, aside from being one of the cornerstones of apartheid, is central to the working lives of African workers.

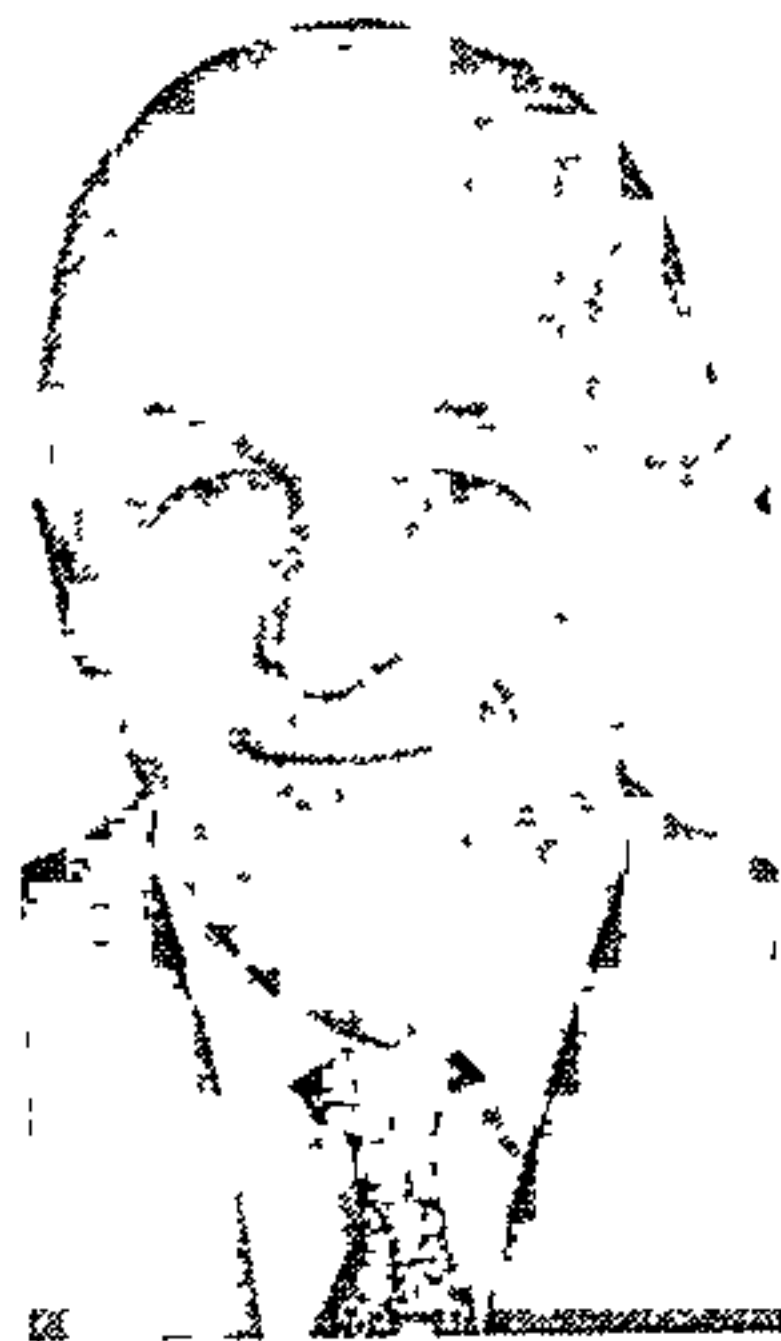
A concrete example of influx control being taken up as a factory issue was at Trident Marine in Cape Town, where workers with residence rights in the city offered to be retrenched instead of contract workers at the plant. The loss of a job for a migrant worker, who then faces a long and hungry wait for work at a labour bureau in the homelands, can be a devastating event.

A number of Cape Town employers have co-operated, albeit unsuccessfully, with unions and individuals in applying for section 10 (i) (b) rights for migrant workers who have worked for them for longer than 10 years. This follows the Rikhotso and Boo! Supreme Court cases where it was held that a contract worker could work "continuously" for one employer even though government regulations force him to return to the homelands and sign a new contract every year.

As yet neither unions nor employers have acted

to challenge the system of influx control itself. This could change as the recession lifts and the growing number of unionized workers use their organizations to fight not only for higher wages and better working conditions but against unfair restraints on their working lives.

The tightening of control on workers who are regarded as resident in the homelands — because of government regulations, there have been very few new "urban



Mr Gavin Relly... on black participation in the economy

blacks" since 1968 — was detailed in a paper delivered at the Black Sash conference in Cape Town two weeks ago by Miss Marion Lacey of Rhodes University.

According to Miss Lacey, the task of the Riekert commission was to devise a far more complex and coercive system of allocating and reserving a supply of labour, while increasing privileges for "urban blacks" (largely to help overcome the skills shortage and create a stable class of blacks in the cities). The post-Riekert crackdown on "illegals" in the cities, coupled with the mass removal of hundreds of thousands of people from the "white" rural areas to the homelands, has added to the large reserve supply of labour in the homelands.

Many of these people

have been put into job categories, for instance mining or farming (where there have been labour shortages), and can never get a legal job in another industry. "This has ensured a steady supply of low-cost labour to different categories of employer," Miss Lacey said.

Some jobseekers, who live too far from the labour bureaus or are outside the various zones of employment, will probably never be able to get a job. Influx control prevents them from leaving the homelands and seeking a job in the cities.

The system has serious implications for unions operating in the cities, for instance when strikers are "repatriated" to the homelands and blacklisted. In many ways, the liberalizing of labour laws has been undermined by a rigidly enforced and efficient system of labour control.

It has been made even more efficient by the introduction of computers at the various administration boards and labour bureaus. According to Miss Lacey "The state's priority has been to incorporate all workers into a single computerized system of control."

Free enterprise

Several leading industrialists have criticized influx control from a different angle — that it undermines free enterprise. Recently Mr Gavin Relly, the chairman of Anglo American, called on the government to relax its influx control measures.

Addressing the annual meeting of the South Africa Foundation, he said "South Africa cannot expect its major trading partners to continue their policy of constructive engagement unless the government encourages economic growth by allowing blacks to participate fully in the country's economy."

However, the President's Council economic affairs committee, which is at present examining "restraints on the free market", has had influx control excluded from its brief, a clear sign that the government regards it as a non-negotiable

In the Western Cape, the particularly stringent application of influx control is usually attributed to the "coloured labour preference policy". Yet the most curious aspect of this policy is that neither employers nor workers seem to want it.

The chambers of industries and commerce, the trade unions, "coloured" political parties and community organizations and even the Department of Manpower have called for the policy to be scrapped. Its strongest advocate is the Cape National Party, spurred on by supporters in the rural areas of the Western Cape.

Revealing figures

Figures released by the Department of Manpower last week are revealing. They show that employers in the Cape Peninsula were officially prevented from employing 3 022 blacks last year because of the coloured labour preference policy.

Yet in the rural areas of the Western Cape, where "coloured labour preference" is defended at all costs, not a single one of the 3 609 applications to employ 59 136 black workers was turned down.

206 ~~30~~ Hansard X
Offences/infringements of the law
Q Col. 857-858 29/3/83
551 Mrs H SUZMAN asked the Minister of Law and Order

- (1) How many (a) offences and (b) infringements of the law were investigated by the Police in 1982,
- (2) How many of the infringements of the law related to (a) curfew regulations, (b) the registration and production of documents, (c) the Blacks (Urban Areas) Consolidation Act and (d) the illegal possession of sorghum beer and brews?

The MINISTER OF LAW AND ORDER

- (1) (a) 1 140 770
(b) 698 430

MARCH 1983

858

- (2) (a) 10 756
(b) 54 997
(c) 57 915
(d) 13 663

(1) (a) Nil Rehabilitation centres are not designated in terms of section 14 of the Blacks (Urban Areas) Consolidation Act 1945

(b) Falls away

(2) (a) and (b) Fall away

Rehabilitation centres

591 Mrs H SUZMAN asked the Minister of Co-operation and Development

Whether any persons were sent to any rehabilitation centres in terms of section 29 of the Blacks (Urban Areas) Consolidation Act, No 25 of 1945, in the latest specified three years for which figures are available, if so, (a) how many, and (b) to which centres in each case, in each such year?

The MINISTER OF CO-OPERATION AND DEVELOPMENT

Yes

1979—Nil

1980—Nil

1981—One To the Madadeni Centre New Castle

29/3/83

200
206
257
Rehabilitation centres
Hansen
Q Col. 864 - 865
590 Mrs H SUZMAN asked the Minister of Co-operation and Development

(1) (a) How many rehabilitation centres have been designated by the Director-General of his Department in terms of section 14 of the Blacks (Urban Areas) Consolidation Act, No 25 of 1945, and (b) where are these centres situated,

(2) whether any persons were sent to any of these centres in terms of (a) section 10(4) and (b) section 12(2) of the said Act in the latest specified three years for which figures are available; if so, (i) how many and (ii) for what offences in each case, in each such year?

The MINISTER OF CO-OPERATION AND DEVELOPMENT

(1) Yes
 (a) 1 October 1976
 (b) Theft of motor vehicle
 (c) 4 days
 (d) John Vorster Square, Johannesburg

(2) Yes
 (a) 5 October 1976
 (b) He committed suicide
 (3) (a), (b) and (c) Owing to the lapse of time police records are no longer available

Detention of Fenuel Mogatusa
 538 Mrs H SUZMAN asked the Minister of Law and Order

(1) Whether one Fenuel Mogatusa was detained by the South African Police, if so, (a) when (b) under what statutory provision, (c) for what length of time and (d) where was he detained.
 (2) whether he died in detention, if so, (a) on what date and (b) what were the circumstances of his death.
 (3) whether an inquest has been held into his death, if not, why not, if so, (a) when, (b) where and (c) what was the verdict?

The MINISTER OF LAW AND ORDER

There is no record that such a person has been detained in terms of security legislation, and unless further information is made available it is impossible to ascertain from all the police stations and border posts in the Republic whether such a person has been detained

Handwritten: 29/3/83
 Vacation of beaches
 R. Co 1 851-852
 841 Mr D J N MALCOMMESS asked the Minister of Law and Order

(1) Whether the South African Police ordered any (a) Coloured persons, (b) Indians and (c) Blacks to vacate beaches reserved for members of the White race group in (i) Cape Town, (ii) Port Elizabeth and (iii) East London during the period 1 February 1982 to 31 January 1983, if so,
 (2) whether any such persons were charged, if so, how many in each category?

The MINISTER OF LAW AND ORDER

(1) (i) Cape Town, (a), (b) and (c) Yes
 (ii) Port Elizabeth, (a) and (c) Yes
 (b) No
 (iii) East London, (a), (b) and (c) Yes

(2) Yes, 7 Coloureds in Port Elizabeth
Handwritten: R. Co 1, 852-854
 Tuberculosis
 543 Dr M S BARNARD asked the Minister of Health and Welfare

(1) How many cases of tuberculosis were reported in (a) the latter half of 1981 and (b) 1982 in each (i) province and (ii) national state whose government had not taken over health services,
 (2) how many cases of tuberculosis were hospitalized in each (a) province and (b) such national state in (i) the latter half of 1981 and (ii) 1982,
 (3) how many tuberculous patients died in each (a) province and (b) such national state in (i) the latter half of 1981 and (ii) 1982?

The MINISTER OF HEALTH AND WELFARE

(1) (a) (i) 1981 (Latter half) Cape Province 9 183

Natal	2 708
O F S	1 810
Transvaal	8 080
(a) (ii) 1981 (Latter half)	
Kangwane	260
KwaNdebele	Nil
(b) (i) 1982 (Whole year)	
Cape Province	20 887
Natal	6 287
O F S	3 552
Transvaal	16 480
(b) (ii) Kangwane	655
KwaNdebele	Nil
(2) (a) (i) 1981 (Latter half)	
Transvaal	9 857
Cape Province	7 066
Natal	6 699
O F S	1 767
(ii) 1982 (Whole year)	
Transvaal	18 475
Cape Province	12 611
Natal	11 074
O F S	2 654
(2) (b) (i) 1981 (Latter half)	
Kangwane	246
(ii) 1982 (Whole year)	
Kangwane	665
(3) (a) (i) 1981 (Latter half)	
Cape Province	726
Natal	32
O F S	34
Transvaal	273
(ii) 1982 (Whole year)	
Cape Province	1 344
Natal	68
O F S	90
Transvaal	581

(3) (b) (i) 1981 (Latter half) Kangwane 14
 (ii) 1982 (Whole year) Kangwane 25
Handwritten: R. Co 1 854
 545 Dr A L BORLAINE asked the Minister of Co-operation and Development
 How many Black contract workers were working in the Cape Peninsula in 1982?

The MINISTER OF CO-OPERATION AND DEVELOPMENT

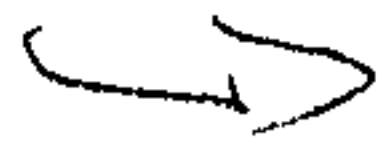
23 791
Deportations
 548 Mr K M ANDREW asked the Minister of Co-operation and Development
 (1) How many (a) men (b) women and (c) children were deported from the Western Cape to Ciskei in each month of 1982,
 (2) how many (a) men, (b) women and (c) children were deported from the Western Cape to Biskel in each month of 1982?

The MINISTER OF CO-OPERATION AND DEVELOPMENT

(1) (a) Nil
 (b) Nil
 (c) Nil
 (2) (a) Nil
 (b) Nil
 (c) Nil

Administration boards: administration of townships
Handwritten: R. Co 1 854-857
 549 Mr K M ANDREW asked the Minister of Co-operation and Development

(206) *Hansard* 29/3/83
Reference books/influx control
Q 61.820 - 831
425 Mrs H SUZMAN asked the Minister of Co-operation and Development



831

TUESDAY, 29

What was the total amount paid in fines by Blacks convicted of offences relating to reference books and influx control in each of the main urban centres of the Republic in 1981 and 1982, respectively?

The MINISTER OF CO-OPERATION AND DEVELOPMENT

	1981	1982
	R	R
Pretoria	4 140	6 800
Johannesburg	100 405	195 794
Durban	305	715
East London	2 118	3 705
Port Elizabeth	630	2 335
Cape Peninsula	195 200	249 662
Bloemfontein	54 188	70 885
West Rand	165 918	215 294
East Rand	227 394	338 880

206 Hansard X
Labour control boards
Q Col 839 29/3/83
469 Mr R A F SWART asked the
Minister of Co-operation and Development

- (1) (a) How many Black labour control boards are functioning in the rural areas of Natal at present and (b) in which districts are these boards functioning
- (2) how many orders to farmers to reduce the number of employees and/or persons living on their farms have each of these boards made in each year since 1979,
- (3) whether any Black persons have been evicted from White farms as a result of such orders, if so, how many?

The MINISTER OF CO-OPERATION AND DEVELOPMENT

- (1) (a) One
- (b) Weenen
- (2) 1979—24
1980—30
1981—15
1982— 4
Total 73
- ✓ (3) None

206 ~~34~~ Hansard
Offences/infringements of the law
Q 61.857-858 29/3/83
551 Mrs H SUZMAN asked the Minister of Law and Order

- (1) How many (a) offences and (b) infringements of the law were investigated by the Police in 1982
- (2) How many of the infringements of the law related to (a) curfew regulations, (b) the registration and production of documents, (c) the Blacks (Urban Areas) Consolidation Act and (d) the illegal possession of sorghum beer and brews?

The MINISTER OF LAW AND ORDER

- (1) (a) 1 140 770
(b) 698 430

MARCH 1983

858

- (2) (a) 10 756
(b) 54 997
(c) 57 915
(d) 13 663

29/3/83

206
200
Hansen
Rehabilitation centres
Col. 864-865

590 Mrs H SUZMAN asked the Minister of Co-operation and Development

- (1) (a) How many rehabilitation centres have been designated by the Director-General of his Department in terms of section 14 of the Blacks (Urban Areas) Consolidation Act, No 25 of 1945, and (b) where are these centres situated,
- (2) whether any persons were sent to any of these centres in terms of (a) section 10(4) and (b) section 12(2) of the said Act in the latest specified three years for which figures are available, if so, (i) how many and (ii) for what offences in each case, in each such year?

The MINISTER OF CO-OPERATION AND DEVELOPMENT

65 TUESDAY, 21

- (1) (a) Nil Rehabilitation centres are not designated in terms of section 14 of the Blacks (Urban Areas) Consolidation Act, 1945
- (b) Falls away
- (2) (a) and (b) Fall away

Rehabilitation centres

591 Mrs H SUZMAN asked the Minister of Co-operation and Development

Whether any persons were sent to any rehabilitation centres in terms of section 29 of the Blacks (Urban Areas) Consolidation Act, No 25 of 1945, in the latest specified three years for which figures are available if so, (a) how many, and (b) to which centres in each case, in each such year?

The MINISTER OF CO-OPERATION AND DEVELOPMENT

Yes

1979—Nil
 1980—Nil
 1981—One To the Madadeni Centre, New Castle

851

TUESDAY, 29 MARCH 1983

(1) Yes

(a) 1 October 1976

(b) Theft of motor vehicle

(c) 4 days

(d) John Vorster Square Johannesburg

(2) Yes

(a) 5 October 1976

(b) He committed suicide

(3) (a) (b) and (c) Owing to the lapse of time police records are no longer available

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(2) whether he died in detention, if so, (a) on what date and (b) what were the circumstances of his death.

(3) whether an inquest has been held into his death, if not, why not, if so, (a) when, (b) where and (c) what was the verdict?

The MINISTER OF LAW AND ORDER

There is no record that such a person has been detained in terms of security legislation, and unless further information is made available it is impossible to ascertain from all the police stations and border posts in the Republic whether such a person has been detained

29/3/83
Q. Col 851-852
841 Mr D I N MATHOMESS asked
The Minister of Law and Order

852

TUESDAY 29 MARCH 1983

RS4

(1) Whether the South African Police ordered any (a) Coloured persons, (b) Indians and (c) Blacks to vacate beaches reserved for members of the White race group in (i) Cape Town, (ii) Port Elizabeth and (iii) East London during the period 1 February 1982 to 31 January 1983, if so.

(2) whether any such persons were charged, if so, how many in each category?

The MINISTER OF LAW AND ORDER

(1) (i) Cape Town, (a), (b) and (c) Yes

(ii) Port Elizabeth (a) and (c) Yes

(b) No

(iii) East London, (a), (b) and (c) Yes

(2) Yes, 7 Coloureds in Port Elizabeth

How many cases of tuberculosis were reported in (a) the latter half of 1981 and (b) 1982 in each (i) province and (ii) national state whose government had not taken over health services,
Q. Col 852-854
29/3/83
Hansard
Dr M S BARNARD asked the Minister of Health and Welfare

(1) How many cases of tuberculosis were reported in (a) the latter half of 1981 and (b) 1982 in each (i) province and (ii) national state whose government had not taken over health services,

(2) how many cases of tuberculosis were hospitalized in each (a) province and (b) such national state in (i) the latter half of 1981 and (ii) 1982,

(3) how many tuberculosis patients died in each (a) province and (b) such national state in (i) the latter half of 1981 and (ii) 1982?

The MINISTER OF HEALTH AND WELFARE

(1) (a) (i) 1981 (Latter half) Cape Province 9 183

Natal 2 708
O F S 1 810
Transvaal 8 080

(a) (ii) 1981 (Latter half)

Kangwane 260
Kwandebele Nil

(b) (i) 1982 (Whole year)

Cape Province 20 887
Natal 6 287
O F S 3 552
Transvaal 16 480

(b) (ii) Kangwane 655
Kwandebele Nil

(2) (a) (i) 1981 (Latter half)

Transvaal 9 857
Cape Province 7 066
Natal 6 699
O F S 1 767

(ii) 1982 (Whole year)

Transvaal 18 475
Cape Province 12 611
Natal 11 074
O F S 2 654

(2) (b) (i) 1981 (Latter half)

Kangwane 246

(ii) 1982 (Whole year)

Kangwane 665

(3) (a) (i) 1981 (Latter half)

Cape Province 726
Natal 32
O F S 34
Transvaal 273

(ii) 1982 (Whole year)

Cape Province 1 344
Natal 68
O F S 90
Transvaal 581

(3) (b) (i) 1981 (Latter half)

Kangwane 14

(ii) 1982 (Whole year)

Kangwane 25

206
29/3/83
Q. Col 854
Hansard
Contract workers
545 Dr A L BORLAINE asked the Minister of Co-operation and Development

How many Black contract workers were working in the Cape Peninsula in 1982?

The MINISTER OF CO-OPERATION AND DEVELOPMENT

23 791

Deportations

548 Mr K M ANDREW asked the Minister of Co-operation and Development

(1) How many (a) men, (b) women and (c) children were deported from the Western Cape to Ciskei in each month of 1982

(2) how many (a) men, (b) women and (c) children were deported from the Western Cape to Black states other than Transkei and Ciskei in each month of 1982?

The MINISTER OF CO-OPERATION AND DEVELOPMENT

(1) (a) Nil

(b) Nil (c) Nil

(2) (a) Nil

(b) Nil

(c) Nil

Administration boards: administration of townships
Q. Col 854-857
549 Mr K M ANDREW asked the Minister of Co-operation and Development

206

Cape Herald 11/4/83

Western Cape labour policy is not working

By Barry Streek

ONCE upon a time a cabinet minister told the country that by 1978 the number of Africans in the cities would be on the decrease. Well, figures and estimates released by the President's Council a week or two ago make absolute nonsense of that statement.

In 1980, Africans formed 11,2 percent of the population of the Western Cape. In 17 years' time, they will be 15,1 percent, and by the year 2050 they will constitute between 22,7 percent and 33 percent of the Cape Peninsula's population, according to the findings of the science committee of the President's Council.

These projections alone directly contradict the intentions of Government policy in the Western Cape and, read together with the figures provided by Minister Piet Koornhof last week, the percentages of Africans in the Western Cape will be even higher than now forecast by the Council's committee. For instance, the committee's estimate is

that there would be 241 000 Africans in Cape Town by 1985, but Dr Koornhof says there are already 266 224 in the Cape Peninsula.

In effect, the Government has been told that its coloured labour preference policies for the Western Cape are failing — all this despite ever-continuing pass law raids.

At present, no African can be employed in the Western Cape unless there is no "coloured" person available for the job, although Dr Koornhof said 54 107 men and 1 446 women were legally employed in the area.

Nor can Africans obtain 99-year leases for property in the Western Cape, even if they have permanent residence rights.

Dr Koornhof also said 154 224 of the Africans in the Western Cape were "legally" present in the area.

This means that 112 000, or 42,1 percent, of the Africans were "illegally" in the Cape Peninsula.

WHITE

The science committee's projections also show that the proportion of people classified as white in the Cape Peninsula will decline.

In 1980, the 570 000 whites constituted 31,9 percent of the population in the area. By the turn of the century they will form between 28,3 percent and 17,3 percent.

Fifty years later, the science committee estimates, whites will be below 20 percent of the Western Cape population — between 19,9 percent and 17,3 percent.

TE MUST enter in order of each question number in which it has two columns (2) and

External
(3)

On the other hand, those classified as coloured, who totalled 1 001 000 in 1980 and formed 56,1 percent of the population, will form between 55,9 percent and 53,7 percent by the turn of the century — and about half in 2050.

GROWTH RATE

The science committee based its projections on an estimated growth rate of 0,8 percent for "whites" and "Asians," 1,5 percent for "coloureds" and between 2,5 and 3,2 percent for "Africans."

Whichever way one looks at it, these facts and estimates show that the government's coloured labour preference policies are not working.

The science committee's also show that somewhere between 2000 and 2010, "coloureds" and "Indians" will outnumber "whites" — and that has interesting implications for the government's constitutional reforms, if they survive that long.

This all goes to show that the facts of population growth are undermining official policies on a number of levels. The government can delay facing up to those implications, but for how long?

leaving the exam

Subject: (to be copied from the heading on the Examination Paper)

Paper No: *ES1* (to be copied from the heading on the Examination Paper)

NOTE CAREFULLY

1. The answers only on the right hand pages will be marked. The left hand pages may be used for rough work, but no credit will be given for such work.
2. Enter at the top of each page and in column (1) of the block on this cover the number of the question you are answering.
3. Blue or black ink must be used for written answers. The use of a ball point pen is acceptable. Red or green ink may be used only for underlining, emphasis or for diagrams, for which pencil may also be used.
4. Names must be printed on each separate sheet (e.g. graph paper) where sheets additional to examination book(s) are used.

WARNING

1. No books may be taken into the examination room.
2. Candidates must remain seated during the examination.
3. No part of the examination paper may be taken away from the examination room.
4. All answers must be written in the examination book.

Any dishonesty will render the candidate liable to disqualification and to possible exclusion from the University

WEDNESDAY, 13 APRIL 1983

The MINISTER OF LAW AND ORDER

the various police stations in Port Elizabeth in 1982 is as follows

The following should be noted

(1) the term "mugging" does not exist in South African law. What is generally understood by the term may be described either as robbery or attempted robbery, or in certain circumstances other similar offences

(2) For the purpose of this reply the term is taken to describe offences recorded as robbery only. In addition the "Port Elizabeth area" is regarded as the patrol areas served by all the police stations in Port Elizabeth

(3) The number of robberies reported to

Handwritten: 1 499
Social work degrees 970
Col. S BARNARD asked the Minister of Education and Training

(1) How many persons (a) registered for degrees in social work and (b) majored in social work at each university falling under his Department in 1979, 1980, 1981 and 1982, respectively.

(2) how many persons obtained degrees in social work at each such university in each of these years?

The MINISTER OF EDUCATION AND TRAINING

(1) Year of study	Fort Hare	The North	Zululand
1979	Dip B Hons M D Dip B Hons M D Dip B Hons M D	46 108 70 38 1 2 1	40 37 25 4
1980	1 73 41 40 2 1 2 3	4 119 74 59 3 3	63 19 35 4
1981	1 74 40 29 1	69 87 54 7 3	89 41 25 3
1982	1 99 51 45 8 1	3 83 68 79 6	105 70 38 7 1

(b) Only students registered for a degree in social work may major in social work in the statistics given under (a) therefore also indicate how many students majored in the subject concerned

WEDNESDAY, 13 APRIL 1983

(2) Degrees obtained

	Fort Hare	The North	Zululand
1978	Dip B Hons M D Dip B Hons M D	5 35 1 1 1 33 1 6 25 2	1 1 4 1 1 33 1 21 2
1979	1 1 4 22 1 1 25	1 1 4 22 1 1 26	1 1 4 28 4
1980	25	25	17
1981	Not available yet	Not available yet	Not available yet
1982	Not available yet	Not available yet	Not available yet

Handwritten: 543
Mrs H SUZMAN asked the Minister of Law and Order

How many Black persons were arrested for trespass in 1982 in (a) each of the main urban centres and (b) the Republic?

The MINISTER OF LAW AND ORDER

(a)	Cape Town	543
	Port Elizabeth	650
	East-London	256
	Durban	2 522
	Pietermaritzburg	1 326
	Bloemfontein	698
	Johannesburg	11 049
	West Rand	1 061
	East Rand	4 435
	Pretoria	3 257
(b)	Wetlands: international convention	98 507

Wetlands: international convention

681 Mr R R HULLEY asked the Minister of Environment Affairs and Fisheries

(1) Whether South Africa is a signatory to an international convention in respect of wetlands, if not, why not, if so, (a) what convention and (b) what is the nature of South Africa's obligations in terms of the convention,

(2) whether the De Hoop Vlei (a) has been registered and (b) is administered in terms of this convention, if not, why not?

The MINISTER OF ENVIRONMENT AFFAIRS AND FISHERIES

(1) Yes

(1) (a) The Convention on Wetlands of International Importance, Especially as Waterfowl Habitat, also called the Ramsar convention

(1) (b) To designate suitable wetlands for inclusion in a list of wetlands of international importance. Such wetlands should be selected on account of their international significance in terms of ecology, botany, zoology, limnology or hydrology. Planning should be so formulated and implemented as to promote the conservation of the wetlands included in the list and, as far as possible, the wise use of wetlands in the country

(2) (a) Yes
(b) Yes

Council for the Environment

682 Mr R R HULLEY asked the Minister of Environment Affairs and Fisheries

Whether the Council for the Environment has appointed any subcommittees to investigate environmental matters, if not, why not, if so, (a)(i) what is the name and (ii) who is the chairman of each such subcommittee and (b) what environmental matters are being investigated by each such subcommittee?

The MINISTER OF ENVIRONMENT AFFAIRS AND FISHERIES

No Preliminary discussions regarding the appointment in terms of section 5 of the Environment Conservation Act, 1982

An 'internal' affair

Administration of influx control and the pass laws may soon be moved from the Department of Co-operation and Development to Internal Affairs. This could be a major step towards dismantling the old "Bantu Affairs" empire.

That the move is being contemplated is clear from the second and third reports of the Select Committee on the Constitution, tabled in Parliament this week. A senior administration board witness before the committee referred directly to new legislation providing for Internal Affairs to take over influx control responsibilities.

The select committee, of which Constitutional Affairs Minister Chris Heunis is chairman, is trying to recast the second and third of the three "Koornhof" Bills introduced in Parliament last year — the Black Communities Development Bill, and the Orderly Movement and Settlement of Black Persons Bill. The first of the trilogy, the Black Local Authorities Bill, has since become law.

On January 13 this year, the select committee heard evidence from the board of chairmen and chief directors of administration boards, represented by Piet Riekert, a former economic adviser to the PM, JM van Rooyen, John Knoetze of Wrab, and DC Ganz.

From their evidence it is clear they believe administration boards are going to be

around for a long time to come, although Knoetze speaks of a process of "creative withdrawal" from the larger black cities. Management functions such as town planning and the development of community facilities are in the process of being transferred to "autonomous" black local authorities.

During the process of "creative withdrawal," administration boards will continue to perform services for local authorities on an agency basis, especially in the provision of management staff for municipalities. In the case of Soweto, says Knoetze, 1 800 black Wrab officials have been transferred to the "new" local authority, while 100 white officials have been seconded.

Knoetze believes that administration boards should continue to be the owners of the housing stock. They should also be the main providers of housing — especially for the lower-income groups. Temporary residents — squatters and migrant workers in hostels — are the responsibility of the State and the administration board is the extension of the State, says Knoetze. In the transitional period, as black local authorities move to maturity, the administration board should continue to prop up township life.

Economic price

The boards should retain control over the manufacture and distribution of liquor in the townships, although they are willing to sell off on-consumption and retail outlets to black businessmen "at an economic price."

Asked by Justice Minister Kobie Coetsee to elaborate on the agency role of administration boards, Piet Riekert said the boards already managed labour bureaus as agents of the Department of Manpower — "and where the new Bill provides that influx control will henceforth be administered by the Department of Internal Affairs, we are also agents of that department." He added that boards act as agents for the Department of Health and for the police.

Coetsee questioned whether it would not be appropriate for administration boards to administer unpopular legislation — to take the heat off newly elected black local authorities. Speaking for the board of chairmen, CH Kotze said influx control was the most sensitive issue in the politics of human relations, and something which could bedevil "any matter."

"It is a matter which is currently dealt with by the administration boards on behalf of the Department of Co-operation and Development. We regard this as a very sensitive function, something that is closely

linked to the spirit of man," he said.

"Let us imagine, for example, that I, as an Afrikaner, should be responsible for the control over the influx of Afrikaners to Pretoria. That would be a real mess. I would not be able to do it because for me it would be too emotional an issue. In my opinion, influx control is something the black man cannot handle."

"Because administration boards regard themselves as human relations agents who wish to improve relations between people in this country, we would like to suggest that this unpopular job be performed by someone else, and by this we mean other government departments."

He added "We don't dispute the need for



Koornhof ... losing influx enforcement?

influx control. It is necessary. I know I am sticking my neck out, but we feel that until such time as influx control can be exercised in another way, we shall just have to accept that administration boards, being geared for the job, and their officials trained for it — we are the best people to carry out this sensitive task in a manner that is least offensive."

Influx control laws: Govt thinks again

Staff Reporter
THE government is contemplating shifting the enforcement of "unpopular" influx control laws from the Department of Co-operation and Development to the Department of Internal Affairs, according to the second and third reports of the select committee on the constitution

The reports, which were tabled in Parliament this week, quote evidence presented by the board of chairmen and chief directors of the administration boards to the committee, which is examining the proposed Black Communities Development Bill

Dr P J Riekert, representing the board, said administration boards already acted as agents for the Department of Manpower by managing labour bureaux and "where the new bill provides, that influx control will henceforth be administered by the Department of Internal Affairs, we are also agents of that department"

This is the first indication that the government is preparing legislation to shift the application of influx control laws, which

could signal the further dismantling of the former Bantu Administration "empire"

Commenting on the application of influx control, Mr C H Kotze, also representing the board, said influx control was the "most sensitive area of political relations, an aspect which can easily bedevil matters"

He said "We see it as a very sensitive function, very closely linked to the spirit of man. Let us suppose that I, as an Afrikaner, should be responsible for the control over the influx of Afrikaners to Pretoria"

"That would be a real mess I would not be able to do it because for me it would be too emotional an issue. In my opinion, influx control is something the black man cannot handle"

"Because administration boards see themselves as human relations agents, we would like to suggest that this unpopular job be performed by someone else"

Earlier, Dr Riekert said the administration boards — with a few exceptions — were in the process of "completely going under financially"



Sir De Villiers Graaff

Villiersdorp h

Staff Reporter

THE conferring of the freedom of Villiersdorp on Sir De Villiers Graaff on Thursday celebrated a family association with the little town that started when a Graaff ancestor founded it 32km from Caledon 139 years ago

The family has left an indelible stamp on the town, founded in 1844 by Field-Cornet Pieter Hen-

drik de Villiers on Radyn, one of the original Dutch East India Company farms in the area

The cadet band which led the Graaffs' horse-drawn carriage down the town's main street on Thursday belonged to the De Villiers Graaff High School, and so did the hall in which Sir De Villiers was honoured by the Mayor, Mr E N Kruger

Slabbert tells PM 'stop double-talk'

Political Staff

THE Leader of the Opposition, Dr Van Zyl Slabbert, yesterday challenged the Prime Minister, Mr P W Botha, to stop his "double talk" over testing coloured and Indian opinion on the new constitution and say openly that there would be referendums for them as well

His reaction came late yesterday following different interpretations by coloured and Indian leaders of the outcome of their meeting on Thursday with Mr Botha

The Prime Minister said in a public statement that there would be a test of opinions, but that the "method and date" would be decided later

The Labour Party leader, the Rev Allan Hendrickse, said he believed Mr Botha had promised a referendum

Mr Amichand Rajbansi, chairman of the Indian Council executive com-

mittee, said that the Prime Minister had promised a plebescite

In response to inquiries yesterday, a spokesman for the Prime Minister said that his statement on Thursday "does not preclude the possibility of a referendum"

Yesterday Dr Slabbert said "When are we going to get a straightforward and simple answer from this government?"

"Why can the Prime Minister not state in quite simple language that he is prepared to hold a referendum, either separately, or on the same day for whites, coloureds and Indians?"

Mr Botha should stop his "double-talk" — or was he waiting for the results of the by-elections in Waterberg and Soutpansberg?

The PFP believed that the only step which made sense was a referendum for all South Africans — blacks, coloureds, Asians and whites

The Cape Times keeps on growing

IT'S another first for the Cape Times — street sales in the Northern areas

From Monday Cape Town's fastest growing newspaper will be available from 22 street vendors serving Durbanville, Kraaifontein, Brackenfell, Kuils River, Somerset West, and the Strand

The new vending points are at the following intersections and locations

- N1 turnoffs at Durbanville and Kraaifontein

- Old Oak and D'Urban intersection

- Durbell & D'Urban intersection

- Van der Merwe & Riebeeck Road

- Scottsdale station

- Brackenfell station

- Pick 'n Pay hypermarket

- Labelle & Strand

- Sarepta station

- Mitchell & Strand

- Blackheath station

- Eerste River station

- Firgrove station

- Somerset West/Ste: lenbosch robots

- Somerset West station

- Victoria & N2 robo

- Van der Stel station

- Broadway & Main

- Strand station

- Beach & Strand

The multitude of vendors means the Cape Times will be only block away from the majority residents of the northern areas. This means that from Monday it will be much easier to get the newspaper and its interesting supplements, including the industry leading Homefinder, Jobfinder, Carfinder, Funfinder

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SA captain 'to be prosecuted'

MAPUTO — The captain of a South African fishing vessel seized about 20km off the Mozambique coast, would be prosecuted for fishing illegally within Mozambique's 320km economic zone, the official news agency Aim reported yesterday

The vessel, the Morning Star, is captained by Paul Davids and has a 14-man crew. Its owner, Mr A R Shooter, of Durban, said Mozambique's claim to an economic zone of 320km was news to him

Maputo's deputy harbour master, Mr Badrodin Mustafa, was yesterday quoted as saying that the Morning Star had been detained by a North Korean trawler

Earlier it had been reported that two East German trawlers had threatened to ram the Morning Star

Our correspondent reports that the South African Department of Foreign Affairs had by late yesterday received no information regarding the incident — Sapa-AP, Own Correspondent

BRAAI?

Remember the best

... in a prescribed area for longer than 72 hours 28 were fined a total of R1150 all suspended, while the rest were remanded and are to appear next week.

Of the 110 charged under Regulation 47 (i) (v), 22 pleaded guilty. Two were fined R20 (or 20 days), while 20 were fined R10 (or 10 days).

The remaining 88 pleaded not guilty, were refused bail and were remanded.

... time

... first time any... arrested at... regulation — (v) (i) of 1968... arrests and... began in ear... arrests of 125 males and 64... a number of... left at the... them were a... car-old twins... Maboya Gon... parents are... May 2

● The Women's Movement for Peace yesterday sent a telegram to Dr Piet Koornhof, the Minister of Co-operation and Development, urgently requesting him to reconsider the decision to withdraw the promise of 2 500 sites for the KTC people

● Picture, page 13

Too late for classification

LOST

BLACK Maltese terrier licence no 19138 Reward R 44 4200

... performance of street theatre

Contract worker wins right to live in City

CAPE TIMES 22/4/83 (206) (340)

Supreme Court Reporter

A CONTRACT worker was granted permanent residence rights by a Supreme Court judge yesterday because he had worked in Cape Town for a period of 10 years and lived in the area for 15 years — in spite of three absences of up to eight months.

Mr Mbandweni Mthiya a worker for Chick's Scrap Metals, issued the application against the Administration Board of the Western Cape and the Municipal Labour Officer, Langa during March. He had previously applied unsuccessfully for permanent residence rights. He was born in Eng-

cobo, Transkei, and began working for Chick's in January, 1967. Since then, he had renewed his contract of employment during his leave each year, after his company had obtained the authority to do so.

He claimed in papers that on three occasions he was granted long leave — for six months during 1969-70 for four months in 1976-1977 and for eight months during 1979-1980.

The respondents claimed that his long absences meant he had not worked or lived continuously in Cape Town for the required time. They claimed that his employment contract was on an annual basis. During his periods of absence, his contract had expired and he was not employed by the company.

ing these rights

"A man cannot be expected to work day in and day out for 10 years without a break of any kind," the judge said.

A man could be ill or injured and be required to leave the area for a lengthy period. If the employer agreed to his absence he could not be said to have abandoned his employment, he said.

"Every man is entitled to a holiday. And during his holiday break he might go outside the prescribed area. He is, after all, entitled to see his wife and family from time to time."

Mr Mthiya had established his continued employment by the fact that arrangements for the renewal of his contract had been made before he returned to Transkei on leave each year. The length of the breaks made no difference as the employer had agreed to the extended absences.

Mr J J Gauntlett, instructed by Mallinck Ress, Richman and Cloenberg, appeared for Mr Mthiya. Mr L R Dison, SC assisted by Mr J T Schoombie, instructed by Bornman and Hayward, appeared for the respondents.

Giving reasons for the order, Mr Justice Tebbutt said that working under a system of separate contracts did not debar a man from being entitled to residence rights.

Being absent from his place of employment periodically could also not disqualify him from gain-

guilt could be drawn from the four men's failure to testify. If the facts favourable to the men and to the State, contained in their statements, were taken into account with other evidence against them, a reasonable doubt in respect of their participation arose, he said.

Mr Makubala had admitted in his statement to "throwing stones at the car", he said. Mr Kube had admitted being present when a man was killed, but claimed he had taken no part in it and had thrown no stones.

Mr Hlapo and Mr Beardman had admitted in their statements that they had thrown stones at

CAPE TIMES 22/4/83

JO JOURN ON

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2, 1983

Funder Inside

TIMES

Killings: Guilt 'not proved'

CAPE TIMES 22/4/83 (215) (331)

Supreme Court Reporter

THE actions of four men, charged with murder and errorism with Mr Oscar Mpetha and 13 others, did not contribute to the death of two men in Crossroads during 1980, it was submitted in the Supreme Court yesterday.

Mr J Whitehead, for the four accused, submitted that the State had failed to prove any causal connection between the men's actions and the death of the men. It had also failed to prove that they were part of a common purpose to murder the men, he said.

Mr Morgan Makubala, Mr Peter Kube, Mr Johannes Hlapo and Mr Jeffrey

guilt could be drawn from the four men's failure to testify. If the facts favourable to the men and to the State, contained in their statements, were taken into account with other evidence against them, a reasonable doubt in respect of their participation arose, he said.

Mr Makubala had admitted in his statement to "throwing stones at the car", he said. Mr Kube had admitted being present when a man was killed, but claimed he had taken no part in it and had thrown no stones.

Mr Hlapo and Mr Beardman had admitted in their statements that they had thrown stones at

Worker wins order to stay in Peninsula

Supreme Court Reporter
AN ORDER allowing a contract worker permanent residence in the Cape Peninsula has been granted in the Supreme Court in Cape Town

Mr Mdandweni Elliot Mthiya brought the application against the Administration Board of the Western Cape and the Municipal Labour Officer, Langa, earlier this year

Mr Mthiya asked the court for an order declaring that he was entitled in terms of Section 10 (1) (b) of the Blacks (Urban Areas) Consolidation Act No 25 of 1945 to remain in the prescribed area of the Cape Peninsula

ENDORSE

He also asked that the Administration Board be directed to endorse his reference book, permitting him to remain in the Cape

A general worker at a scrap metal company in Epping, Mr Mthiya had told the court that although he was born and raised in Transkei, he had been continually employed with the company since 1967

He said when he applied for a renewal in January last year, his application was rejected

Giving judgment, Mr Justice Tebbutt said that Mr Mthiya had established that he had both worked continuously and lawfully resided continuously in the prescribed area concerned for the requisite periods prescribed by the Act

The judge said Mr Mthiya had lived through the whole of each year from 1967 to 1982 in the Peninsula, apart from one month when he went to Transkei, and for the periods of six, four and eight months during the 15-year period

On each occasion he intended to return to the Peninsula, and still lived in the Peninsula

His employer never contemplated losing the services "of a skilled and valued member of the staff" who was kept on the company's books.

This, the judge said, revealed a common and continuing intention of Mr Mthiya and the company that he should remain in employment

Passes to passports

High level sources in the Department of Internal Affairs have confirmed to the FM that government is studying the implications of relieving Piet Koornhof's Department of Co-operation and Development (CAD) of the task of administering influx control (*Current affairs* April 15)

This seems to be part of a major effort to "sanitize" influx control. It will be moved as much as possible out of the traditional pass laws arena into that of immigration control — almost certainly, therefore, under the aegis of the Department of Internal Affairs.

People originating from the independent homelands (Transkei, Ciskei, Bophuthatswana, Venda) and those like KwaNdebele which are expected to accept independence, would then be dealt with under immigration legislation rather than influx control laws.

Major preparations have already been made for such a switch. It was a little-known fact, the FM was told, that CAD already acts for Internal Affairs on an agency basis in enforcing the 1937 Aliens Act and the Regulation of Admission of Persons to the Republic Act (No 59/1972).

Indeed, many members of the SA Police, and SATS's Railway Police, have been empowered to act as passport control officers. Several thousand officials of CAD, the SAP and the SATS police have had their names officially gazetted for this purpose.

This seems to indicate a major shift in influx control enforcement. Some Xhosa-speaking people, who are regarded as citizens of either Transkei or Ciskei, have

already been acted against under immigration legislation.

Now blacks who fall foul of the pass laws and influx control regulations in the western Cape can never be sure under which legislation they will be prosecuted. Some are proceeded against under the Black (Urban Areas) Consolidation Act of 1945, but others have been prosecuted under the Admission of Persons Act and summarily deported. This happened in August 1981 when 2 000 Nyanga squatters were sent "back" to the Transkei.

Lawyers believed at the time that the Act was being used to circumvent cumbersome court proceedings and appeals that would have resulted from action under influx control regulations.

It is clear government has been thinking about the policy switch for some time. But legislative preparations for it were derailed by the outcry that followed publication of the Orderly Movement and Settlement of Black Persons Bill. This led to the Bill being withdrawn for consideration by Chris Heunis's Parliamentary Select Committee on the Constitution.

However, Section 33 (3) of the draft Bill stated "A designated officer, including a delegated person shall for the purposes of the Admission of Persons to the Republic Regulation Act, be deemed to be a passport control officer and shall, as such, perform, with respect to a black person, such functions of a passport control officer as may be determined by the Director-General."

This is read as a clear indication of government intentions to use immigration

laws rather than influx control regulations against people from the independent homelands.

Whether the Bill, as rewritten by the Select Committee, will retain the section, or include some even more far-reaching provision, remains to be seen. It is understood that the committee has not yet considered the Bill. However, administration board witnesses before the committee have referred to the Department of Internal Affairs taking over enforcement of influx control.

Official thinking seems to be that the policy switch in demographic control will go a long way to destigmatise and, to some extent, even depoliticise the discriminatory pass laws and influx control regulations, aimed specifically at blacks.

Under the proposed new set-up it could then be argued, that all "aliens," regardless of race and origin, are subject to the same rigid controls over their mobility — in effect non-racial pass laws. An official statement may soon confirm this. The real intent can be seen when it is recalled that it remains official policy that there will one day be no black South Africans.

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by appointment only

had been associated with the world's first garden city schemes, which were established in Britain. The first house in the scheme was completed in 1923.

Measles cases increasing

Own Correspondent
PORT ELIZABETH — The number of measles cases reported to the Port Elizabeth health department has been accelerating over the past four months.

This week the death of another 12 children from measles, or its complications, brings the year's toll to 124 — more than double the number recorded last year.

tion support.

Cape Times
23/4/83



From page 1

and they have been systematically denied Section 10 (i) (b) rights.

Mr Gert du Preez, chief liaison officer for the Western Cape Administration Board (WCAB), said yesterday that the board could not comment on the outcome of the case yet. The WCAB was the respondent in both the Boo! and the Mthiya cases.

Applications

However, the Black Sash, employers and trade unions have lodged hundreds of applications for Section 10 (i) (b) rights with the WCAB and more

than 20 similar cases are pending in the Cape Supreme Court.

Unofficially, there are about 12 000 workers in the Western Cape who have worked for one employer for longer than 10 years. With Section 10 (i) (b) rights, they would be entitled to bring their families to Cape Town as well, which could lead to the legal influx of up to 60 000 people into the Peninsula.

The unanswered question is whether the WCAB decides to accept the Supreme Court decisions or fight each case in court.

topical than the teachings of parables 4.31.

The four slickly-dressed clergymen tackled the controversial issue of accepting women as ordained ministers. Though the panel was split on the subject, they quite rightly left it to the viewers to draw their own conclusions. 4.36.

British football made a welcome return, but unfortunately Rhodesian-born Bruce Grobelaar did not have a particularly good game for Liverpool. There is every possibility that the Bushy Bester-Walter Gomez fight will be screened live tonight. 4.43.

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Residence hope for workers

By PHILLIP VAN NIEKERK
Labour Reporter

MORE than 10 000 City contract workers can hope to gain permanent residence in the Peninsula following a decision by the Supreme Court on Thursday to grant permanent residence to Transkeian-born Mr Mdwani Mthiya.

Much will depend on whether the Western Cape Administration Board will accept that and other Supreme Court decisions as applying on all contract workers in similar circumstances, or decide to fight each case in court.

The government has already drawn up legislation which can override these Supreme Court judgments.

If the proposed Orderly Movement and Settlement of Black Persons Bill becomes law in its present form, contract workers will never be able to acquire rights to live permanently in the cities, even if they spend the whole of their working lives there.

Other cases

Mr Justice Tebbutt granted Mr Mthiya Section 10 (i) (b) rights because he had worked in Cape Town for longer

than 10 years and lived in the area for 15 years.

This followed two similar cases — the 1981 Rand Supreme Court case of Mr Mehlolo Rikhoto and the Cape Supreme Court case of Mr Stanford Boo! last year. Both men were granted Section 10 (i) (b) rights because they had worked "continuously" for one employer for more than 10 years.

The West Rand Administration Board's appeal against the finding in the Rikhoto case is still pending in the Bloemfontein Supreme Court.

1945 Act

The right to permanent residence — or Section 10 (i) (b) rights — after 10 years' employment or 15 years' residence in the urban areas is contained in the Blacks (Urban Areas) Consolidation Act of 1945.

However, in terms of the 1968 black labour regulations, a contract can only be valid for a maximum of one year and a worker must return to the homelands to sign it. This has enabled the administration boards to argue that such workers have not worked "continuously" for longer than a year,

To page 2



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Rights of workers 'not recognised'

AKGAS
25/4/83

(scribbles)
206

Labour Reporter
CONTRACT workers entitled to permanent residence in urban areas increasingly had to go to the courts to establish their legal rights, according to the president of the Black Sash, Mrs Sheena Duncan

However, others have welcomed the judgment and have urged the administration boards not to ignore the ruling

A General Workers' Union spokesman said the union had "hundreds of workers who had worked for 10 years for one employer"

"A large number of workers have already applied for permanent rights but the administration board has refused to implement the Rikhoto judgement," the spokesman said

This was because the administration boards refused to recognise these rights, she said

Referring to a Supreme Court decision last week which granted rights to Mr Mdandweni Elliot Mthiya, a Cape Town contract worker, Mrs Duncan said most people were being denied their legal rights by the administration boards

Mr Mthiya, a general worker at Chicks Scrap Metal, told the court he had been continuously employed with the company since January 1967

Many more

An African Food and Canning Workers' Union spokesman said the union welcomed the judgment but was concerned that workers should have to go to court to establish their rights

Last year the Cape Division of the Supreme Court ruled that an AFCWU member, Mr Stanford Boo, who had worked for Fattis and Morns for more than 10 years, was entitled to urban rights. The union plans to take the cases of another eight workers to court, although they say there are "many more" in the same position

Mr Ken Andrew, PFP spokesman on black affairs in the Western Cape, said he hoped the Department of Co-operation and Development would acknowledge the "correctness" of Supreme Court judgments and grant the same rights to workers who qualified without them having to go to court

Entitled

Mrs Duncan said workers who began their employment before April 1, 1968, when labour regulations made it compulsory for migrant workers to renew their contracts in the homelands, should be automatically entitled to urban rights after 10 years with one employer

Last week's case was different from the Rikhoto and Boo cases where the Supreme Court ruled that their annual return to the homelands could not be regarded as a break in continuous employment, Mrs Duncan said



Mrs Sheena Duncan

Oppenheimer endorsed PFP approach

Political Staff
Leader of the Opposition, Dr F van der Walt, today welcomed what he saw as an endorsement by industrialist Harry Oppenheimer of Progressive Federation tactics in line with the pro-constitutional

Dr van der Walt was reacting to interpretations on an interview with Oppenheimer at the week-

end of the week. National Party newspapers have criticised Mr Oppenheimer's remarks as being a criticism of what he perceives to be the attitude of the

"There is nothing in this that is at variance with our actions

"It just boggles the imagination as to what lengths some sections of the Nationalist Press will go to try to give some credibility to extraordinary and far-fetched theories about what is going on in the Opposition

"They are obviously becoming victims of their own propaganda"

Dr Slabbert said a fundamental mistake was being made in not seeing the difference between the approval or non-approval of a constitutional amendment Bill and participation in the constitution

Dr Slabbert said Mr Oppenheimer had stated

City is 'top holiday spot'

West will be attacked on SWA

Argus Foreign Service
PARIS — The Western contact group expect to find themselves in the dock with South Africa here this week

While Pretoria will be charged with the customary intransigence in refusing to let go of SWA/Namibia, the Five will stand accused of letting the apartheid regime get away with it

The United Nations Council for Namibia, which is organising the five-day conference which started at the Unesco headquarters here today, has gone to much trouble and expense to make a prestige event of it

Advertisements in quality newspapers around the world have reiterated the council's claim to have been the territory's

~~204~~ 206
Challenge

over rights

27/4/83
Aretoria Bureau

THE National General Workers Union is to apply to the Central Transvaal Administration Board this week for 39 NGWU members — all hostel dwellers — to be granted Section 10 rights

And the union says it will take legal action if the applications are not granted

Yesterday, the NGWU general secretary, Mr Donsie Khumalo, said the applications would be made on the same grounds as those on which the Khomani and Rikhoto cases, which overruled official regulations barring certain groups of blacks from receiving permanent city rights, were based

tion Board (WCAB) and the Langa Municipal Labour Offices with great interest

Last week Justice Tebbut of the Cape Supreme Court ordered that the WCAB accede to Mthiya's request to be granted permanent urban residence rights, in that he had worked for one employer for more than 10 years and "resided continuously" in an urban area for 15 years

There are several interesting aspects to the case. Previous Supreme Court cases have established the principle that a migrant does not break his service if he returns to a homeland to renew his annual contract. In Mthiya's case, however, there were three additional periods of absence from work — one of eight months

Judge Tebbut ruled that employment should be regarded as continuous even if a migrant's absence from the workplace was for an extended period. This "would depend on his arrangement with his employer"

"But if he and his employer have a common and continuing intention that when he does absent himself in this way he nonetheless remains in his employment and will return thereto after his break, I cannot see how it can be said that, in such circumstances, he does not work continuously for his one employer"

Long leave

Mthiya's three periods of "long leave" (his phrase) from the Cape firm Chick's Scrap Metals were spent in Transkei, where his family lives. There were a number of reasons — a relocation of his home, theft of his cattle, even a murder charge, later withdrawn

The point was that Mthiya had consistently informed Chick's of his problems and intention to return to work, and the company had accepted this. The employee-employer contract had therefore remained intact throughout the period of employment. Indeed, counsel for Mthiya argued, this contract was stronger than that for non-migrant employees who are employed on a month-to-month basis

The regulations requiring a migrant to attest his contract on an annual basis was, in effect, a technicality demanded by administration board regulations, not law, and did not affect the long-standing arrangement between Mthiya and Chick's

The WCAB argued that Mthiya was a Transkeian, since that was where his family lived. However, Justice Tebbut accepted Mthiya's contention that this was not the case, that his family was in Transkei only because it would be illegal for him to bring them to the city — until he had acquired permanent urban rights

✓
As the judge pointed out, "a man cannot be expected to work day in and day out for 10 years without a break of any kind." Furthermore, any absences may be for lengthy periods. "But if he intends to return to his job when he has recovered and his employer keeps his job open for him, how can it be said that his employment has not been continuous?"

In effect, therefore, a contract between an employer and a migrant continues for as long as it is agreed between the two parties. A flood of Section 10 applications by migrants, on grounds similar to Mthiya's, can be expected

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INFLUX CONTROL

A contract honoured

FM 29/4/83
Employers of contract migrant workers will be studying the case of Mdandweni Mthiya vs the Western Cape Administra-

Tell it to the judge

Last week's Cape Supreme Court judgment granting a migrant, Mdandweni Mthiya, the right of permanent urban residence is another blow against the black administration boards' attempts to override strictly legal interpretations of Section 10 of the Urban Areas Act

In terms of Section 10(1)(b) a black employee can attain this right if he has worked for one employer for 10 years "continuously" or has "lawfully resided" in a prescribed area for 15 years

Mthiya applied for Section 10 rights on the basis that he had fulfilled both conditions. The Western Cape Administration Board (WCAB) contested this, saying the worker had broken employment and residence through being on yearly contracts with Chick's Scrap Metals, and because on three occasions he had spent extended periods in the Transkei. The WCAB further argued that Mthiya had been unemployed in the Transkei during the period he was not in the Cape. Justice Tebbut rejected the board's claims (see

Current Affairs).

In the light of the judgments in the case of Mehlolo Rikhoto (vs the East Rand Administration Board), and of Stanford Boo (in the Cape), a pattern is emerging. The administration boards have consistently argued that the annual contract system represents a break in employment. The Supreme Court, in these cases, has rejected this. And Justice Tebbut has taken the issue further.

According to the judge, the wording of the Urban Areas Act does not support the various boards' contention that an employee-employer contract is broken by the annual "call-in" requirement. If that were so, it "would render the exemption (from the 72-hour curfew requirement) nugatory and meaningless and could not have been within the contemplation of the legislature."

Since the boards have consistently refused to comment on whether they even agree that a principle has been established, they are in effect telling each applicant to "tell it to the judge" — meaning, in what could be hundreds of cases, costly appeals to the Supreme Court from the Commissioners' Courts, where these rights are routinely rejected.

The fact that the boards appear willing to fight each Section 10 application "on merit" is a position that might ultimately have to be decided in the Appellate Division. In the meantime, it is difficult not to see it as anything but a stalling device pending fresh legislation which might dispense with Section 10 rights altogether for future applicants.

In the form in which it has so far appeared, the Orderly Movement and Settlement of Black Persons Bill does

exactly this. Hence the furore over its terms, and its referral to a parliamentary select committee.

But government's strategy *vis-à-vis* migrants has a further, and sinister, component. In recent months evidence has emerged that the responsibility for enforcing influx control is to be shifted from the Ministry of Co-operation and Development and its agents (the administration boards and community councils) to that of the Interior.

It is feared that such a move could mean that blacks who work on contract and are citizens of independent homelands will be dealt with under the Aliens Act (1937), and the Admission of Persons to the Republic Act (1972). They will, in other words, be regarded as foreigners, and their contracts as temporary work permits.

The Urban Areas Act could then have significance only for persons who already have Section 10 rights. Their spouses and descendants will be permanently locked out of the common economic area — unless labour requirements dictate otherwise.

Since migrants generally support their families whether they live with them, or in one or another homeland, the reason for such a radical curtailment of urbanisation can only be ideological.

The Urban Areas Act allows blacks into prescribed areas for more than 72 hours by exemption only. But these exemptions have been ever more boldly defined by the Supreme Court. It is, surely, time for government to start paying more than lip-service to the inevitability of black urbanisation, and plan accordingly.

Jails, fines, bulldozers and bureaucratic obstructionism cannot halt the process.

5. Express
7/5/83

Telling tales 206 — it's the SA SA way of life SA

THE Johannesburg school head who urged parents of his scholars to inform on "non-whites" living in white flatland defended his controversial action this week.

Mr F O Gouws, principal of Laerskool Joubertpark, in Twist Street, Joubert Park, was at the centre of a major row this week when a circular to parents of his 380 scholars was publicised.

In it, he "strongly" advised the parents to "contact the Group Areas police if they knew of any "non-whites" living in the Joubert Park/Hillbrow area.

Mr Gouws said "I was just doing something within the law within the South African way of life.

"It was a private circular which was not meant for public distribution. I just wanted to get an idea of the extent of illegal people in the areas.

"I have the democratic right to live within the law of the South African way of life and as a school principal I did not act on a political basis."

Mr Gouws would not say whether he was a National Party supporter or a member of the Broederbond.

But several people have accused Mr Gouws of acting

"beyond the call of duty"

Professor John Dugard, head of Applied Legal Studies at the University of the Witwatersrand, said it was "very unfortunate that the principal of a school was behaving in the same way as members of the fascist British National Front which set up an organisation here in the Seventies."

Mrs Irene Menell, PFP MPC for Houghton, said she had seldom "witnessed such an appalling and distasteful abuse of office as this."

Mrs Menell said she would raise the issue in the Provincial Council this week and would ask what the Transvaal Education Department policy on abuse of office was and what action it would take in this case.

Mr J D V Terblanche, deputy director of the TED, refused to say whether the department had taken or intended taking any action on the matter.

Mr Cassim Saloojee, chairman of Actstop — an organisation which fights the removal of people living illegally in 'white' areas — said "I am horrified that a school principal has used his position to indoctrinate children into racial hatred and used them to spy on the homeless."

Daylight robberies

Staff Reporter

TWO armed robbers held up a teller at the Emmarentia branch of the Allied Building Society at 9.30am on Friday and escaped with about R700.

The men threatened Mrs Marie Viljoen, 32, with knives. Barely two hours later, two men threatened a domestic servant, Mina Karelse, 22, with firearms and locked her in the bathroom of her employer's house in Swartberg Street, Glenvista.

They escaped with a video machine and jewellery worth R2 000.



Fears of black 'flood' exaggerated — author

12/19/83
706
Saddler
2004

By STEVEN FRIEDMAN
Labour Correspondent

IF the Government scrapped influx control, the "flood" of blacks to the cities would not be nearly as great as supporters of control claim, according to a book by a noted research economist, which is due for release next week.

But the book also argues that influx control has, up to now, been very successful in keeping blacks out of the white cities and that South Africa is underurbanised by international standards.

The book is by Cape Town economist Mr Charles Simkins. Entitled "Four Essays on the past, present and possible future distribution of black South Africans", it is based on a mathematical analysis of influx control policies.

According to Mr Simkins, the proportion of blacks in urban areas outside the homelands actually dropped

between 1960 and 1980, from 29,6% to 26,7%.

And in the country areas outside the homelands, it dropped even more drastically — from 35,1% to 20,6%.

And the proportion of blacks in the homelands rose sharply from 39,8% to 53,1% between 1960 and 1980.

He argues that, because of influx control policies, the population of South African cities actually lags far behind those of other countries with a similar population and income standards.

This, he argues, means influx control policies and resettlement programmes have been effective in their aim of keeping blacks out of cities and forcing them into the homelands, which are becoming overcrowded.

But Mr Simkins also argues that influx control has created a vicious spiral in which ever tougher control is needed to keep blacks out of

cities — and he cites tougher pass raids and action against squatters as evidence.

He argues that scrapping influx control would not produce as great a flood to the cities as its supporters claim.

He says scrapping the system would remove pressure on black country areas and thus make them more able to support a population.

Without influx control, he says, the black city population would rise to 47% by the end of the century, only half-way towards closing the gap with the internationally expected amount.

There would be about 7 400 000 extra people in the white areas by the end of the century, about a third the amount expected by most commentators.

He argues that cities would be better able to cope with this rise in population than black country areas.

Judges asked to rule on pass laws

D. DISPATCH

~~407~~

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13 MAY 1983

PORT ELIZABETH — A case which could have far-reaching consequences in determining whether citizens of the independent black states can be convicted of pass law offences came before the Grahamstown Supreme Court on review yesterday

The case was referred by a Port Elizabeth commissioner who questioned whether four accused convicted and fined for not being in possession of their reference books, could be prosecuted if they were Ciskeian citizens

Mr Justice Mullins and Mr Justice Jennett reserved their decision on whether to hear the review after pointing out that the original charge sheets made no mention of the accused being Xhosas or Ciskeian citizens

Mr Justice Mullins

asked whether "very important and far-reaching matters" could be decided on the inadequate information before the court "Should we decide to hear further argument, a date will be arranged," he said

"We are not trying to avoid the issue but we are not seeking to argue matters purely on academic grounds"

Mr Richard Quinn who will argue against the convictions if the case is reviewed said charge sheets copies he had received indicated the accused were Xhosas The Transkei and Ciskei Acts indicated all Xhosas were citizens of one of these states, he said

There had to be considerable doubt whether a citizen of a sovereign independent state like Ciskei could be convicted of a pass law offence, he said and even if

he could be convicted different considerations applied to South African black citizens and independent homeland citizens "Legislation distinguishes between different types of black people"

Mr Quinn submitted that in cases of unrepresented black people appearing before the commissioner he should determine their language and citizenship and record pleas of not guilty on their behalf

Mr Chris Nel, for the state argued that the nationality of the review case accused should be determined before the court tried to determine "what their positions are"

The accused, who were convicted in February are Mr Ntso Kolomngamisa, Mr Patrick Njokweni, Mr Wilson Boo and Mr Siphiso Mahlulo — DDC

Test case for pass book convictions

Own Correspondent

PORT ELIZABETH — A case, which could have far-reaching consequences in determining whether citizens of the independent black states can be convicted of pass law offences, came before the Grahamstown Supreme Court yesterday

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There had to be considerable doubt whether a citizen of a sovereign independent state like Ciskei could be convicted of a pass law offence, he said, and even if he could be convicted, different considerations applied to South African black citizens and independent homeland citizens

Mr Quinn submitted that in cases of unrepresented black people appearing before the commissioner, he should determine their language and citizenship and record pleas of not guilty on their behalf

The accused, who were fined up to R10 in February, are Ntso Kolomngamisa, Patrick Njokweni, Wilson Boo and Sipiwo Mahlulo

Cape Times
14/5/83

~~107/15/200~~

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Former Ciskeian citizens

206
~~206~~
 M 16/5/83
**Migrant workers
 to face another
 crucial test in
 court this week**

THIS week will provide another crucial test for migrant workers' rights.

On Friday, the Appeal Court will hear the East Rand Administration Board's appeal against the Witwatersrand Supreme Court's celebrated Rikhoto decision

This established the right of migrants who have worked 10 years or more for the same employer to permanent city rights and so struck a mighty blow at a cornerstone of influx control

It may be recalled that this right is enshrined in Section 10 of the Black Urban Areas Act, but that a 1968 regulation effectively removed it by forcing migrants to break their contract each year so ensuring that they could never work continuously for one employer for 10 years

The regulation effectively stopped the permanent influx of black migrants to the cities dead in its tracks, so an Appeal Court decision upholding the Rikhoto decision would deal a damaging blow to Verwoerdian apartheid

But it is not yet clear that migrants will win this right if the court finds against Erab Dr Piet Koornhof threatened last year to introduce legislation to override the Rikhoto judgment, and the Government could decide to do this if Erab's appeal is rejected

The issue would then be whether supporters of reform could persuade the Government not to override so basic a change as this one

□ □ □ □

THE effect of the recession on the union movement is the subject of many theories Now a perspective from a unionist has appeared in the SA Labour Bulletin

Writing in his personal capacity, Mr David Lewis, of the General Workers Union, makes the controversial suggestion that it is just as easy — if not easier — for unions to recruit *unorganised* workers in a recession as in a boom

Among the points he makes is that black unemployment is so high — even during booms — that the extra threat of joblessness in a recession does not have the same effect on workers as in other industrial countries

Where unions are hit, he argues, is in trying to maintain their position in factories they have already organised

This becomes difficult in the face of retrenchments, tougher employer stances on wages and the like

So, Mr Lewis argues, the less efficient emerging unions will not disappear during the recession They will be quite able to claim a rising membership by simply embarking on mass recruiting campaigns

More substantial unions will not show so great a jump in members, because they will be busy consolidating membership

The catch is that mass union membership easily gained in a recession is easily lost unless unions can follow through with thorough organisation, and the unions who consolidate will emerge stronger in the long run

But, in a swipe at some "community" unions, Mr Lewis says unions who opt for mass "paper" membership without thoroughly organising these workers will discredit unionism among workers they recruit and then disappoint

Whether unions can recruit easily at present is a moot point



LABOUR WEEK

By

Steven

Friedman

But it is certainly true that unions who consolidate now are likely to emerge far stronger than those who go on mass recruiting campaigns

Sowetan 16/5/83

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To pass or not to pass

A CASE which could have "far-reaching" consequences in determining whether citizens of the "independent" black states can be convicted of pass law offences, came before the Grahamstown Supreme Court on review last week.

The case was referred by the Port Elizabeth Commissioner, who questioned whether four accused — convicted and fined for not being in possession of their reference books — could be prosecuted if they were Ciskeian citizens.

Mr Justice Mullins and Mr Justice Jennett reserved decision on whether to hear the review, pointing out that the original charge sheets did not mention whether the accused were Xhosa or Ciskeian citizens.

Mr Richard Quinn, who will contest the convictions if the case is reviewed, said charge sheet copies he

received indicated the accused were Xhosas. The Transkei and Ciskei Acts implied that all Xhosas were citizens of one of these states, he said.

It was to be doubted that a citizen of a "sovereign independent state" could be convicted of a pass law offence. "Legislation distinguishes between different types of black people," Mr Quinn said.

He submitted that where unrepresented black people appeared before the commissioner, their language and citizenship should be determined and pleas of not guilty recorded on their behalf.

The accused, who were fined up to R10 in February, are Mr Ntso Kolomngamisa, Mr Patrick Njokweni, Mr Wilson Boo and Mr Siphwo Mahlulo. — Sapa

Court rulings will affect dompas laws

TWO CRUCIAL Supreme Court decisions concerning the rights of thousands of migrant workers in urban areas, and whether citizens of independent homelands are liable for prosecution for pass law offences, will be decided in the South African law courts this week.

On Friday, the Appeal Court will hear the East Rand Administration Board's appeal against the Witwatersrand Supreme Court's celebrated Rikhoto decision

And in Grahamstown a case which could have a "far-reaching consequences" in determining whether citizens of the "independent" homelands can be convicted of pass law offences, came before the Supreme Court in review last week.

The Rikhoto decision established the rights of migrants who have worked 10 years or more for the same employer to permanent city rights, and so struck a mighty blow at a cornerstone of the influx control system.

This right is enshrined in Section Ten of the Black Urban Areas Act, but that a 1968 regulation effectively removed by forcing migrants to break their contract each year, ensuring that they could never work continuously for one employer for ten years

The 1968 regulations effectively stopped the permanent flow of

**By MONO
BADELA**

blacks from the homelands to the big cities. So an Appeal Court decision favouring the Rikhoto decision would be a crushing blow to the Government's influx control system.

The pass law offence case was referred by the Port Elizabeth Commissioner, who questioned whether four accused — convicted and fined for not being in possession of their reference books — could be prosecuted if they were Ciskeian citizens

Mr Justice Mullins

and Mr Justice Jennett reserved decision on whether to hear or review, pointing out that the original charge sheet did not mention whether the accused were Xhosa or Ciskeian citizens.

Mr Richard Quinn, who will contest the convictions if the case is reviewed, stated that charge sheets received indicated that the accused were Xhosas. The Transkei and the Ciskei Acts implied that all Xhosas were citizens of one of these states

He said it was to be doubted that a citizen of an "independent state" could be convicted of a pass law offence.

The accused who were fined up to R10 in February are Mr Ntso Kolomngqamisa, Mr Patrick Njokweni, Mr Wilson Boo and Mr Siphiso Mahlulo

URBAN BLACKS

Feared law controls destiny of thousands

ARGUS 19/5/83

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HUGH ROBERTSON, Political Staff, spells out influx legislation

IT is known as the Blacks (Urban Areas) Consolidation Act of 1945. To make it more efficient, it was amended in 1946 and 1947 and three times in 1952, again in 1953, 1955 and 1956, three times in 1957 and then each year from 1961 to 1966, followed by further amendments in 1968 and 1970 and annual amendments from 1974 to 1981.

Today it is one of the most watertight pieces of legislation. It is the central instrument whereby the Government controls the influx of blacks to white South Africa. Its provisions define what is a "legal" black and an "illegal" black, and by application often who has food to eat and who has none.

It is used to arrest an average of one black person every two-and-a-half minutes, day and night, or some 206 000 people a year. It ensures that South Africa has the highest ratio of prisoners to overall population in the world.

And the Act is at the centre of the confrontation between blacks who look to squatting opposite the old Kakaza Trading Centre (KTC) near Guguletu, and the Western Cape Administration Board, the police and the Department of Co-operation and Development.

Eye of the needle

Section 10(i) of the Act is the nitty gritty. Its four sub-sections — (a), (b), (c) and (d) — comprise the eye of the needle through which so far about 125 000 blacks have become "legal" residents of Langa, Nyanga and Guguletu.

The "first class" legals, or those who qualify under Section 10(i)(a), are those who can "produce proof in the manner prescribed" that they have "since birth, resided continuously in the area". In effect, they are required to prove that they were born here and have lived here ever since.

The "second class legals",

those who qualify under Section 10(i)(b), are contract workers who must have worked continuously for one employer in the area for at least ten years or for more than one employer for at least 15 years.

This section, almost miraculously, has produced a loophole on which the destiny of about 12 000 blacks in the Peninsula now hangs by a tenuous thread.

In an attempt to stop more blacks from qualifying as legal residents under this clause, the Department of Co-operation and Development proclaimed a regulation whereby contract workers were required to return to their "homeland" once a year to renew their employment contracts.

But in three separate rulings the Supreme Court has rejected the Government's argument that by returning to the homelands these workers have broken their contracts and that they thus do not qualify as having worked or lived "continuously" in the area.

The court has found, instead, that the annual enforced migrations to the homelands do not constitute an acceptable break in employment or residence.

So far hundreds of blacks have applied for Section 10(i)(b) status on the strength of these judgments. There are thought to be 12 000 who technically could do so. But the Western Cape Administration Board is refusing to grant them this status until appeals lodged against the Supreme Court judgments have been heard.

Harassment

Section 10(i)(c) legality is accorded to the wives, unmarried daughters and sons under the age of 18 of those who qualify under sub-sections (a) and (b).

And Section 10(i)(d) accords temporary legality to certain contract workers who obtain permission from the manager of a labour bureau to reside in the area for a set period.

For the "illegals" — the Government puts their number at some 42 000, but some estimates put the total at well over 80 000 — it is an offence to be in the Cape Town area for longer than 72 hours.

But the Blacks (Urban Areas) Consolidation Act is not the only measure used to deny blacks "legality" in Cape Town. Another is the Government's coloured labour preference policy, whereby an employer is prohibited from giving a job to a black — and thus qualifying him for "legal" status — if the Government believes there are coloured people who can fill the post.

Each year hundreds of applications from Cape Town businessmen wanting to employ blacks are turned down. And many employers simply ignore the regulation. In 1981, for instance, 727 Western Cape employers who gave jobs to blacks without permission paid fines totalling R126 685.

Even if a black person can get a job legally, the Government has yet another law to determine his "legality". It has the resounding title of the Administration of Persons to the Republic Regulation Act of 1972, and it is being used with increasing frequency to deport blacks from the Western Cape.

In effect, this Act allows for the deportation of "foreigners". And since a whole compendium of other laws make all blacks citizens of one or another "homeland", all blacks are legally "foreigners". Technically, they can be deported under any one of the myriad sections of the Act.

But those "deported" — bus loads of them leave every week — often return to Cape Town within days, the fines, costs and inconvenience being the preferred alternatives for the hardships in the homelands.

SA pass laws make mockery of homeland independence'

Mail Correspondent

PORT ELIZABETH — South African courts are obliged to apply South African law and convict independent black state citizens guilty of pass law offences even though this violated international law, Professor John Dugard of the University of the Witwatersrand law faculty said yesterday

He was commenting on the implications of a Supreme Court review case in which the convictions of four men — for failing to be in possession of their reference books — were upheld because the court was uncertain about the accused's citizenship

Prof Dugard said citizens of the independent homelands suffered "all the disadvantages of being foreigners and all the disadvantages of being black"

South African law defined blacks in broad terms as any person who in appearance was obviously a member of an aboriginal race or tribe in Africa, he said

However a conflict arose with a principle of international law which stated that aliens should not be discriminated against on grounds of race, and Ciskeians and Transkeians were aliens

Prof Dugard said South African courts were, despite this principal of international law, obliged to prosecute pass law offenders and accused charged under Section 10 — which makes it an offence to be in an urban area for more than 72 hours — even if they were citizens of independent black states

"It makes a mockery of independence — they are not treated as fully independent states," he said

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Escom (Cape Western Undertaking) Salaried Staff Association.....
Tramway Officials Staff Association.....
S.A. Jockeys' Association.....
Durban Municipal Transport Employees Union.....
Cinematograph Projectionists Union (Coloured).....
Johannesburg Municipal Water Works Mechanics Union.....
Optical Workers Union.....
Lady Smith Indian Municipal Employees Union.....
East London Meat Trade Union.....
East London Liquor & Catering Trades Employees Union.....
East London Municipal Transport Workers Union of S.A.....
Pretoria Bakwewerheidsvereniging.....
Kafiraria Divisional Council Employees Association.....
Golden Arrow Officials Staff Association.....

UNIONS WITH MEMBERSHIP BETWEEN 50 AND 100

48 ...
38 ...
33 ...
32 ...
31 ...
25 ...
23 ...
10 ...

Port Elizabeth Tramway Officials & Salaried Staff Association...
Port Elizabeth Operative Plumbers' Employees Association.....
Rustenburg Tabakwerkersvereniging.....
Association of Cinematograph Projectionists.....
Sugar Industry Employees Union.....
African Trunk & Box Workers Union.....
S.A. Teleprinter Operators Society.....
Diamond Cutters Union of South Africa.....

NO OF MEMBERS

UNIONS WITH MEMBERSHIP OF LESS THAN 50

UNIONS BY SIZE OF MEMBERSHIP IN 1980

Appeal against worker's right to residence

21/5/83 RDM 206
BLOEMFONTEIN — The Appeal Court in Bloemfontein reserved judgment yesterday on an appeal against the judgment giving a contract worker the right to remain in the Germiston area.

The lower court judgment attracted much attention when it held that Mr Mahlolo Tom Rikhoto, despite being a contract worker, had satisfied the requirement of continuity in work for at least 10 years to qualify to stay in the prescribed area of Germiston.

In the Witwatersrand Local Supreme Court on September 22, 1981, Mr Justice B O'Donovan declared that Mr Rikhoto was entitled, in terms of Section 10(1)(b) of the Blacks (Urban Areas) Consolidation Act, to remain in the prescribed area.

Yesterday's appeal was brought by the East Rand Administration Board and the Municipal Labour Officer, Germiston.

The appeal was heard by Mr Justice Wessels, Mr Justice Miller, Mr Justice Botha, Mr Justice Van Heerden, and Mr Justice Grosskopf (acting Judge of Appeal).

For Erab and the labour officer, submissions were made by Mr R Kruger, SC, and Mr D E de Flamingh.

Erab submitted it was irrelevant that the employer — an engineering works — and

Mr Rikhoto had a common and continuous intention that Mr Rikhoto would remain in service. There had to be a lawful service contract.

The lower court was said to be incorrect in saying Mr Rikhoto renewed his contract during his leave, the renewal was a formality, and the requirement of uninterrupted work for 10 years had been fulfilled.

In the circumstances it was clear that Mr Rikhoto had to leave the particular area within 72 hours of the signing off of his book and cancellation of his contract, otherwise he would be arrested and repatriated. Thereafter he had to conclude a new contract.

It was submitted that the time that Mr Rikhoto was removed from the area could in no way be regarded as a holiday as he was compelled to leave the area unless he got the necessary permission from the commissioner.

Mr A Chaskalson, SC, with Mr K S Tip, for Mr Rikhoto, submitted that Act 67 of 1964 and Regulation 74 of 1968 did not, in specific terms, prohibit any black employees from obtaining a qualification under Section 10(1)(b) of the Urban Areas Act — Sapa.

Judgment was reserved — Sapa

The figures in respect of the above-mentioned Court for 1981 are as follows

Persons tried	29 772
Persons convicted	20 265
Average tried daily	117,5

TUESDAY, 24 MAY 1983

†Indicates translated version

For written reply

Hansard Q. 61, 1351-

1352

Reference books/influx control

24/5/83

206 426 Mrs H SUZMAN asked the Minister of Co-operation and Development

How many Blacks were convicted of offences relating to reference books and influx control in each of the main urban centres of the Republic in 1981 and 1982, respectively?

The MINISTER OF CO-OPERATION AND DEVELOPMENT

	1981	1982
Pretoria	6 996	7 666
Johannesburg	20 265	29 940
Durban	509	259
East London	1 480	1 487
Port Elizabeth	42	272
Cape Peninsula	10 178	9 393
Bloemfontein	4 178	5 639
West Rand (excluding Johannesburg)	13 480	17 086
East Rand	18 048	26 966

NOTE When the Department's records were again scrutinized to formulate a reply to this Question it was found that the figures given in paragraphs (1)(a) and (b) and (2) of Question 492 of 1983 in connection with the Commissioner's Court, Johannesburg were not correct and that it should be as follows —

- (1) (a) 42 655 persons tried
- (b) 29 940 persons convicted
- (2) 169,9 cases daily

206 Hansard
Q. Col. 1362 - 24/5/83
Influx control/identity documents

863 Mr P G SOAL asked the Minister of Co-operation and Development

- (1) How many persons were (a) tried for and (b) convicted of offences relating to influx control and identity documents at the commissioners courts falling under the jurisdiction of the East Rand Administration Board in the 1982 calendar year,
- (2) (a) what was the average daily number of such cases heard in the said courts in that year and (b) what amount accrued to the State in 1982 from fines imposed for those offences?

The MINISTER OF CO-OPERATION AND DEVELOPMENT

(1)	(a)	(b)
Germiston	13 709	13 379
Springs	2 406	1 929
Nigel	639	605
Benoni	4 481	1 564
Boksburg	8 576	7 143
Brakpan	2 557	2 346
	<u>32 368</u>	<u>26 966</u>

(2) (a)	Germiston	55
	Springs	16
	Nigel	3
	Benoni	23
	Boksburg	35
	Brakpan	10

(b) R31 225

Big jump
in pass
law
convictions

206
206
4/16/83
25/5/83

Political Staff

PASS law convictions have increased by a massive 31 percent in spite of Government protestations of improving the lot of blacks and the declaration of war on the "dompass" by the Minister of Co-operation and Development, Dr Piet Koornhof

Replying in written replies to questions asked in Parliament by Mrs Helen Suzman, Dr Koornhof said influx control convictions in the major centres had increased from 75 176 in 1981 to 98 508 last year

DECREASES

The highest number were in Johannesburg where convictions increased from 20 265 to 29 940 with the figure for the West Rand reaching 17 086 and the East Rand 26 966

The number of convictions decreased in two areas

In the Cape Peninsula the figure was down from 10 178 to 9 393 and in Durban there was a decrease of almost 50 percent to 259.

Port Elizabeth had the least number of convictions — 272 (up from the 42 of 1981)

obligation to grant aliens unconditional and unlimited rights of residence.

The hon member will however recall that the hon the Minister indicated earlier during the session in reply to a question by the hon member for Sea Point, that an understanding had been reached between the Republic of South Africa and the Republic of Transkei in terms of which a special employment programme has been launched in Transkei with a view to creating approximately 4 000 new job opportunities. While this programme is mainly aimed at unemployed persons within Transkei it also provides for the employment of persons who are presently in the Western Cape and who do not have employment opportunities and or housing.

I may add that, at the time of their independence, agreements were concluded with the Governments of Transkei, Bophuthatswana, Venda and Ciskei relating to the development of certain areas and the undertaking of settlement projects in these countries.

These agreements *inter alia* provide for the settlement of citizens of the IBVC countries from the Republic of South Africa in the respective states.

*6 Mr H D K VAN DER MERWE—
Defence—[Withdrawn]

Fuel: alcohol

*7 Mr G C DU PLESSIS asked the
Minister of Mineral and Energy Affairs †

- (1) Whether alcohol is being added to petrol and marketed as fuel, if so, (a) since what date has (i) alcohol been thus added and (ii) this fuel been marketed, (b) in what areas is it being marketed and (c)(i) by whom is the alcohol added and (ii) what is the maximum quantity added.
- (2) whether the areas in which such fuel is marketed were recently extended if so to what areas.

25/5/83
Repatriation of citizens of independent Black states *Hansard*

206
Q. Col. 1373
*5 Mr P R C ROGERS asked the
Minister of Foreign Affairs and Information

- (1) Whether the Republic has entered into bilateral agreements with the independent Black states in regard to the repatriation of citizens of such states, if so, what procedures are prescribed in such agreements,
- (2) whether he will make a statement on the matter?

†The DEPUTY MINISTER OF FOREIGN AFFAIRS AND INFORMATION

- (1) No
- (2) In terms of customary international law and usage states may repatriate or deport aliens. Conversely, states are obliged to accept their nationals on repatriation or deportation and are thus under a duty towards other states to receive their nationals back in their territories. It is also an accepted rule of customary international law that states are not under an

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Hansford Q. 61.1412
Langa Commissioner's Court

27/5/83

10 Mr K M ANDREW asked the
Minister of Co-operation and Development

- (a) For what total number of hours were the courts at the Langa Commissioner's Court in session during the latest specified period of 12 months for which figures are available and (b) what total number of persons appeared before such courts during that period?

The MINISTER OF CO-OPERATION AND DEVELOPMENT

For 1982

- (a) 840 hours
- (b) 9 393 persons

Appeal Court 'yes' to right of family life in cities

Major ruling on migrant workers

By STEVEN FRIEDMAN
Labour Correspondent

IN A judgment which could herald the biggest change in the pass laws for more than a decade, the Appeal Court has opened the way for tens of thousands of black migrant workers to live permanently in the cities with their families.

The landmark judgment strikes a blow at a cornerstone of Government influx control policies — a 1968 regulation which makes it impossible for all but a handful of migrants to live permanently in the cities, no matter how long they have worked in them.

If the Government abides by the judgment, tens of thousands of workers would qualify for a city life with their families, civil rights groups say.

The court yesterday ruled that a Germiston engineering worker, Mr Mcholo Tom Rikhoto, was entitled to city rights under Section 10 (1) (b) of the Black Urban Areas Act.

It rejected with costs an appeal by the East Rand Administration Board against a September 1981 Rand Supreme Court judgment upholding Mr Rikhoto's right to live in the cities.

This means that the precedent set by the Rand Supreme Court judgment now applies throughout the country.

The court held that Mr Rikhoto earned city rights by working for one employer for more than 10 years — even though he had been forced by the 1968 rule to return to the black rural areas each year to renew his contract.

Section 10 (1) (b) allows any migrant who has worked "continuously" for one employer for 10 years or for several years for 15 to obtain city rights.

1004 183
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work for one employer "continuously" for more than a year and cannot claim these rights.

Many migrant workers who have lived and worked in the cities for more than a decade have been affected by this rule.

Lawyers said yesterday that the judgment now opened the way for them to claim rights and live permanently with their families in the cities.

The key issue now is whether the Government will abide by the judgment and order administration boards to enforce it. The Minister of Co-operation and Development, Dr Piet Koornhof, could not be contacted yesterday.

At a National Party congress last year, Dr Koornhof threatened to introduce legislation to override the Rikhoto judgment.

But observers pointed out yesterday that the Appeal Court's ruling is consistent with the recommendations of the Grosskopf Committee, appointed by Dr Koornhof to examine influx control legislation.

Indeed, the committee recommended that migrants qualify for permanent city rights after only five years in the cities.

Sapa reports that the judgment was a unanimous finding by the five judges. Mr Justice van Heerden delivered the judgment and four other Appeal Court judges concurred.

In the Rand Supreme Court hearing, Mr Rikhoto's employer had testified that he regarded Mr Rikhoto's forced return to the rural areas each year as an annual holiday and that he had regarded him as a permanent employee.

The Appeal Court found that Mr Rikhoto had indeed worked for a single employer for a period of 10 years.

During this period, it found he was never unemployed.

The ERAB had contended that Mr Rikhoto only worked for a number of interrupted periods of a year each for the company.

But the Appeal Court noted that the lower court had emphasised that although Mr Rikhoto had rendered his service in terms of several separate contracts, it was the mutual and continuous intention of Mr Rikhoto and the company that he remain in the company's service, also during his leave periods.

Suzman hails judgment
Page 4

**Appeal Court ruling will
affect tens of thousands**

Watershed decision ²⁰⁶ on migrant workers ~~3/1/83~~

Star
By Malcolm Fothergill 3/1/83

Tens of thousands of black workers, regarded until now as migrant workers, have had the way opened for them to live permanently with their families in South Africa's cities.

This stems from yesterday's ruling by the Appeal Court that a Germiston engineering firm worker, Mr Mehlole Tom Rikhoto, had earned the right to live in the urban areas

The unanimous decision, by Mr Justice van Heerden and four other Appeal Court judges, will apply throughout the country

Mr Rikhoto, who had worked for the same employer for 10 years, had been forced by a 1968 regulation to return to the black rural areas each year to renew his contract

Officials took the view that, because workers such as Mr Rikhoto were obliged to leave their employers each year to renew their contracts, they had not worked continuously for one employer and did not fall under Section 10(1)(b) of the Black Urban Areas Act which allows any migrant who has worked continuously for one employer for 10 years, or for several employers for 15 years, to obtain city rights

Annual holiday

In a 1981 Rand Supreme Court hearing, Mr Rikhoto's employer testified that he regarded Mr Rikhoto's forced return to the rural areas each year as an annual holiday and that he regarded him as a permanent employee.

Rejecting with costs an appeal by the East Rand Administration Board against the Rand Supreme Court's ruling, the Appeal Court found that Mr Rikhoto had worked for a single employer for 10 years

The court noted that it was the mutual and continuous intention of Mr Rikhoto and his employers that he remain in his employer's service

Professor John Dugard, head of the law school at the University of the Witwatersrand, said he thought the decision "one of the most important judgments to be handed down by the Appellate Division".

Mrs Helen Suzman of the Progressive Federal Party said today the Appeal Court ruling would give black workers the right to have their families live with them

Mrs Suzman said she hoped that remarks made by the Minister of Co-operation and Development, Dr Piet Koornhof, "in the fever of a National Party congress" that he might circumvent the Rikhoto ruling, would not be translated into action

Dr Koornhof was not available for comment.

Professor S A Strauss, head of the department of law at Unisa, said "This is an important judgment which will affect the rights of a substantial number of blacks in the Republic and as such it must be welcomed."

Ruling affects thousands

MSW

3/15/83

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Argus Correspondent
JOHANNESBURG —

The way has been opened for tens of thousands of blacks, regarded until now as migrant workers, to live permanently with their families in South Africa's cities.

This follows a watershed decision yesterday in which the Appeal Court ruled that a Germiston engineering firm worker, Mr Mehlolo Tom Rikhoto, could live in an urban area

The decision, a unanimous finding by Mr Justice van Heerden and four other Appeal Court judges, will apply throughout the country and could affect tens of thousands of black workers and their families

OBLIGED

Mr Rikhoto, working for the same employer for 10 years, has been obliged by a 1968 regulation to return to the black rural areas each year to renew his contract

Officials felt because workers were obliged to leave their employers to renew their contracts each year, they had not worked continuously for one employer and were not exempted under Section 10 (1) (b) of the Black Urban Areas Act

The Act allows any migrant, who has worked continuously for one employer for 10 years or for several employers for 15 years, to obtain city rights

HOLIDAY

In the 1981 Rand Supreme Court hearing Mr Rikhoto's employer said he regarded Mr Rikhoto's forced return to the rural areas each year as an annual holiday because he regarded him as a permanent employee.

Rejecting, with costs an appeal, by the East Rand Administration

Board against the Rand Supreme Court's ruling, the Appeal Court found that Mr Rikhoto had indeed worked for a single employer for 10 years.

FAMILIES

The court noted that it was the intention of Mr Rikhoto and his employers that he remain in his employers' service

Mrs Helen Suzman of the Progressive Federal Party said today the ruling would give black workers the right to have their families with them

"It required the courts to make this decision, which in a normal, democratic country is taken for granted"

"In 1947 the Fagan Commission recommended that five years in the cities should be considered as a qualification for permanence. This was rejected when the National Party came to power

SHORTAGE

"With the shortage of accommodation — about 35 000 families are on the waiting-list in Johannesburg — the judgment is going to be difficult to implement"

Mrs Suzman said she hoped a remark by the Minister of Co-operation and Development, Dr Piet Koornhof, that he might circumvent the Rikhoto ruling, would not be translated into action

Dr Koornhof was not available for comment

INDUCTION
AND
APPLICATION
FUNCTION

Ruling

favours

(206)

CAPE TIMES 3/5/83

~~200~~

~~200~~

contract

workers

By PHILLIP VAN NIEKERK
Labour Reporter

IN A MAJOR test case paving the way for thousands of contract workers to live in the cities with their families, the Bloemfontein Appeal Court yesterday granted permanent city residence rights to a contract worker, Mr Mehlolo Tom Rikhoto, who had worked for one employer for longer than 10 years.

The denial of these rights to contract workers has been one of the cornerstones of the system of influx control since 1968, when a government regulation made it virtually impossible for contract work-

ers to gain the right to live permanently in the cities

Lawyers, trade unionists and civil-rights groups yesterday welcomed the decision. They agreed that it established the rights of

all contract workers in a similar position as Mr Rikhoto to live in the cities with their families, choose where they want to work, change jobs freely and move from city to city

The court held that Mr Rikhoto qualified for permanent residence rights in the urban areas even though as a contract worker he had been employed on yearly contracts

It decided unanimously to reject with costs an appeal by the East Rand Administration Board against a judgment in the Rand Supreme Court in September, 1981, granting Mr Rikhoto the right to live in the cities

In terms of the Blacks (Urban Areas) Consolidation Act, contract workers are entitled to permanent residence in the cities — Section 10 (1) (b) rights — if they have worked for one employer continuously for 10 years or for several employers for 15 years

The 1968 regulation, which requires contract workers to return to the

To page 4



CAPE TIMES 3/5/83



From page 1

homelands and sign yearly contracts, has been used by the authorities to argue that contract workers could not work "continuously" for one employer for longer than a year

Thousands involved

There are unofficially about 12 000 contract workers in Cape Town — which has a relatively small contract-worker population — and tens of thousands more throughout the country who could qualify on the same basis as Mr Rikhoto

Both the General Workers' Union and the African Food and Canning Workers' Union, who have large contract-worker memberships, warned that there would be an angry response from workers if the government tried to nullify the ruling by changing the legislation

Dr Piet Koornhof, Minister of Co-operation and Development, who was not available for comment yesterday,

threatened at the Nationalist congress in East London in October last year to introduce legislation overriding the decision

And in its present form, the proposed Orderly Movement and Settlement of Black Persons Bill will take these rights away

There is also concern that the various administration boards, including the Western Cape Administration Board (WCAB), could simply refuse to apply the ruling

There have been two similar cases in the Cape Supreme Court — the Boo! and Mthiya cases — where contract workers have won permanent city rights. Each time the WCAB argued that they could not apply the rulings as they were waiting for the outcome of the Rikhoto case

The Black Sash has more than 800 applications pending, with the WCAB, while the GWU, the AFCWU and several major employers have also lodged hundreds of applications

Workers urged to claim rights

Own Correspondent

JOHANNESBURG — The Black Sash yesterday urged all contract workers who qualify for permanent city rights in terms of a landmark Appeal Court judgment last week to go immediately to their nearest labour offices to claim their rights.

But because it is not yet clear whether the government will enforce the court's decision, it also urged all workers whose rights were "unlawfully refused them" to report to the Black Sash advice office.

Migrants who have worked continuously for one employer in the cities for 10 years or have lived legally in them for 15 years quali-

fy in terms of the judgment.

The Black Sash also urged the government to implement the court judgment without delay.

The statement comes in the wake of Tuesday's Appeal Court decision to uphold the right of a Germiston migrant worker, Mr Mehlolo Tom Rikhoto, to live permanently in the cities with his family.

Lawyers say the judgment has opened the way for thousands of migrants who have been in cities for years without being able to claim these rights to now do so.

However, the government has not yet responded to the judgment and, until it

instructs administration boards to apply it, officials may resist demands by migrants for these rights.

In its statement the Sash urged all migrants who have worked for one employer for 10 continuous years or who have lived lawfully in a city for 15 years to claim their rights under Section 10 (1) (b) of the Black Urban Areas Act.

"If this is unlawfully refused them, they should report immediately to the Black Sash," the statement said.

The statement also urged those who qualify to claim their rights "without delay" because it fears threatened government moves to tighten influx control in line with Dr Piet Koornhof's Orderly Movement of Black Persons bill.

'No right'

"We reiterate that officials have no right to refuse to grant rights to all migrants who have worked for 10 years for one employer or have lived lawfully in a prescribed area for 15 years," the statement said.

It added that the authorities had not adhered to judgments by the lower court establishing these rights and had been turning away migrants who applied for them.

"Now the appeal has been upheld they have no further excuse to do so."

The statement hailed the judgment saying that it "underscores that even the ideology of apartheid must bow down to the law", adding that "rationality and compassion has triumphed in the courts and more families will now be able to be reunited".

REGISTER STEER

NOW

206

THOUSANDS OF BLACK migrant workers who have worked in the cities for ten continuous years for one employer or lawfully lived in a prescribed area for 15 years are being urged by the Black Sash to register their 10 (1) (b) qualifications immediately.

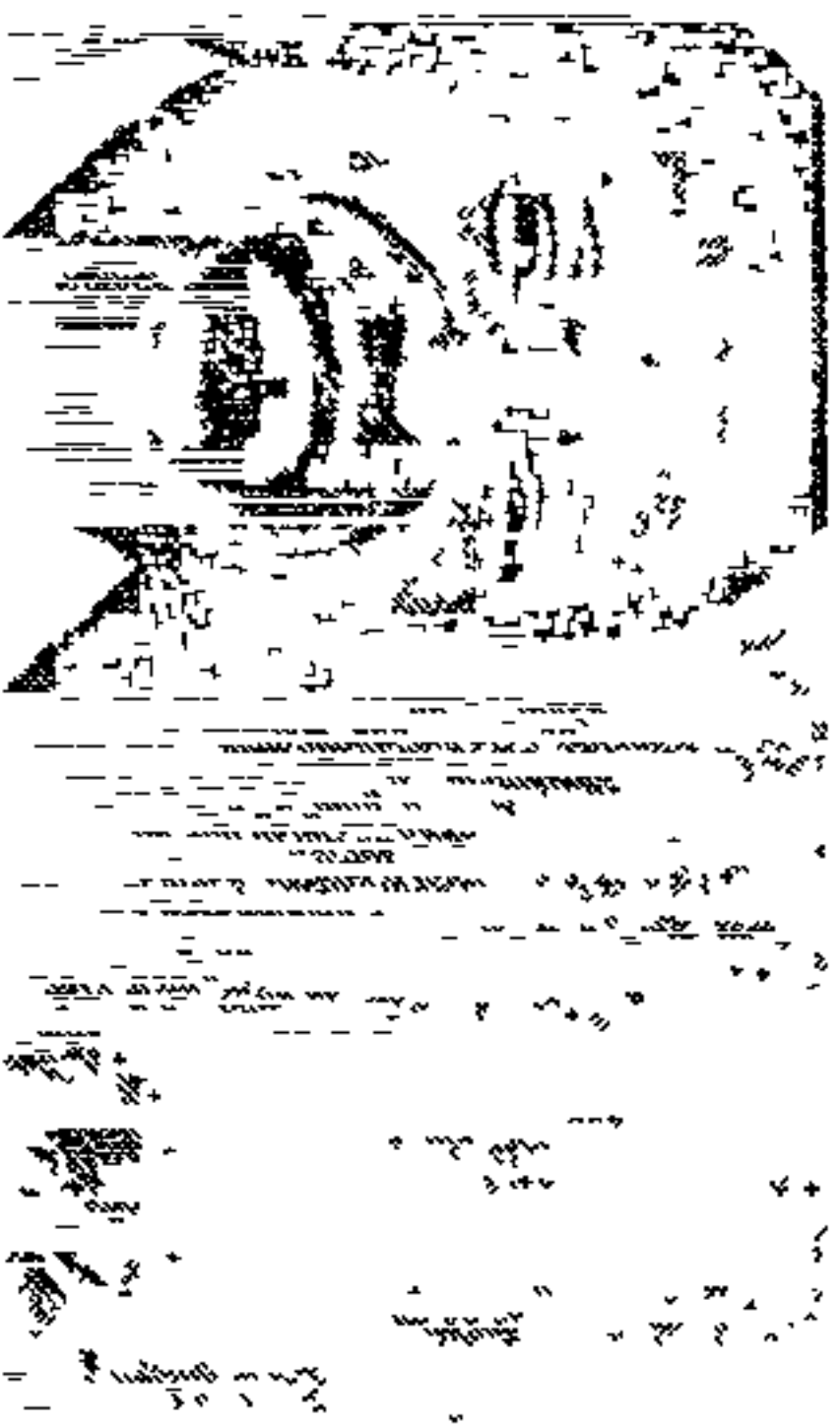
In a statement, the chairman of the Transvaal region of the Black Sash, Mrs Jill Wentzel, urged migrant workers to go as from today to the nearest Labour Bureau office and claim their Section 10 (1) (b) rights quickly before the government legislates to close the loophole

The urgent appeal by the Black Sash is a sequel to the historic

By **MONO BADELA**

employer for 10 years or for several employers for 15 years to obtain city rights

Commenting on the judgment the Black Sash stated that from today administration board officials had no choice but to stamp the Section 10 (1) (b) qualification on the



Black Sash warns migrant workers to act before Govt changes pass law

THE DANIELIN DIPLOMA IN PERSONNEL AND TRAINING MANAGEMENT PART-TIME CLASSES

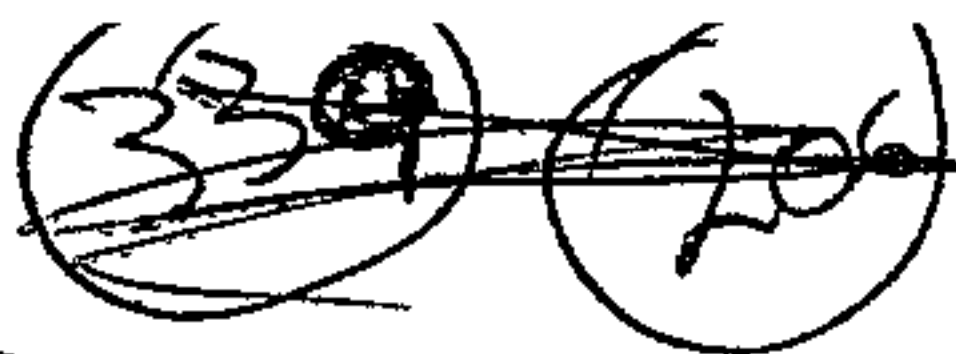
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**Black Sash
migrant workers
act before
changes take**

THOUSANDS OF BLACK migrant workers who have worked in the cities for ten continuous years for one employer or lawfully lived in a prescribed area for 15 years are being urged by the Black Sash to register their 10 (1) (b) qualifications immediately.

In a statement, the chairman of the Transvaal region of the Black Sash, Mrs Jill Wentzel, urged migrant workers to go as from today to the nearest Labour Bureau office and claim their Section 10 (1) (b) rights quickly before the government legislates to close the loophole.

The urgent appeal by the Black Sash is a sequel to the historic

By **MONO BADELA**



JUBILANT: Germiston migrant worker, Mr Mehlolo Tom Rikhoto, clasps his hands in victory. His Appeal Court judgment heralds a new era for countless black migrant workers in the cities.

Appeal Court ruling which gave tens of thousands of migrant workers a right to live permanently with their families in the big cities.

In a landmark judgment the Appeal Court ruled this week that a Germiston engineering worker, Mr Mehlolo Tom Rikhoto, was entitled to city rights under Section 10 (1) (b) of the Urban Areas Act.

The Appeal Court rejected with costs an appeal by the East Rand Administration Board (Erab) against a September 1981 Rand

Supreme Court judgment upholding Mr Rikhoto's right to live in the cities. This means that the precedent set by the Rand Supreme Court judgment now applies throughout the country.

The court held that Mr Rikhoto earned city rights by working for one employer for more than 10 years, even though he had been forced by the 1968 ruling to return to the black rural areas each year to renew his contract. Section 10 (1) (b) allows any migrant who has worked "continuously" for one

employer for 10 years or for several employers for 15 years to obtain city rights.

Commenting on the judgment the Black Sash stated that from today administration board officials had no choice but to stamp the Section 10 (1) (b) qualification on the Reference Books of all migrant workers who have worked continuously for 10 years for one employer. "If they fail to do so they will be acting unlawfully," the statement added.

Mrs Jill Wentzel of the Black Sash said if this was unlawfully refused then workers should report immediately to the offices of the Black Sash. "Recent statements by the Minister of Development and Co-operation Dr Piet Koornhof indicate that the Government intends closing up avenues to people to qualify to live in urban areas and the Black Sash anticipates legislation which will do away with the possibility of contract workers to qualify in the future," she warned.

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Experts laud pass law judgment

THE Appeal Court judgment on the Rikhoto pass law case has been hailed by legal experts, politicians, trade unionists, and community leaders as "a breakthrough" and "very enlightened".

Commenting on the judgment, Professor John Dugard of the University of Witwatersrand said "It is probably the most important decision of our Appeal Court in many years. It certainly will improve the quality and the security of the lives of many blacks who have worked in our cities for over 10 years."

"One hopes the Government will not interfere with this decision and that the administration boards will carry it out properly. In the past, administration boards have often refused to implement enlightened court decisions and one can only appeal to the boards on this occasion to give effect to the Rikhoto decision."

INFLUX

Official Opposition in Parliament also hailed the Appeal Court's upholding of the Rikhoto judgment as a major breakthrough for black rights which, if implemented, would be a significant step towards dismantling influx control.

"This ruling places the final approval of the courts on the sanctity of

family life," Mr Nic Olivier, a nominated MP and expert on black rights said yesterday.

"It is significant that our courts in recent years have adopted an increasingly humane approach in the interpretation of the law which contrasts sharply with its application by the Government and administration boards," Mr Olivier said.

Mrs Helen Suzman welcomed the Appeal Court ruling and called on the Government to accept it. "It is sincerely hoped that the Government in no way attempts to circumvent the decision."

PRIVILEGE

She said the ruling would bring many privileges, "which in any normal country would be considered a natural right — namely for a man to live with his wife and children and be able to obtain a long lease in an urban township."

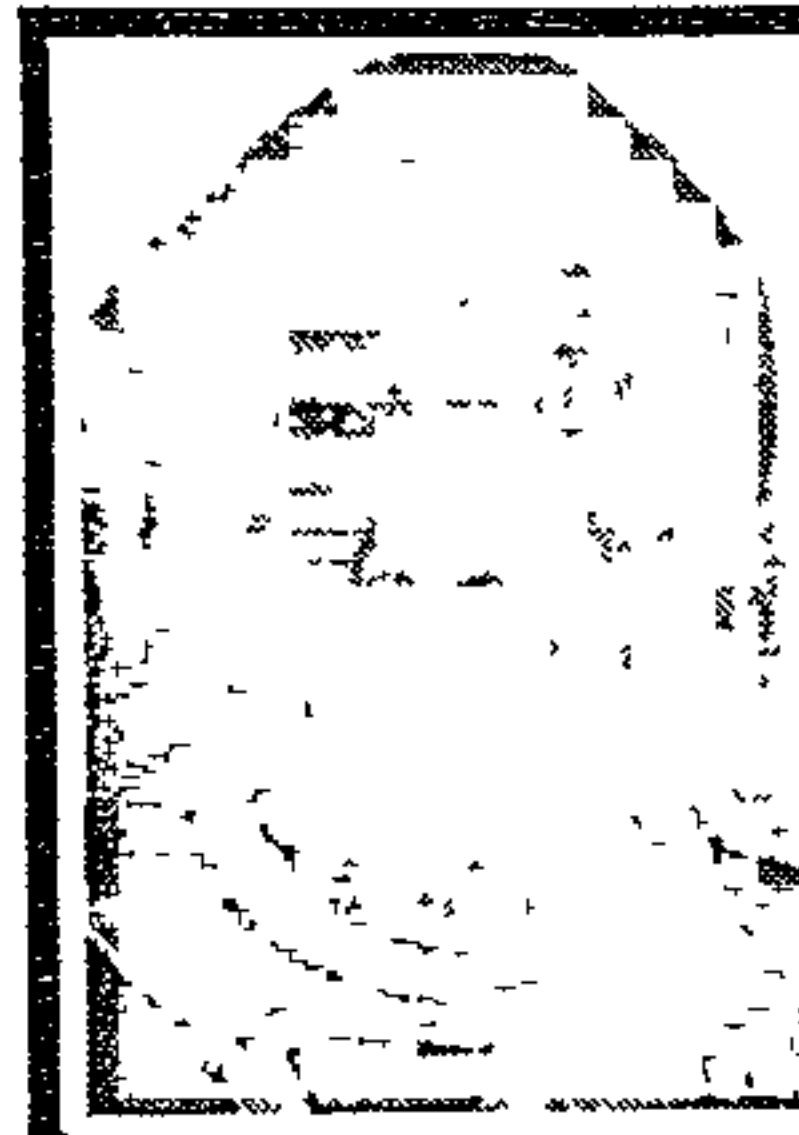
The national organiser of the South African Allied Workers' Union (Saawu), Mr Herbert Barnabas, said the renewal of work contracts should not mean termination of their services with the employer. "We regard the decision of the Appeal Court as a progressive step. The appeal by the East Rand Administration Board is a sign that it was set up to further the aims of separate development.

"We have long been

complaining about the malpractices of this board that has deposited people's monies in institutions like the South African Bureau of Racial Affairs. The appeal against a court decision was another way of wasting money. We hope however that Erab will accept the situation and allow Mr Rikhoto

and others to live permanently with their families and work in the area.

"There are hundreds of our members who we feel are entitled to Section 10 (1) (b) rights by virtue of them having worked in South Africa for more than ten years," Mr Barnabas said.



Stories
by
**MONO
BADELA**

Migrants urged to claim city rights

By STEVE FRIEDMAN

THE Black Sash yesterday urged all migrant workers who qualify for permanent city rights in terms of a landmark Appeal Court judgment on Monday to go immediately to their nearest labour offices and claim their rights

But because it is not yet clear whether the Government will enforce the court's decision, it also urged all workers whose rights were "unlawfully refused them" to report to the Black Sash advice office

Migrants who have worked continuously for one employer in the cities for 10 years or have lived legally in them for 15 years would qualify in terms of the judgment

In a strongly worded statement, it also urged the Government to implement the court judgment without delay

The Sash statement comes in the wake of Monday's Appeal Court decision to uphold the right of a Germiston migrant worker, Mr Mehlole Tom Rikhoto, to live permanently in the cities with his family. Lawyers say the judgment has opened the way for thousands of migrants who have been in the cities for years without being able to claim these rights to do so now

However, the Government has not yet responded to the judgment and, until it instructs administration boards to apply it, officials may resist demands by migrants for these rights

In its statement, the Sash urged all migrants who have worked for one employer for

10 continuous years or who have lived lawfully in a city for 15 years to claim their rights under Section 10 (1) (b) of the Black Urban Areas Act

"If this is unlawfully refused them, they should report immediately to the Black Sash," said the statement

The statement also urged those who qualify to claim their rights "without delay" because it fears threatened Government moves to tighten influx control in line with Dr Piet Koornhof's Orderly Movement of Black Persons Bill

"We reiterate that officials have no right to refuse to grant rights to all migrants who have worked 10 years for one employer or have lived lawfully in a prescribed area for 15 years," the statement said

It added that the authorities had not adhered to judgments by the lower court establishing these rights. Now the appeal had been upheld "they have no further excuse to do so"

The statement hailed the judgment, saying it "underscores that even the ideology of apartheid must bow down to the law"

"The highest court in the land has spoken and its will must prevail. This is law and order at work and the Government, which professes to be a champion of law and order, must let its officials know that to frustrate the court order is a punishable contempt"

The statement added that "rationality and compassion has triumphed in the courts and more families will now be able to be reunited"

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Migrants: WCAB 'waiting'

By PHILLIP
VAN NIEKERK
Labour Reporter

THE Western Cape Administration Board (WCAB) has delayed implementing the Rikhoto Appeal Court decision until it has studied the judgment.

(The Rikhoto decision opens the way for tens of thousands of migrant workers to live with their families in the cities)

The delay was severely criticized in Cape Town yesterday and several trade unions warned of possible labour unrest if the government attempted to override the judgment.

'Far-reaching'

Dr Piet Koornhof, the Minister of Co-operation and Development, said last night that the matter, which had "far-reaching implications", was receiving his "urgent attention".

The Appeal Court in Bloemfontein granted Mr Mehlolo Rikhoto, a Germiston contract worker, the right to permanent residence in the cities because he had worked one employer for more than 10 years.

The decision has been seen as destroying one of the foundations of the government's policy of influx control.

It is understood that more than 1 000 applications for permanent rights in Cape Town have been lodged with the WCAB already.

Several migrant workers who went to the WCAB offices in Langa yesterday to get their passbooks endorsed for permanent residence were turned away. They

said officials denied knowledge of the judgment.

Mr Gert du Preez, the chief liaison officer for the WCAB, said the board still had to study the full judgment and were awaiting a directive from the Department of Co-operation and Development.

However, a spokesman for the East Rand Administration Board (ERAB), which contested the Rikhoto case, said it would have no choice but to grant permanent residence rights to those whose circumstances were similar to Mr Rikhoto.

The Black Sash has made an urgent appeal to all people who have worked as contract workers for more than 10 years, or have been "legally" in the area for 15 years, to consult the Athlone Advice Office or to demand their rights at WCAB offices.

There is widespread fear that the government could be contemplating an amendment to the legislation to cover the loophole which the Rikhoto case has opened.

Mrs Sheena Duncan, the national director of the Black Sash, said the WCAB should follow the example of the ERAB.

Mr Ken Andrew, the PFP MP for Gardens and spokesman on black affairs in the Western Cape, said it was the duty of the department to issue the necessary instructions immediately as "tens of thousands" of people were affected.

● Leading article, page 12

Govt steps back from Rikhoto decision

Star 2/6/83 Political Staff



Dr Koornhof

CAPE TOWN — The Government, facing wide-ranging consequences for itself and the country, has refused to take a stand on the important Appeal Court decision to allow migrant workers and their families to live permanently in urban areas

After initial silence from Government circles, Dr Piet Koornhof last night issued a statement saying the Rikhoto versus East Rand Administration Board judgment had far-reaching implications

The decision is likely to be a main feature of investigation by the recently appointed Cabinet committee studying the constitutional position of non-homeland blacks

Dr Koornhof said the Government was giving urgent attention to the case "As it is a matter with far-reaching implications and because the judgment must be studied carefully an announcement will be made after careful consideration"

National Party policy has been substantially to reduce the number of blacks in so-called "white" South Africa and the judgment seriously undermines this policy

Mrs Helen Suzman, Opposition spokesman on black affairs, said today it would be unforgivable if administration board officials used bureaucratic devices to frustrate the Appeal Court's decision on a basic human right

The ruling in the Rikhoto case has opened the door for the families of black migrant workers to join them in the cities — if these employees have worked for the same employer for 10 consecutive years

However fears have been expressed that the administration boards will block this bureaucratically Mrs Suzman said she would

be pressing the Minister not to prevaricate when his department vote came up for debate next week

By then the Minister would have had time to study the judgment and its implications, Mrs Suzman said, and she would seek an unequivocal announcement from him that he would not attempt to interfere.

Administration boards countrywide are expecting to be inundated with thousands of applications for residential rights

Erab's chief director, Mr F Marx, said his board was still awaiting guidelines from Pretoria

Employers have welcomed the Appeal Court decision

Some companies describe it as a means of creating a more stable workforce

The personnel director of AECI, Mr S A Anderson, said a number of its employees qualified and they would be advised on steps to obtain the section 10 (1) (b) rights.

By STEVEN FRIEDMAN
and SOPHIE TEMA

THE EAST Rand Administration Board yesterday acknowledged it would have to implement at least part of this week's historic Appeal Court judgment upholding the right of long-serving migrant workers to city

Boards cagey as migrants flock to get city rights

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2/10/83
2/6/83

Rights

But none of the migrants who approached Administration Boards for their rights yesterday were granted them and one group was told they could not be granted their rights because an Erab computer was broken.

Meanwhile, unions have warned of possible worker unrest if the Government attempted to override the judgment and the Black Sash is considering court action if workers who qualify in terms of the judgment are not granted rights. Migrants began approach-

ing boards yesterday to claim rights to which they were entitled after the Appeal Court upheld the right of a Germiston migrant worker, Mr Mehloio Tom Rakhoto, to permanent city life.

This means thousands of migrants who have been in cities for a decade or more are now entitled to rights and that their families can live with them.

A Johannesburg company yesterday assisted about 300 of its workers to go to the Wrab offices and claim their rights. They were told by offi-

cials that the judgment was regarded as "simply an individual case" and the officials were awaiting guidelines from Pretoria which could take two weeks.

At an Erab office, about 60 members of Fosatu's Paper, Wood and Allied Workers Union were told that they could not be granted the rights "because the computer is broken".

Our Cape Town correspondent reports that the local Administration Board now faces about 800 applications for city rights in terms of the

judgment. Wrab's chairman, Mr John Knoetze, said the judgment "has a number of implications and should be studied thoroughly to see how much of it could be carried out most effectively."

Mr F E Marx, the chairman of the East Rand Administration Board, said, however, that "somehow or other" Erab would have to implement "part of the court judgment".

He said the board was still studying it and awaiting guidelines.

The national president of the Black Sash, Mrs Sheena Duncan, said the Sash was considering taking legal action on officials who refused workers rights.

A lawyer said yesterday administration boards "have no right" to await policy guidelines before implementing the judgment. "It is the law and they must abide by it", he said.

Meanwhile the General Workers Union has warned of worker anger should the Government override the judgment.

June 3, 1983

SOWETAN

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AT WORK. Mr Mehlolo Tom Rikhoto operates a machine that produces bolts and nuts in Germiston

RIKHOTO WANTS A HOME

By MONO BADELA

THE man behind the historic influx control decision, Mr Mehlolo Tom Rikhoto is here to stay.

Interviewed by The SOWETAN, Mr Rikhoto yesterday expressed joy and triumph after being given his 10 (1) (b) rights by the East Rand Administration Board, making him legal. "I am now fully qualified to stay with my wife and four children in Johannesburg. My problems are over."

He said his family was in Tzaneen, in the northern Transvaal and that for a long time, he had lived a very lonely and abnormal life.

"I was thrilled when I read in the newspapers on Tuesday that finally I was entitled to reside in Johannesburg permanently. As soon as I am through with my registration I shall start looking for a home where I will start a new life. Imagine going home everyday after 5 pm to be met by your kids. This is going to be a dream come true," he said.

His boss at work said he would not mind giving help to Mr Rikhoto and the rest of his 60 work force to buy houses which would soon be available next month.

An Appeal Court decision earlier this week rejected with costs an appeal by the East Rand Administration Board against a September 1981 Rand Supreme Court judgment upholding Mr Rikhoto's right to live in the cities. This means that a precedent set by the Rand Supreme Court now applies throughout the country.

The Government is to state its views shortly on the implications of the Appeal Court judgment on the permanency of blacks in white areas and on Influx controls.

A spokesman for the deputy Minister of Co-operation and Development, Dr George Morrison, said in Cape Town that his department was awaiting the Appeal Court documents on the verdict.

The Chief director of Erab, Mr F E Marx, said that in the light of the court decision, administration boards have no other choice but to grant permanent residential rights to those with similar problems.

It is estimated that about 11 000 single blacks on the East Rand will be affected. He said serious problems could arise as a result of a housing shortage in the region.

UNIONS WARN BOARDS

IN THE wake of several migrant workers having obtained Section 10 (1) (B) rights, the Black Sash and leading trade unions have threatened legal action against administration boards for turning away many more.

The president of Black Sash, Mrs Sheena Duncan, whose Johannesburg offices were yesterday flooded by scores of migrant workers seeking clarity following the Appeal Court's decision to grant Mr Tom Rikhotso the right to live with his family in an urban area, said they would submit three test cases to their lawyers.

The Federation of South African Trade Unions (Fosatu), the Council of Unions of South Africa (Cusa), the South African Allied Workers' Union (Saawu) and Inkatha have also entered the fray, with the unions threatening legal action as well.

A spokesman for the Legal Resource Centre in Johannesburg has also expressed willingness to take up cases concerning migrant workers who have worked for one company for more than 10 years.

The spokesman also said that Mr Rikhotso, whose case was a "big test," had been granted rights to stay with his family within the East Rand Administration Board's area of jurisdiction.

The support for the legalisation of migrant workers staying in

By **LEN MASEKO** and **JOSHUA RABOROKO**

employers welcoming the Appeal Court decision and also expressing the desire to assist their workers.

In the meantime, confusion reigned as scores of migrant workers seeking city rights were turned away at the West Rand Administration Board's offices in Johannesburg yesterday.

Disappointed, they flooded the offices of Black Sash with the hope of enlisting the organisation's help. The organisation's offices were a hive of activity as officials interviewed the workers.

"If the Government is now prepared to accept urbanisation in South Africa and allows poverty and starvation in the homelands to persist, then the situation will explode.

"We appeal to the Government to leave things as they are — let them allow the implementation of the Appeal Court rule," Mrs Duncan said.

In a statement Cusa said it would explore the possibility of seeking legal injunctions if Government officials tried to circumvent the Rikhotso decision, or if the administration boards attempted to frustrate the efforts of migrant workers trying to claim the rights they were entitled to.

"If Minister Koornhof tries to ignore the decision, and tries to push legislation through which attempts to regain control over urban black workers, it will force the labour movement to take action," the statement added.

sued the issue of depriving blacks of their rights then "we shall be forced to seek legal advice."

He said his unions had repeatedly voiced total rejection of the Government's influx control laws and that the plight of migrant workers in South Africa would be discussed at the union's central committee meeting this month. "We abhor these laws," he said.

In the East Rand, an Erab spokesman said the board would "definitely" issue the Section 10 (1) (B) stamp if the applicants worked for the same employer during the stipulated period. "I can assure those concerned that there will be no problems, as long as rules are adhered to," he added.

He said several blacks had already obtained their qualifications at various Erab offices.

However, five migrant workers told The SOWETAN yesterday that they were made to sign forms at the Edenvale offices, and told to report back on July 4. "We were told that we will get our qualifications on that date," they said.

The Department of Co-operation said in Pretoria yesterday that it had taken notice of the Rikhotso court ruling. It was therefore important the people should go to the administration board's offices in the area of jurisdiction to apply for Section 10 rights.

But, the spokesman said, they should be able to produce the necessary documents to prove that they had been in the urban areas for the stipulated period.

The documents will then be

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UNIONS WARN BOARDS

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The spokesman also said that Mr Rikhotso, whose case was a "big test," had been granted rights to stay with his family within the East Rand Administration Board's area of jurisdiction.

The support for the legalisation of migrant workers staying in urban areas, many of whom have lived apart from their families for many years, gained momentum late yesterday with several em-

By **LEN MASEKO and JOSHUA RABOROKO**

ployers welcoming the Appeal Court decision and also expressing the desire to assist their workers

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"If Minister Koornhof tries to ignore the decision, and tries to push legislation through which attempts to regain control over urban black workers, it will force the labour movement to take action," the statement added

Fosatu's president, Mr Chris Dlamini, said they welcomed the decision by the Appeal Court, but said that if the Government pur-

sued the issue of depriving blacks of their rights then "we shall be forced to seek legal advice"

He said his unions had repeatedly voiced total rejection of the Government's influx control laws and that the plight of migrant workers in South Africa would be discussed at the union's central committee meeting this month "We abhor these laws," he said

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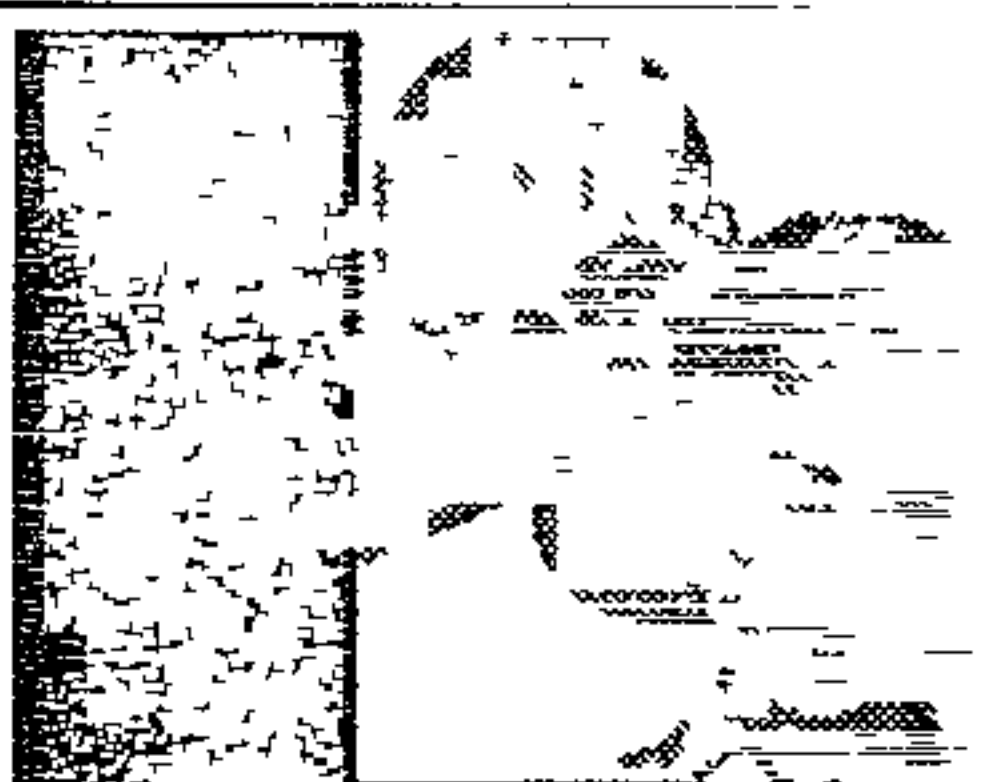
But, the spokesman said, they should be able to produce the necessary documents to prove that they had been in the urban areas for the stipulated period

The documents will then be sent to the reference bureau where they would be processed

See page 2.



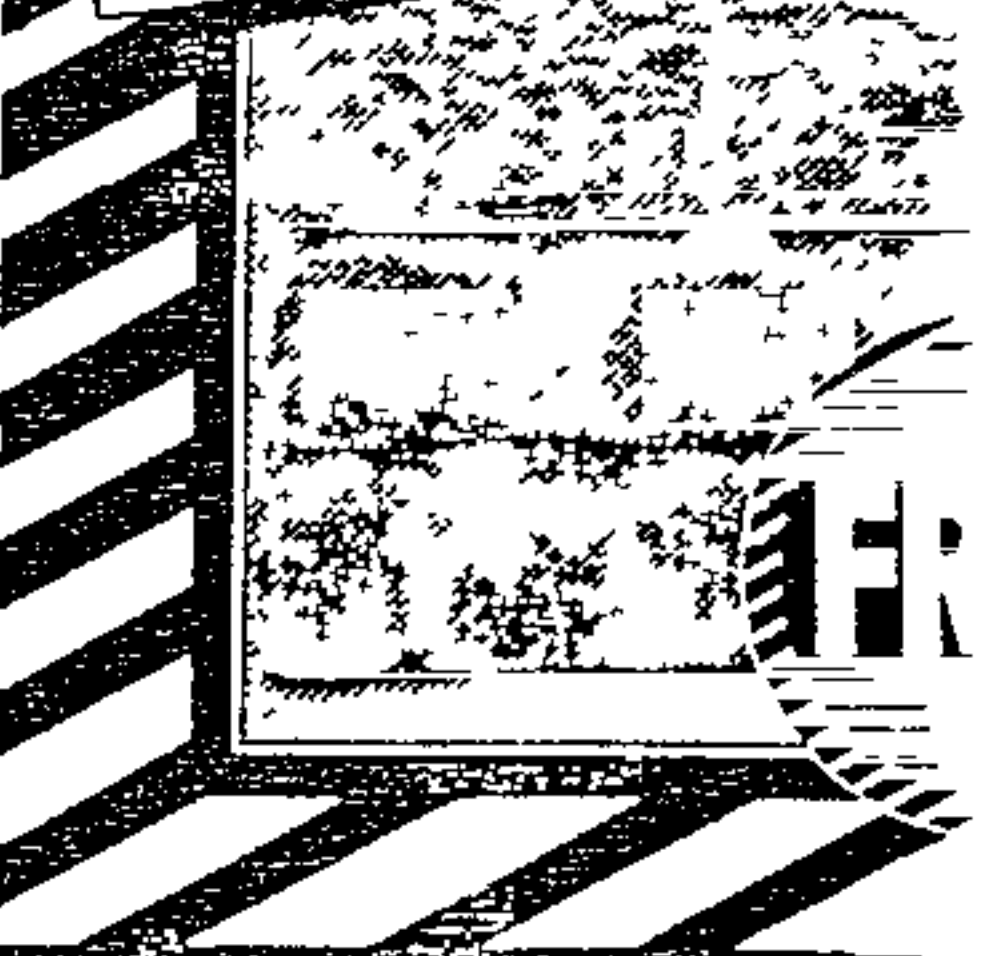
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GEEN & R

As employers press on judgment

Migrants begin to get rights

3/16/83 204 206

By STEVEN FRIEDMAN
Labour Correspondent

MIGRANT workers yesterday began receiving their city rights from the East Rand Administration Board in the wake of the historic Rikhoto judgment — and at the same time employer pressure on the authorities to implement the judgment grew.

While many migrants at Erab labour offices received rights, other boards are still not enforcing the judgment despite growing requests from employers that they do so.

The president of the Federated Chamber of Industries, Mr Rod Ironside, said yesterday industry would like the Government to implement the judgment.

And in both the Transvaal and the Western Cape, many employers, including major companies, began pressing administration boards to implement it.

In another development, Western Cape unions are planning joint action to ensure that the Government does not override the judgment and the 100 000-member Council of Unions of South Africa warned it would act if Government did this.

Groups assisting migrants to claim their rights said yesterday that many workers had succeeded in obtaining them from Erab offices.

Hundreds of workers arrived at the office to claim rights — many assisted by employers.

They were questioned on whether they had ever left their jobs and were asked other questions aimed at establishing whether they qualified for rights in terms of the judgment.

At one office, they added, workers were told that only three a day from each company could be processed.

The national president of the Black Sash, Mrs Sheena Lunan, yesterday welcomed Erab's decision to grant workers rights and added "It is a great pity that other boards are not acting in the same law-abiding fashion."

As the authorities ponder what action to take on the judgment, there is mounting employer concern that they implement it.

Mr Ironside said the FCI, which represents industry throughout the country, believed that "if the law and the courts mean anything, then obviously we would expect this judgment to be followed through."

Our Cape Town correspondent reports that at least 10 Cape Town firms, including SA Breweries, Murray and Roberts and Fattis and Monis, are backing applications from their migrant workers for city rights.

On the Witwatersrand, there were numerous reports yesterday of employers assisting workers to claim rights.

"A great many employers have been extremely sympathetic on this issue and are allowing workers to go to the board offices. In many cases, they are assisting them," an East Rand unionist said.

In the Western Cape, two trade unions with a substantial migrant membership, the General Workers Union and the African Food and Canning Workers Union, are planning joint action to win implementation of the decision.

And Cusa said yesterday it would be forced to act if the Government tried to override the decision. It said it would also consider legal action if administration board officials attempted to circumvent the law.

And yesterday GWU general secretary Mr David Lewis criticised the WCAB for not implementing the judgment.

"It is interesting that the WCAB, which justified its excesses at KTC squatter camp by insisting that inhumane laws should be respected, should now be unwilling to implement a decision of the country's highest court."

'Hero' Rikhoto given his rights — Page 2

'Hero' Rikhoto given his rights

By HELENE ZAMPETAKIS
AS WORKERS streamed to the East Rand Administration Board, Mr Tom Rikhoto — who won his right to live in an urban area in an historic Appeal Court judgment — watched jubilantly as an official gave his reference book the vital stamp yesterday

Mr Rikhoto arrived at the Erab labour office with the instructing attorney for the Legal Resources Centre, Mr Charles Nupen, who worked for two years on the case

He was taken straight to the labour office's manager, Mr Scholtz Kruger, who had been anticipating his arrival

Mr Kruger personally filled out the relevant forms and stamped the reference book

As Mr Rikhoto left the Erab offices, he was hailed as a hero and surrounded by workers who shook his hand and congratulated him

"You have struck South Africa — this will be good for

all of us," one worker told him as he vigorously slapped Mr Rikhoto on the back

"I am very happy I have been waiting for this moment for 13 years," Mr Rikhoto said. He has worked in Germiston since 1970

He now planned to apply for a house so that he could bring his wife and four young children to live with him from the village of Ritavi in Gazankulu, he said

Migrant workers who were turned away from the Erab offices on Wednesday because "the computer had broken down" arrived early yesterday morning to join the queues of people hoping to qualify for rights

At least 300 workers turned up at Erab within the first hours after it opened yesterday and long circular queues formed in the quadrangle behind the offices

Workers said they had read about the Appeal Court's verdict and had asked their em-

ployees for time off to "try their luck"

Trucks loaded with workers from factories across the East Rand arrived throughout the morning

A trade unionist accompanied by 60 members — who had been employed by the same company for between 10 and 18 years — was ordered out of the offices

Although many workers said they had come prepared to be turned away, officials began to process applications soon after the offices opened

Workers, who were grouped according to their factories, queued before one of the five clerks who called up their names and details on computers

In an atmosphere of anxiety and excitement, workers were questioned about their employment record

With the hundreds of workers jostling for space at the labour offices yesterday,

only those who had brought their reference books in person were attended to

A trade unionist said it was the first time this requirement had been made

After an hour, successful applicants began trickling out of the labour offices with their newly acquired rights

Mr John Mothiba, one of the first to benefit from Mr Rikhoto's victory, qualified for Section 10 (1) (b) rights last month

"I think my problems must all be over now," he said

However, several workers said they feared the Government would take action to prevent urban rights being given to the thousands of other migrant workers

A clerk said once it became known that workers were being granted urban rights, there would be a desperate rush to have reference books endorsed

8 Feb 3/6/83

Unions give warning on rights of migrants

By Tony Davis,
Labour Reporter

Trade unions have warned that they will take legal action if the Government or administration boards fail to grant urban residence rights to qualified migrant workers

Union federations and individual unions have come out strongly in support of the Appeal Court decision on Monday rejecting the East Rand Administration Board's appeal against the Rikhoto judgment

The general secretary of the Council of Unions of South Africa, Mr Phiroshaw Camay, said the judgment struck at the cornerstone of the apartheid policy and Cusa would seek legal injunctions if the authorities tried to circumvent the decision.

"If Dr Piet Koornhof (the Minister of Co-operation and Development) tries to ignore the decision and push legislation through which attempts to regain control over urban black workers, it will force the labour movement to take action," Mr Camay said

A senior member of the Federation of South African Trade Unions said its affiliates had already committed themselves to

the campaign of registering qualified migrant workers.

The general secretary of the Commercial, Catering and Allied Workers Union, Mrs Emma Mashini, said Ccwusa would help its members to get urban residence rights and expected support from employers

Mr Arthur Grobbelaar, general secretary of the Trade Union Council of South Africa, said the Appeal Court decision would go a long way towards alleviating some of the problems migrant workers have had to bear.

The general secretary of the South African Allied Workers Union, Mr Sam Kikine, said members were being instructed to approach administration boards for their residence stamp.

But, he said, they were being turned away. Similar complaints have also been made by Fosatu members

● Migrant workers who have been employed continuously for more than 10 years by one employer, or lived lawfully in an urban area for more than 15 years, are entitled to urban residence rights. These rights were granted to Mr Mehlole Tom Rikhoto, a Germiston migrant worker, in a 1981 case against Erab

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City firms back 'Blind' di migrant staff

By PHILLIP VAN NIEKERK
Labour Reporter

AT least 10 major Cape Town firms are backing applications from their migrant workers for permanent city residence rights following the Rikhoto Appeal Court judgment in Bloemfontein this week.

And the president of the Federated Chamber of Industries (FCI), Mr Rod Ironside, has made a plea for the government to implement the judgment.

Mr Ironside said the FCI, which represents

industry throughout the country, believed that "if the law and the courts mean anything, then obviously we would expect this judgment to be followed through".

The General Workers' Union (GWU), which represents thousands of contract workers in the Western Cape, has condemned the delay by the Western Cape Administration Board (WCAB) in implementing the decision.

Mr David Lewis, general secretary of the GWU, said "It is interesting that the WCAB, which justified its excesses at KTC by insisting that inhumane laws should be respected, should now be unwilling to implement a decision of the country's highest court."

Meanwhile, hundreds of migrant workers — many assisted by their employers — yesterday began receiving their city rights from the East Rand Administration Board (Erab). However, other Administration Boards — including the WCAB — are still not

enforcing the judgment, in spite of growing requests from employers to do so.

Spokesmen for some of the City companies who are assisting their workers said they had already been approached by their workers last year following the earlier Rikhoto Supreme Court case and two similar judgments in the Cape Supreme Court.

They had been told by the WCAB then that they were waiting on the Rikhoto Appeal Court judgment.

They said they were now resubmitting their applications and "chasing them up" with the WCAB. Among the companies involved are Murray and Roberts, Fattis and Monis, South African Breweries and R H Morris Construction.

Decision welcomed

The national president of the Black Sash, Mrs Sheena Duncan, yesterday welcomed Erab's decision to grant workers' rights and added "It is a great pity that other boards are not acting in the same law-abiding fashion".

An East Rand unionist said "A great many employers have been extremely sympathetic on this issue and are allowing workers to go to the board offices. In many cases, they are assisting them".

The Council of Unions of South Africa (Cusa) said yesterday that it would be "forced to act" if the government tried to override the decision.

By GLEN GARVEN

FOR the past 15 years, Benny Levin has been giving Cape Town's more nervous drivers severe cases of the shakes.

But, insists Mr Levin, it's a question of syntax rather than a problem of traffic safety. Although the man behind the wheel of his company's truck isn't blind, he really is a blind man. That is to say, he is not sightless — what he does do is sell canvas blinds.

Not surpris
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truck".

"It has a
of comment
casions qu
ment," say
Levin, who
company in
"People"



Canvas blind factory supervisor Mr C the truck before his promotion, pointing the

Cape Town

The 1000

Coffee House

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PENGUINS TAKE A DIVE.

FROM JUNE 3 TO JUNE 30

Arresting Brahms

BRAHMS was largely well-served at the third concert of the Cape Town Symphony Orchestra's Celebration series.

David Tidboald showed his mettle as a conductor with a lovingly nurtured and often arresting performance of the 4th Symphony. The concert concluded with a festive Academic Festival Overture.

Sandwiched between, the Violin Concerto was less memorable. Soloist Eva Graubin produced moments of sweet-toned beauty, but one gained the overall impression that the work — in terms of technique and power — lay just beyond comfortable grasp.

Deat Guy

Staff Reporter

DR Guy James Alga Currie, a well-known City anaesthetist and member of the F Society of South Africa, died at Groote Schuur Hospital on Monday before his birthday.

Dr Currie came to the country from England in 1939 matriculating at St. Andrew's Diocesan College, Stellenbosch, and qualifying as a doctor at the University of Cape Town. While there he met and married his wife, Fiona Currie.

Dr Currie worked as a general practitioner.

NP moves to resist govt on migrants

CAPE TIMES 3/6/83

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200
200

Political Staff

THERE are moves afoot in the National Party caucus to resist any bid by the government to circumvent the historic Appeal Court ruling on migrant workers, according to informed sources

Although strong rumours that the government has already prepared legislation which would effectively nullify the landmark judgment could not be confirmed yesterday, a small but influential group of National Party MPs who have long advocated a "normalization" of so-called illegal blacks at present in the cities are preparing to resist such attempts

All the Minister of Co-Operation and Development, Dr Piet Koornhof, has been prepared to say on the judgment so far is that the government is giving its "urgent attention" to the matter and that an announcement would be made only after thorough consideration

Dilemma

However, it became clear yesterday that the government is facing a major dilemma in dealing with an Appeal Court ruling which if implemented would open the way for tens of thousands of migrant workers to live permanently in the urban areas with their families

If the government abides by the judgment, it would effectively nullify a 1968 regulation which blocks the majority of migrant workers from qualifying for permanent status in the cities regardless of how long they have lived and worked there, thus disqualifying them from the coveted Section 10 (1) (b) rights

This would be a major blow to the government's influx control policy

Advice

If, on the other hand, the government were to circumvent the Appeal Court ruling in the case Rikhoto vs the East Rand Administration Board by amending the Black (urban areas) Consolidation Act of 1945, it would go against the advice of some of its most influential advisers

The claim of migrant workers to these rights was endorsed in the key Riekert Report in 1978 which recommended that the presence of blacks in the urban areas should be regulated by the availability of employment and housing

A government bid to circumvent the Rikhoto ruling would also fly in the face of the recommendations of the Grosskopf Committee which was set-up to rescue Dr Koornhof's ill-fated "new deal" legislation for urban blacks launched in October 1980

Residence rights

The Grosskopf Committee recommended that contract workers who had worked in the city for five years should qualify for permanent residence rights

At the National Party's Cape congress in East London last year, Dr Koornhof indicated that the government was planning to amend existing legislation to circumvent the Komani and Rikhoto rulings

The matter was not raised at the NP caucus meeting on Wednesday but is likely to be discussed at next week's meeting

East Rand workers are granted city residence rights

Mercury Correspondent
JOHANNESBURG—Migrant workers yesterday began receiving their city rights from the East Rand Administration Board in the wake of the historic Rikhoto judgment, as employer pressure on the authorities to implement the judgment grew

While many migrants at ERAB labour offices received rights, other boards are still not enforcing the judgment.

The president of the Federated Chamber of Industries, Mr Rod Ironside,

said yesterday industry would like the Government to implement the judgment.

And in both the Transvaal and the Western Cape, many employers, including major companies, began pressing administration boards to implement it.

Western Cape trade unions were planning joint action to ensure that the Government did not override the judgment, and the 100 000-member Council of Unions of South Africa warned that it would act if the Government did this

Groups helping migrant workers to claim their rights said yesterday that many workers had succeeded in obtaining them from ERAB offices

The president of the Black Sash, Mrs Sheena Duncan, welcomed the ERAB decision and added 'It is a great pity that other boards are not acting in the same law-abiding fashion'

None
Mercury
has
2/6/83
applied
206
in Durban

Mercury Reporter

DOMESTIC servants and hostel residents can now apply to live permanently in the city if they have worked for one employer for 10 years or several in the same area for 15 years

But, according to Mr Sandile Ngcobo, a Legal Aid attorney, no migrant workers in Durban have been to their offices or to the Port Natal Administration Board to apply since the Appeal Court decision on Section 10 of the Black Urban Areas Act was made in Bloemfontein on Monday, allowing employees of 10 or 15 years a permanent city life

'I don't think those who are entitled to this right know about it because the media have not been giving it the attention it deserves,' said Mr Ngcobo yesterday

He said two applications were made last year but had been held in abeyance pending an Appellate Division decision

Since the Court upheld the right of a Germiston migrant worker, Mr Mhlole Tom Rikhoto, who had worked for one employer over a period of 10 years without a break except when he was granted paid leave, migrants in the Transvaal and Cape have been flocking to their boards to claim their rights



Sash's Duncan ... urging migrants to apply for rights

have been urged by Black Sash chairman Sheena Duncan "to send employees who have worked for them for 10 years to pass offices with a letter certifying the dates of their employment so that they may claim their Section 10 (1) (b) rights" — in terms of the Blacks (Urban Areas) Consolidation Act

Duncan says "Literally tens of thousands" of migrant labourers — who have worked for one employer "continuously" for 10 years (or, in terms of Section 10 (1) (b), for several employers for a total of 15 years) are now entitled to such rights. The court's decision was welcomed by civil rights groups and the official opposition.

Government may, however, have other ideas. According to one report, Pretoria is understood to be "considering steps to restore the situation to where it was before the court judgments." This would be consistent with Co-operation and Development Minister Piet Koornhof's announcement to the Cape National Party conference last October when he said government is considering countering the effects of court decisions on influx control laws.

Koornhof referred specifically to the 1980 Komani judgment which ruled, in terms of Section 10 (1) (c) of the Act, that the wives (and children) of legally resident blacks could live with their husbands in a "prescribed" areas.

Koornhof's threat, which was in line with government's "shelving" of the Grosskopf committee's Riekert Commission-inspired proposals on urban blacks — regarded as moderate — leads Duncan to warn that "this may well be the last opportunity for (black) people from rural areas to acquire urban residence." She adds "The Black

Sash feels it is in the interests of stability that loyal workers should not be denied this opportunity."

Migrants who might qualify for rights have already had to wait nearly two years to have their situation legalised because of the authorities refusal to pay attention to the Supreme Court ruling," says Duncan. Similar charges of bureaucratic obstruction were made in relation to the Komani ruling.

The appellant in the Rikhoto case the East Rand Administration Board (Erab), appealed against the September 1981 Rand Supreme Court judgment in favour of Rikhoto.

The nub of the case and Erab's main contention was that because migrants are obliged to take leave of their place of employment each year in order to renew their contracts in the homelands they could never be said to have worked "continuously" for an employer for more than a year at a time.

Erab's argument on annually renewable contracts was in terms of a 1968 Regulation of the Black Labour Act. The Appeal Court, however, interpreted Rikhoto's period of service with his Germiston employer as indeed "continuous." Mr Justice van Heerden and four other judges dismissed, with costs, Erab's appeal. Rikhoto's case was defended by the Legal Resources Centre which argued that the board's labour officer was not obliged to send a contract worker back to the homelands each year.

The Centre has about 60 such cases on file. These applicants, and hundreds who approached the Black Sash on similar grounds, can presumably now obtain city rights endorsements at a pass office — until, and unless, government acts to tighten black entry to the cities.

Responding to the court's finding, West Rand Administration Board (Wrab) chairman, John Knoetze, told the *FM* that the decision "obviously has far-reaching implications." He would not elaborate, however, until Wrab had fully studied the judgment. The Department of Co-operation and Development was also not prepared to comment.

Technically, the decision also means that many more blacks now qualify for housing in urban areas. The housing shortage category was officially put at 160 000 units two years ago. Further, the migrants who qualify for urban rights and who have approved accommodation, will be entitled (in terms of Komani) to have their families live with them. They are also entitled to seek employment in other urban areas.

MIGRANTS FM 3/83 Landmark decision

Influx control in SA is in a state of confusion following this week's judgment by the Appeal Court in the Rikhoto case. On the face of it, the court's decision seems to entitle thousands of migrant workers to residential rights in white areas. But government may not be content to leave things there.

Moves are already underway to take full advantage of the judgment. Employers

WCAB is to uphold ruling on migrants

CAPE Times 4/10/83

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Labour Reporter

THE WESTERN Cape Administration Board (WCAB) has accepted the judgment in the Rikhoto Appeal Court case and will probably start implementing it early next week.

The decision means that about 12 000 migrant workers in the Western Cape stand to gain Section 10 (i) (b) rights granting them permanent residence in the cities, the right to bring their families to live with them and greater job mobility.

After the announcement of the Rikhoto judgment this week, the WCAB was criticized for delaying its implementation. It said it first had to study the judgment and wait for a directive from the Department of Co-operation and Development.

However, the East Rand Administration Board (Erab) said they had no option but to implement the decision, and began stamping workers' pass books on Thursday.

Mr Gert du Preez, chief liaison officer of the WCAB, said yesterday

that the board accepted the Rikhoto judgment and would start implementing it "probably early next week".

Mr Du Preez said there was an "administrative" delay as the board already had almost 1 000 formal applications to process.

Mrs Noel Robb, director of the Athlone Advice Office which has dealt with 850 of the potential Section 10 (i) (b) cases, said the board's decision was "marvellous news".

● In a rare move, the United States State Department has publicly backed the Appeal Court's historic Rikhoto judgment and strongly implied that the US would like to see it implemented.

But it added that the decision, "if allowed to stand", would mark progress towards basic civil rights for blacks.

The fact that the State Department has publicly made known its stance, rather than communicating it privately, is seen as an indication of US concern on the issue.



A DELIGHTED Mr Mehlole Tom Rikhoto after the news of his victory in the highest court in the land.

Ecstasy of a man who made history

W/C Argus 4/6/83
206 202 203 204

Weekend Argus
Correspondent

DURBAN — A joyous Mr Mehlole Tom Rikhoto — the migrant worker who made history this week when he won permanent residence rights in the urban area where he is a contract worker — will be househunting this weekend

The Appeal Court judgment handed down in Bloemfontein in Mr Rikhoto's favour has brought him one step closer to realising his dream of 13 years a four-roomed house with electricity and running water where he and his family can live together without fear of a police pass raid.

Mr Rikhoto had the precious 10 I(B) stamp entered into his passbook within three days of his court victory

Now he can begin looking for a house in Natal's prime township outside Germiston where he works in an engineering factory, and bring his wife Rosina and their four children to live with him.

When the 35-year-old migrant worker set out, in 1981, to get his permanent residence rights he did not realise that his quest would affect a wide cross section of South Africans, from the humblest labourer to nationalist Cabinet Ministers

"I just remember my boss telling me in 1970 when I started working for him that after 10 years I would be able to get permanent residence rights," Mr Rikhoto said this week during an interview at the factory where he works

Mr Rikhoto's dogged pursuit of his case, assisted free of charge by the Legal Resources Centre in Johannesburg, has earned him the admiration of his fellow workers

Contract workers queuing at the East Rand Administration Board, hoping to get the same rights, hailed Mr Rikhoto as a hero and shook his hands on Thursday as he left the offices with his 10 I(B) stamp

US hails Rikhoto ruling

By STEVEN FRIEDMAN
Labour Correspondent

IN a rare move, the American State Department has publicly backed the Appeal Court's historic Rikhoto judgment and strongly implied that the United States would like to see the judgment implemented

It also indicated it had been watching the outcome of the Rikhoto case for the past two years

In a statement issued yesterday, the State Department noted that the judgment applied only to workers who were already living in cities

But it added that the decision "if allowed to stand" would mark progress towards basic civil rights for blacks in South Africa

Meanwhile, both the West Rand and Western Cape Administration Boards said yesterday they had agreed to implement the Rikhoto judgment

But one employer who assisted a group of workers to claim rights from the Wrab office yesterday said that, while officials processed their applications, they were told they would have to wait eight weeks for an answer

The East Rand Administration Board is already implementing the judgment and workers have received qualifications from Erab

The chairman of Wrab, Mr John Knoetze, said yesterday that "none of the workers who approach the Board for rights are being turned away"

Mr Knoetze said he had no knowledge of any workers being asked to wait eight weeks and added "There is no fixed time for processing applications"

Our Cape Town correspondent reports that the Western Cape Board announced yesterday it would begin implementing the judgment from next week.

Migrants rush for urban residency

Labour Reporter

Scores of migrant workers have thronged to the offices of the East and West Rand administration boards during the past few days applying for urban residence status

Wrab chairman Mr John Knoetze said yesterday the board had received applications at all of its offices but the procedure was a long one

"We are studying the implications of the Appeal Court judgment and will make it work. We are having no problem dealing

with the numbers of people who have come in," Mr Knoetze said

Applications had to be examined and inquiries made to confirm employment records

GIVING

At the Erab offices in Germiston yesterday, the board's labour officer, Mr Scholtz Kruger, stamped the permit book of Mr Mehlole Tom Rikhoto giving him urban residence status

The Rikhoto judgment in the Rand Supreme Court about two years ago was upheld on Monday by the Appeal Court which

turned down an appeal by Erab against the judgment

Erab's chief director Mr F Marx said the issue was a delicate one and the board was still examining implications of the Appeal Court decision

Trade unions and Black Sash have asked the boards to proceed with the granting of residence rights or face legal action. Fears have been expressed that bureaucratic measures could stifle applications pending further Government action on the issue

Plucky Tom wins the big one for black migrants

The man who made it possible for thousands of migrant workers to get city rights said he was going to slaughter an ox to thank his gods

Mr Mehlole Tom Rikhoto (35), who was born in Retabe, Tzaneen, but has lived in Germiston since 1970, became South Africa's first migrant worker to be granted permanent residency on Thursday

How does he feel about the Appeal Court judgment? "I feel great, not only for myself but for the thousands of other migrant workers who will be allowed to live in urban areas

"The next time I go home I am going to slaughter an ox to say a big thank you to my gods", a beaming Mr Rikhoto said

He said he had found living alone away from his wife and children "very bad" as "I get up at 5 am, wash, then prepare breakfast for myself, something my wife could have done"

Mr Rikhoto said he went to his work at an engineering company in his old car and, although he sometimes went by taxi, his car was more reliable

He said he spent his spare time at work cleaning his car "Other people play soccer during lunch time but I am not a soccer fan. So I spend most of my time washing my car to make sure it is always clean

"I am so fond of my car I spend most weekends cleaning it, because if your car is clean you don't get stopped by traffic cops all the time," Mr Rikhoto said

His other hobby was gardening and if he was not doing that or cleaning his car, he liked to read the Bible

"I am a member of the new Christian Church in Zion in Alexandra and attend church regularly. I believe that it was through prayer that I managed to acquire city rights

"Church members and I prayed hard during the East Rand Board's appeal against the Supreme Court judgment that I be given city rights. I am happy God answered our prayers"

Mr Rikhoto said he was brought up by his father with his two sisters and two brothers because his mother died in 1952 when he was four

His wife did not work in Tzaneen because she was expecting their fifth child. Even if she wanted to work, there was no work available and at home no fields could be ploughed because of the drought

Black Sash had helped him in his fight for permanent residency "I could not do it alone as I left school in Standard 4 because my father had no money. Even with my limited education I was still able to read that these people called the Black Sash would help, so I went to them

"They are the people who arranged lawyers so I could take the board to court. I am so happy we won the case"

Now he has city rights he will bring his wife Rosina and their four children to live in Kettle-hong while they wait for the house he has applied for



Synagog

These youngsters are preparing for Yeoville Synagogue's 60th anniversary this weekend. They will form a guard of honour at the diamond jubilee festivities

Yeoville Synagogue is the second oldest synagogue in Johannesburg. Mr Mannie Kotze is chairman of the Yeoville Synagogue

'Faint optimism' in mercy appeals

Flowers kill mossies quickly

The Star's Foreign News Service

OTTAWA—Sunflowers, marigolds and white daisies can kill

Mr John Arnason and Mr Bernard Philogene are researching the discovery that thousands of plants contain a natural defence

The natural chemical compounds can destroy insects by boring holes in them. One compound is lethal to mosquito larvae but is not harmful to

Rikhoto decision threatened New law on migrants mooted

Decision takes effect on Monday

w/e ARGUS 4/6/83 *206*

By PETER MANN
Political Staff

THE CABINET will decide this week whether to introduce legislation to nullify the historic Appeal Court judgment allowing long-serving migrant workers permanent city residence

News that the Government may act to stop black people escaping from a catch-22 situation built into the Black Urban Areas Consolidation Act was confirmed by a source in the Department of Co-operation and Development

The source indicated that "unofficial" legislation aimed at upsetting the Appellate Division decision in a case brought by Germiston contract worker Mr Mehlolo Tom Rikhoto has been drawn up

Highest level

"It is enjoying attention at the highest level. The Cabinet will have to decide whether they wish to implement legislation or not," he said

That decision which, sources say, will be taken by the Cabinet this week could lead to a row

within the National Party caucus

It could also lead to a wave of labour unrest in South Africa if tens of thousands of black people who now stand on the brink of gaining the most basic of human rights — to live permanently in the place in which you work — see those rights removed again at the stroke of the National Party's legislative pen

Any decision to nullify the judgment would be bitterly opposed by a small group of verligte nationalists in the party's caucus

Prevent

They are said to be determined to fight an action to prevent the legislation, but will fall back to a second position of having it apply only for a limited period of time — probably until the Government can introduce its revamped version of the Orderly Movement and Settlement of Black Persons' Bill which is scheduled to happen next year

The Cabinet meeting will be held on the day before the caucus meeting this week and it could presage yet another row in the ruling party

In its decision this week the Appellate Division upheld a judgment of the Witwatersrand division of the Supreme Court which ordered the East Rand Administration Board to grant Section 10(1)(b) rights to Mr Rikhoto

In terms of the Act Mr Rikhoto would only have qualified for his Section 10 rights, which have the effect of allowing him to live permanently in the area in which he works and also allow his wife and unmarried children under the age of 18 to live with him, had he worked for one employer "continuously for at least 10 years"

However, contract workers like Mr Rikhoto have to renew their contracts annually. The Government has decreed that to do so they have to return to their "homeland" to sign the contract

The Government has always argued that this means that the employment of contract workers is not "continuous" and that they therefore do not qualify for Section 10 rights no matter how long they have worked for the same employer

It is this view which has now been rejected,

with costs, by the Appeal Court, the highest legal forum in the land

Suspicion that the Government is considering passing legislation to nullify this judgment is heightened by the fact that Dr Koornhof, whose Department is responsible for administering the laws, indicated last year at the National Party congress in East London that the Government was planning amending legislation to nullify the judgment of the Witwatersrand division of the Supreme Court

"However, nothing was done at that time, because the Government had appealed against the decision. Now that they have lost the appeal the threat of legislation has arisen again

Mr Nic Olivier, one of the PFP experts on black legislation said he hoped the Government would not "panic"

"The Government has, unfortunately, a sad record of constantly overriding court decisions. I hope the Government will resist any precipitate action and will not resort to panic reactions," Mr Olivier said

HENRY LUDSKI,
Weekend Argus
Reporter

The Western Cape Administration Board will implement the Rikhoto Appeal Court judgment on Monday — giving thousands of Africans the right to live in the Western Cape

In the major test case in Bloemfontein the court granted permanent residence rights to a contract worker, Mr Mehlolo Rikhoto, who had worked for the same employer for more than 10 years

The judgment paves the way for contract workers in cities to have with their families with them. It has already been implemented by the East Rand Administration Board (ERAB), the board which contested the case, and is expected to be implemented nationally

The liaison officer of the WCAB, Mr G T du Preez, said yesterday that about 914 applications for 10(1)B rights — which qualify contract workers who have worked in a particular urban area for more than 10 years — had been received

It is believed that in the Western Cape alone more than 10 000 people could qualify

Happiness is being endorsed IN

By SYDNEY MOSES

NOW Mr. Mehlolo Rikhoto has been endorsed IN!

Four days after a judge ruled that he had done the 10 years' continuous service with his firm entitling him to urban residence, his reference book was stamped by the East Rand Administration Board.

The entry gives him the right to live in the Germiston area, where he is employed by an engineering firm as a contract worker.

The right was originally granted by the Rand Supreme Court in September 1981, but East Rand Administration Board appealed against it.

The board contended that a 1968 ruling compelling migrant workers to return home once a year to re-register broke the service and made it impossible to qualify for 10 years' continuous employment.

But in the Appeal Court on Wednesday, Mr. Justice van Heerden and four other judges rejected the Board's plea.

They decided that Mr Rikhoto WAS entitled under Section 10(1)(b) of the Black Urban Areas Act to urban residence after his 10 years with the same firm — a ruling which upholds the rights of thousands of other migrant workers.

And on Thursday Mr Rikhoto's reference book was endorsed with that permission at the offices of the East Rand Administration Board.

It had not been until the day before, however, that he heard he had won his case. He said: "I was told when I arrived back after a weekend at home in Tzaneen with my family."

His wife's name is Rosina and the children are Hester, 10, Helen, 7, Tony, 5, and Terrence, 3.

"Now I must start arranging for them to come and live with me."

Mr Rikhoto was born at Tzaneen in 1948 and left school after passing Standard 4 because his father, Mr. Siphiso Rikhoto, a former diamond miner in Kimberley, was too old to work and to pay his fees.

Mr Rikhoto began his job at the Germiston engineering firm in 1970 and was the breadwinner for his family.

He stayed at the Simmer and Jack compound, but he wasn't happy about living conditions and he wanted to move to Kaitchong Township.

His battle for the right to live there began when his landlord, Mr. Phillemon Nkosi, applied to Kaitchong Administration Offices in December 1979 for a lodger's permit for him.

The selfless band behind the fight for the rights of Mr Rikhoto

By BRUCE LOUDON

IT is an organisation founded with the noble ideal of helping the little man and the little woman.

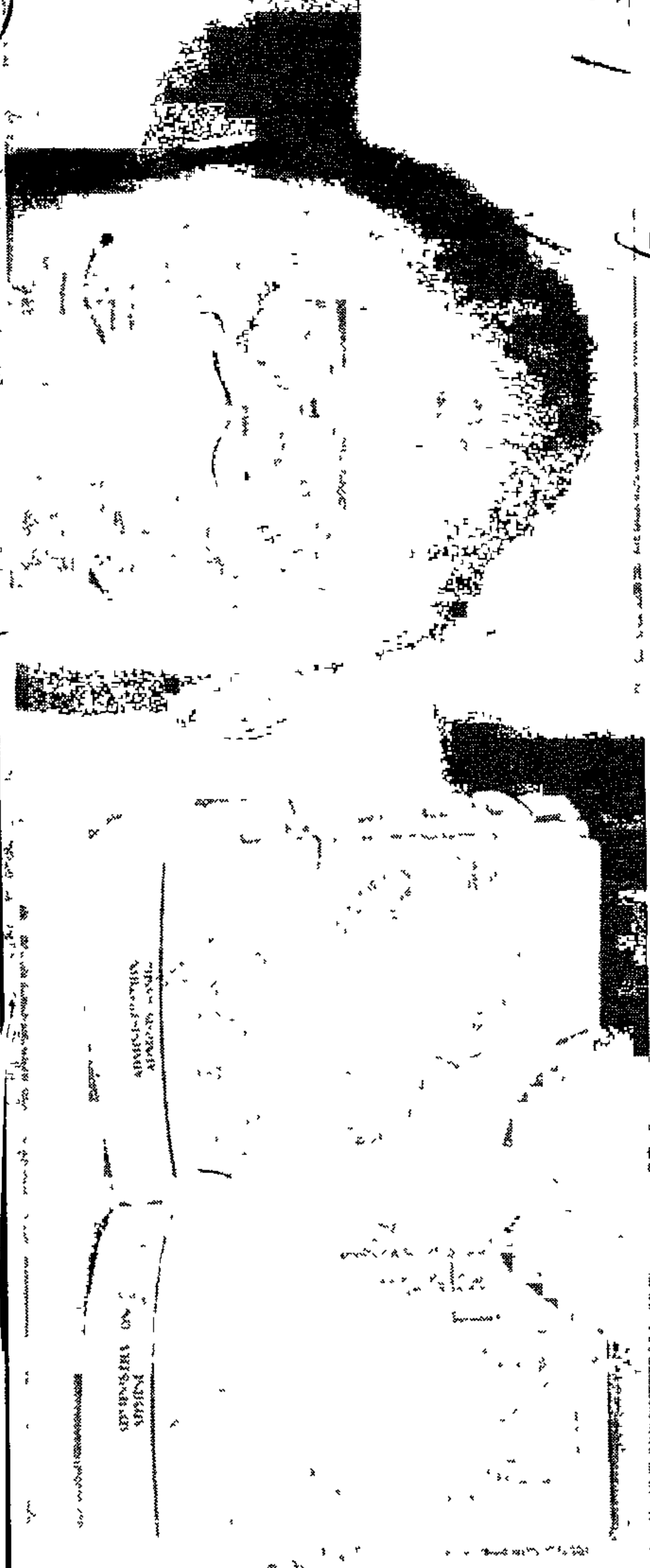
And when, this week, the Appeal Court handed down its landmark decision in the case of *Rikhoto v East Rand Administration Board*, everything, suddenly, seemed worthwhile to a small and dedicated group of lawyers working from modest offices on the "wrong" side of Johannesburg.

The Legal Resources Centre (LRC), started four years ago with a plethora of good intentions but little material backing, had broken new ground and established itself as a potent new force to be reckoned with in promoting a fairer and more just society in South Africa.

Mr Rikhoto Tom Rikhoto could have done nothing. Indeed, few individuals could have stood the cost of two years of litigation, ending with argument in the Appellate Division.

With the aid of the LRC, however, Mehlolo has won a victory that has far-reaching effects for tens of thousands in a similar predicament — and it hasn't cost him a cent.

Overseas donors still contribute some 60 percent to



10 years' service with a smile — rubber stamped!

Mr Mehlolo Rikhoto with the passport which confirms his right to stay in the area where he works

Sunday Times 5 June 1983

Research

"On his own, without lawyers, Mehlolo could not have had his rights recognised. Indeed, such an action involving large amounts of time in research and preparation would have been beyond the means of any but the very richest of individuals," explains Mr Geoff Budlender, one of the LRC's top lawyers.

"We can justify our involvement in the case and the expenditure of so much time because so many others will now benefit."

There can, indeed, be no doubt that the Rikhoto judgment is far and away the most important in the four years since the LRC was established.

There was an earlier landmark judgment — that, in 1980, involving *Komani v Bantu Administration Board, Peninsula Area* which was of great importance as it opened the way for wives to be united with their husbands in the towns.

The Rikhoto case touches the other end of the scale — the right of a man to be there — and concerns many more people than the Komani case.

To the 10 lawyers who work permanently at the LRC in Johannesburg under the leadership of Mr Arthur Chaskalson, SC, life is a constant, uphill struggle.

Hard work

Clear-cut victories are few and far between Rikhoto was one, and they should be forgiven the obvious pride they feel.

It took two years of hard work by the whole team, and in particular Mr Chaskalson, his junior Karel Tip, and his attorney, Charles Nupen.

And, of course, the reality is that the Rikhoto case is just one of scores, if not hundreds, that the LRC is dealing with at any one time.

The LRC was founded by Mr Chaskalson and his colleagues with the aim of offering legal help to people who could not otherwise afford it. Mr Chaskalson sacrificed an extremely lucrative practice to undertake a task that even to a man of his ability must have appeared daunting.

He was joined by others, no less dedicated.

Funding came, initially from major American philanthropic organisations such

the LRC's funds (which, to the year ended March 31, 1982, amounted to R351 124).

But, happily, local donors are increasingly digging deeper into their coffers and helping to fund an organisation of inestimable and increasing value in our society.

The Sunday Times National Charity Fund has provided R21 452 during the current financial year, and is one of the LRC's principal sponsors. The biggest single local donor is the Anglo American and De Beers Chairman's Fund, which is

Cabinet to decide on new influx loophole

By IVOR WILKINS

THIS week's historic Appeal Court decision on the right of contract workers to qualify for permanent urban residence is likely to be a priority subject at Tuesday's Cabinet meeting.

Government sources are clearly deeply concerned by the ruling — which flies in the face of influx-control policy — and legal experts in the Department of Co-operation and Development were studying the implications of the ruling this week.

The Minister, Dr Piet Koornhof, has declined to comment on the ruling other than to say it was being studied.

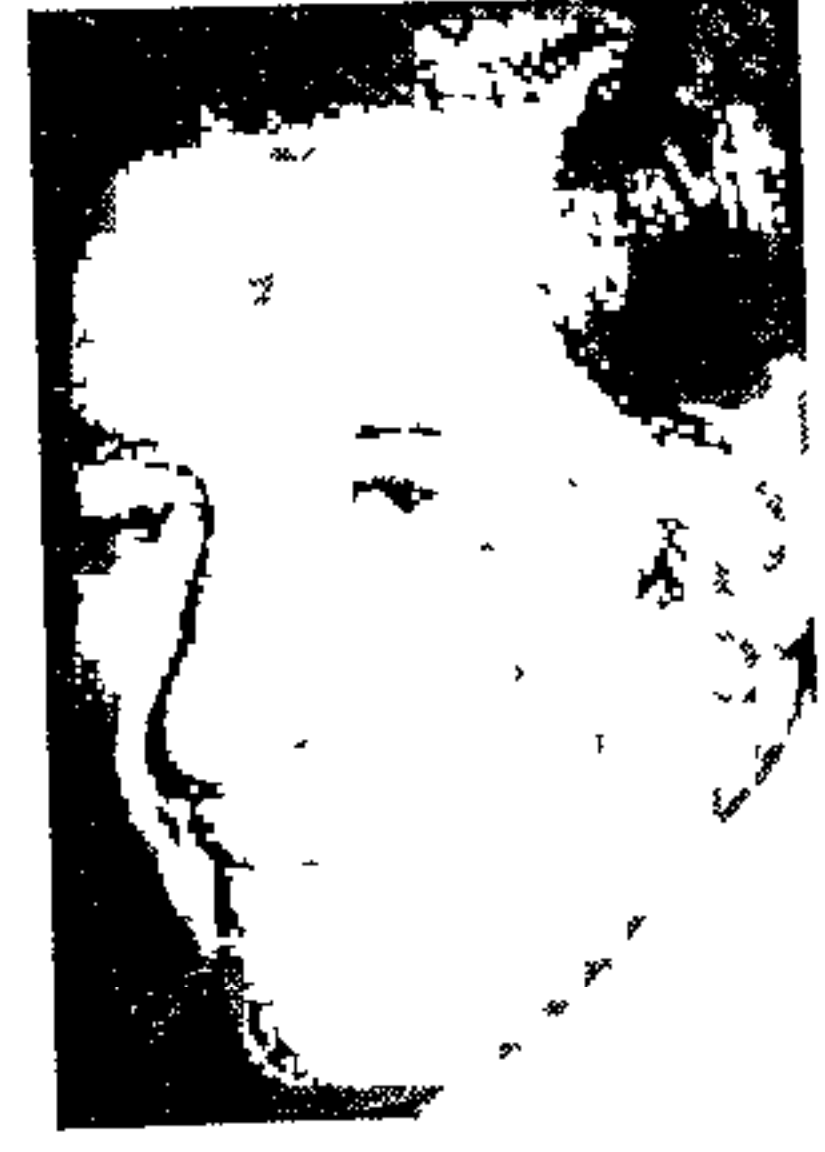
Other sources in the department confirmed that intense attention was being focused on the Appeal Court decision.

Problems

It is reliably understood that a report is being prepared in time for Tuesday's sitting of the Cabinet, where the matter will receive urgent attention.

Sources said it was possible that an announcement of the Government's plans in connection with the judgment could be made during next week's Budget Vote of the Department of Co-operation and Development.

At last year's Cape con-



Dr PIET KOORNHOF Ruling being studied

gress of the National Party, Dr Koornhof announced that amending legislation was on the cards to close loopholes in the influx-control system exposed in court actions like the Komani case, which allowed urban blacks to live permanently with their wives and families.

"We will have to come with amending legislation to deal with the Komani case because it is causing problems," Dr Koornhof said.

At the time, he refused to be drawn further on his statement.

Committed

But another senior source said the intention of the amending legislation would be to restore the status quo before the Komani case and the Rikhoto judgment — con-

Sunday Times MAGAZINE

THE CURE FOR SNIFFLES

(Well... sort of)

firming in this week's Appeal Court decision — which established the right of contract workers to permanent city rights in terms of Section 10 of the Black Urban Areas Act.

"Those rulings defeat the purpose of government policy. Contract workers were not meant to get Section 10 rights," the source said.

So far, there is no amending legislation on the parliamentary order paper, but if the Cabinet decides there is a need to close the Rikhoto loophole, an amending Bill could still be prepared in time.

Rigid

There has been speculation that the task of policing influx control will be removed from the administration boards — which are to become development boards under new legislation — and pass to the Department of Internal Affairs.

The basic philosophy is to create a permanent urban black population, a sort of insider class, and then introduce a rigid system to prevent blacks from the rural and homeland areas, the outsiders, from penetrating the influx barrier.

The Government's most recent attempt to introduce this system came in the form of the savagely criticised Orderly Movement of Black Persons Bill, which has been temporarily shelved.

But, it is expected that ultimately there will be new legislation that will determine qualifications for permanent urban residence status, replacing the current Section 10 qualifications.

Argentina cries for 'sleazy' Evita

Sunday Times Reporter: London

ARGENTINA is fighting back at the hit British musical "Evita"

Argentine writers who were angered by the British portrayal of their social-national heroine as a sleazy social climber have put together a rival version.

It shows her as a saint — in one scene she

sits on a pedestal in heaven.

Producers plan simultaneous openings in Spain, Mexico and the US.

One of the authors, Robert Pansera, started writing it after seeing the British show three years ago.

He said this week: "That version attacks 'Evita', the forces, our education system and some of our most respected politicians."

Legal action

"I was told that I didn't qualify to stay in an urban area," Mr Rikhoto said.

"So I started legal action against the East Rand Administration Board."

"Now that the Appeal Court has ruled that I am here to stay, my next move is to apply for a house in the township, and bring my wife and four children to stay with me."

"I don't see any reason why they should not be registered as residents in the township. My wife will seek employment and my children will attend school here."

He said Terrence was born in Germiston and he has an authentic birth certificate.

Indebted

In his legal battle he was helped by the Black Sash and he said he was very much indebted to them for their relentless efforts.

He added "I am disappointed that the SABC-TV did not interview me."

"I expected that such an important matter that affects thousands of my black brothers would be televised."

Mr Rikhoto said his brother, Mr Raphael Rikhoto, who has worked for more than one employer for a period of more than 23

The threat after Rikhoto

LABOUR developments over the past week have centred around the landmark Appeal Court Rikhoto judgment

On the labour relations front unions say there is a real threat of labour unrest particularly in the West Cape if the Government nullifies the ruling

Some major employers have acted swiftly to ally themselves with the movement to have the judgment implemented a move which could have an important impact on labour relations

Many are helping workers to claim rights, and the Federated Chamber of Industries president, Mr Rod Ironside, has backed implementation

But in the midst of the welter of activity around the judgment, it is as well to spell out its far-reaching political implications

Until 1968, Government policy was to allow a controlled flow of blacks to the cities. Although this was sharply limited, blacks could stay on permanently in cities if they worked in them for 10 to 15 years

Then a Government regulation effectively stopped all legal urbanisation

Because officials interpreted this to mean that no migrant could work continuously for more than a year, they granted few migrants city rights

So workers who have been in the cities for decades are still forced to leave them as soon as they are no longer needed by their employer

If the Government abides by the judgment, it will again allow controlled urbanisation

It would hardly be opening the floodgates to millions of rural blacks, but would simply be reverting to the position before 1968

Besides which, all the workers who qualify in terms of Rikhoto — though not their families — are already city-dwellers

It will also be listening to its own advisers

The Grosskopf Committee, which included Dr Piet Riekert, of Riekert Commission fame, recommended a return to controlled urbanisation indeed, it suggested that workers qualify as permanent city-dwellers after five, not 10, years

But if the Government attempts to override the judgment, it will be signalling that it wants no shift from classical apartheid — the idea that blacks are only allowed in the cities for as long as their labour is needed

That may explain why the American State Department, in an unusual move, has publicly thrown its weight behind the judgment.

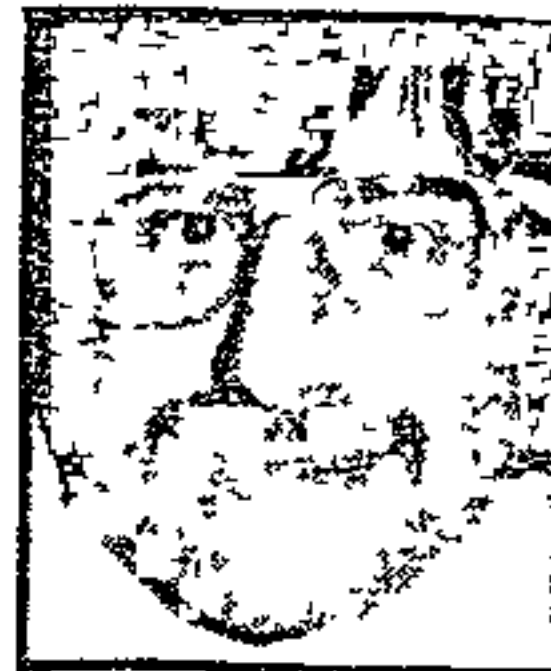
For if the Government overrides it, critics of "constructive engagement" — who are increasingly focussing on influx control — would have a strong reply to arguments that the Government is moving towards real reform

□ □ □

ONE aspect of the judgment which has not been reported, but is worth noting, is the court's comments on the Government's 1968 influx control regulations

Mr Justice van Heerden said many of them were — "to put it mildly" — drawn up in such a way that they were very difficult to understand, even for trained lawyers

"One can therefore accept," he added, "that the regulations are not crystal clear for the officials who must administer them or for the



LABOUR WEEK

By STEPHEN FRIEDMAN

great many souls who are affected by them" As an incorrect interpretation could have far-reaching implications for individuals' labour freedom "it could surely have been expected that they would have been formulated with greater care," the court added

One such regulation was the one which deprived migrants of city rights for 15 years until this week's Rikhoto judgment

In other words, the rules which govern the lives of millions of black workers are so badly framed not even lawyers, let alone the people they affect, can understand them with ease

The latitude this gives officials to interpret them in any way they please is obviously immense

Sowetan 6/6/83

Cusa to raise pass laws at conference

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DELEGATES at the 69th annual conference of the International Labour Organisation (ILO), to be held in Geneva later this month will discuss South Africa's migrant labour system and the influx control regulations.

This was said to The SOWETAN by secretary-general of the 100 000 strong membership, Council of Unions of South Africa (Cusa) Mr Phirashow Camay, during the weekend. Mr Camay was reacting to the fears that the Government might overturn the Appeal Court judgment

which gave permanent city rights to migrant workers who have worked for one employer for more than 10 years or have lived in an urban area for longer than 15 years

The Government has drawn up draft legislation to overturn last week's historic Rikhotso judgment which gives urban rights to tens of thousands of migrant workers. When the Cabinet meets in Cape Town today it is expected it might decide to rush the new law through this session of Parliament

Mr Camay said a fierce debate was expected when a special report on apartheid is tabled at the conference. He said the focus would be on the migrant workers in South Africa. He said international support for black workers will increase while influx controls remain in the statute book.

He warned that if Dr Koornhof tried to ignore the decision and pushes legislation through which would attempt to regain control over urban black workers, it would force the labour

movement to take action. Cusa would explore the possibility of seeking a legal injunction if Government officials tried to do so.

On its numerical strength, Cusa claims that in the three years since it was formed in Johannesburg, it has grown from strength to strength to become one of the country's giants in the labour field with a membership of 100 000. Some 20 000 of this figure are members of its affiliate, National Union of Mineworkers which is the biggest black mine-workers' union in the country.

Stay off Rikhoto, Govt is warned

By STEVEN FRIEDMAN
Labour Correspondent

THE Government could unleash a "furore" in the United States if it overrode the Rikhoto judgment extending migrant worker rights, and such a decision would strengthen the hand of the growing disinvestment lobby in the US, a leading industrial relations man said yesterday.

Mr Fred Ferreira of Ford (SA) warned that campaigns to pull tens of millions of rand out of companies doing business with South Africa could gather steam if the Government took this step.

He was approached to comment in the light of a recent speech he made to the Afrikaanse Handelsinstituut.

Mr Ferreira told the AHI the US disinvestment lobby, which has recently persuaded several state and city legislatures to withdraw investment from companies doing business with South Africa, was increasingly focussing on influx control and on the proposed Orderly Movement of Black Persons Bill.

He argued that the Government should announce the scrapping of the Bill.

Mr Ferreira said yesterday that overriding the Rikhoto judgment could cause a "furore to the nth degree" in the US.

The Americans are certain to view an

attempt to circumvent the judgment as an attempt to muzzle the courts," he said.

"They are particularly sensitive to this sort of issue as their own Supreme Court played a key role in the desegregation initiatives of the 50s and 60s," he added.

Mr Ferreira said large sums would be involved if the disinvestment lobby succeeded in persuading public bodies to withdraw funds from companies doing business here.

"For this and many other reasons, I believe the Government would do well to implement the judgment," he added.

Meanwhile, influx control specialists pointed out yesterday that according to a recent study by Cape Town economist Charles Simkins, South African cities were less populated than those of other comparable countries.

They were reacting to suggestions that implementing the judgment would prompt a "flood" of black people to the cities, whose facilities would not be able to cope with them.

In a book published recently, which analysed official population statistics, Mr Simkins found that influx control measures had led to South African cities becoming "under urbanised" compared with United Nations norms for city populations.

He also argued strongly against suggestions that relaxing influx control would lead to an "uncontrollable flood" of black people to the cities.

Sec 10 — migrants can apply

By STAFF
REPORTERS

Sowetan 7/1/63
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MIGRANT workers can now claim their urban rights at various offices of the West Rand Administration Board, the board's chief director, Mr C J Bezuidenhout, said yesterday.

This announcement comes at a time when the Black Sash and labour unions are threatening the board with court action if it continues to turn away hundreds of migrant workers seeking Section 10 (1) (B) qualifications.

Mr Bezuidenhout told **The SOWETAN** that the board had started accepting applications from the migrants following the landmark Appeal Court Rikhoto ruling.

The East Rand Administration Board has also taken in applications from migrants.

Meanwhile the Black Sash, which had intended handing over three test cases to lawyers as a step towards pressurising Wrab into complying with the court ruling, yesterday indicated that they would monitor the situa-

tion in the light of latest developments

However, there are strong fears that the Government is gearing up a new legislation in an attempt to override the judgment, which gives rights to thousands of migrants and their families to stay in the cities permanently.

A member of the staff board of the Johannesburg City Council, Mr J Kitshoff, yesterday denied allegations that some migrant labourers in their employ had been refused certificates of service by the council which they need in order to get 10(1)B rights.

However, an official of the Municipality and General Workers Union, yesterday told **The SOWETAN** that they had received reports from their members that since the judgment, many had been refused the certificates

A spokesman for the Western Cape Administration Board, Mr Gert du Preez, said yesterday the Rikhoto Appeal Court judgment would be implemented from this week. — Sapa

Rikhoto case: Govt checks how many are involved

2/6/83
Political Staff

CAPE TOWN — The Government is trying to establish how many more people would come to the cities before deciding what action to take on the Appeal Court's Rikhoto judgment.

This has been interpreted as signalling an attempt to thwart the court decision — but such an interpretation is not borne out by Dr Koornhof's statement in Parliament yesterday.

The issue is being discussed by the Cabinet today, but it is not known when the Government's plans will become clear.

Dr Koornhof told Parliament. "The Appeal Court based its ruling on its interpretation of the provisions of the law. That decision contradicts the accepted interpretation of the relevant section (of the Act) up to now.

"I do not want to comment on the judgment itself. The Government and I respect our courts very highly.

"However, the ruling has certain social and economic implications which no responsible Government can ignore and to which the Government will have to address itself in everyone's interests."

Dr Koornhof said the select committee on the constitution was dealing with a Bill which proposed new criteria for obtaining rights.

Pending the finalisation of that Bill, the Government would now take interim steps by establishing "the facts with regard to numbers."

2/6/83

The Rikhoto judgment will have a profound effect on influx control — the cornerstone of separate development. A third of the 800 000 migrant workers could apply for urban rights — and give the Government a king-size headache.

Influx control ruling — Govt seeks a way out

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Jan 7/6/83

By Anthony Duigan and Tony Davis

Influx control, the backbone of separate development, has a simple function — to control the movement, employment and residence of every black person outside the homelands through a bureaucracy empowered by a tangle of laws and regulations

The present Government did not introduce the system but it refined and modernised it to a degree of unparalleled sophistication

The main legislation which puts every black outside the homelands into a pigeonhole is the Blacks (Urban Areas) Consolidation Act 1945. Control is exercised under section 10 of this Act which states that no black shall remain for more than 72 hours in a "white" area unless he produces proof (a reference book) which shows that he or she

- Has lived in the area legally since birth
- Has worked continuously in the area for one employer for at least 10 years or has lived lawfully there for at least 15 years and never been employed outside the area and has not been sentenced to a fine of R500 or a jail sentence of six months
- Is the wife, unmarried daughter or son, under

the age of 18 years, of a black who falls under the above two sections

- Has the special permission of a Government-appointed labour officer to remain in the area. In other words, migrant labourers are brought to work in "white" areas under this section with the understanding that they will never become permanent in the area

Over the years officials have assiduously plugged any loopholes which allowed blacks to gain city rights if they did not qualify under the first two sections.

For instance, in 1968 a government regulation effectively stopped all migrant workers, irrespective of how long they worked for one employer or stayed in an urban area, from gaining the right to permanent residence in "white" South Africa

Thus separate development was assured and no blacks from any homeland could become permanent residents of South Africa after 1968

But a Supreme Court decision, upheld by the Appeal Court, could change this and has thrown influx control into confusion

Mr Tom Rikhoto, originally from Gazankulu, had worked for an East Rand engineering firm for more than 10 years and he went to the Supreme Court which asserted his right to be declared a permanent urban resident in terms of the relative section of the Blacks (Urban Areas) Consolidation Act

When the Supreme Court handed down its judgment Mr Frans Marx, chief director of the East Rand Administration Board, under whose jurisdiction Mr Rikhoto fell, said it was a test case with profound implications for influx control

Erab lost its appeal against the judgment and, last week, Mr Rikhoto finally had his reference book stamped to give him the right to live permanently in an urban area

This has caused a rush of many blacks, with similar long service to a single employer, to secure their rights at administration board offices

But, court ruling or not, many blacks now find themselves being frustrated by further bureaucratic delays as the Government looks for a way out

According to reports, a third of the 800 000 migrant workers will qualify for urban rights which could double the black housing shortage within months

Langa courts *CME TIMES 7/6/83* 'instruments ~~of oppression~~ 206 of oppression'

Political Correspondent

HOUSE OF ASSEMBLY — The Langa Commissioner's Courts were described yesterday as disgraceful instruments of oppression where black people could not expect a fair trial

Mr Ken Andrew (PFP Gardens) called for an urgent investigation of all commissioner's courts by the Hoexter Commission, which is studying the functioning of South African courts

Mr Andrew's attack on the Langa courts, which deal with black people accused of pass law and influx control offences, came during the budget debate on the Department of Co-operation and Development

"I believe the laws that govern the lives of blacks are unjust, but even in terms of those laws, a black person cannot expect a fair trial when he appears in the Langa Commissioner's Courts," he said

In 1982 the Langa courts had dealt with 9 393 people at an average of five minutes and 22 seconds per case. In 1982-83 the Athlone Magistrate's Courts had dealt with 9 365 cases at an average of 20 minutes and five seconds per case

Urging an inquiry into commissioner's courts, he said "These courts are a disgrace. They are instruments of oppression, not of justice."

"The attitude of the magistrates is unsatisfactory, often hostile and sometimes abusive

"This government makes hundreds of thousands of black people criminals every year because they seek work and wish to live together as families."

In 1981 the Langa courts had imposed sentences totalling 684 years in prison. In 1982 they had imposed fines totalling R249 662

The speech by Mr Andrew was described by the Deputy Minister of Development, Dr George Morrison, as shocking and unworthy of an MP



Co-operation and Development

Khayalitsha *Cape Times 7/6/83* 'success story'

Political Correspondent
HOUSE OF ASSEMBLY
— The government yesterday dismissed criticism of the new black township near Mitchells Plain and said Khayalitsha would become one of the success stories of the Western Cape

The Minister of Co-operation and Development, Dr Piet Koornhof, and his deputy, Dr George Morrison, both praised the development during the Budget debate on Dr Koornhof's department

Dr Morrison also scoffed at suggestions that black people who moved there from other townships in the Peninsula would lose their residence rights in white urban areas

Dr Koornhof announced that the first people had moved to Khayalitsha yesterday, only three weeks after the start of construction work to provide the first serviced sites for controlled self-build schemes

The first phase involved the provision of about 1 000 sites averaging 170 square metres, with rudimentary services such as gravel roads, one tap for each four sites, bucket toilets, street lights and a refuse-removal service

Permanent services such as sewerage and water would eventually be provided for each site. There would also be community facilities such as administrative offices, a school, a clinic, a post office, shops and public transport

Dr Koornhof said Khayalitsha would have rail connections to Cape Town, 30km away, and Bellville, 15km away

He estimated the cost of the first phase at

R2,5-million, excluding the cost of schools

He said the total area was 3 000ha, of which 2 500ha was available for urban development. The government planned to build a city for between 200 000 and 300 000 people there

He emphasized that while there could be no "filling in" or increase in the population densities of Langa, Nyanga and Guguletu, this did not mean there could be no normal maintenance and improvements to existing housing in these areas

Dr Morrison said there would be five core areas, each with its own facilities

"There will also be a separate elite area with one of the best sea views in the Peninsula. People will be able to build their own houses to their own taste and according to their means," he said

The government was investigating the possibility of home-ownership and sectional title at Khayalitsha

Dr Morrison dismissed demands from former squatters that the government provide housing for them, instead of sites where they had to erect their own homes

He said it was no longer possible for the government to provide housing for everyone

Mrs Helen Suzman (PFP Houghton) accused the government of trying to keep the Western Cape as the last redoubt of white South Africa

She said Khayalitsha would be uneconomic because its distance from other areas would make construction costs of self-help housing much more expensive

Govt questions court ruling

Cape Times 7/6/83
Political Staff

HOUSE OF ASSEMBLY — The Minister of Co-operation and Development, Dr Piet Koornhof, hinted yesterday that the government would act soon to block migrant workers from qualifying for urban rights in line with the historic Rikhoto Appeal Court ruling

However, Dr Koornhof also indicated that — depending on numbers involved — the government might be prepared to honour the court ruling in respect of migrant workers who already qualified for urban rights in terms of Section 10(1)(b) of the Black (Urban Areas) Consolidation Act of 1945

'Interim steps'

Speaking during debate on his vote, Dr Koornhof said the Appeal Court judgment was in conflict with accepted interpretation of the law to date

Mrs Helen Suzman (PFP Houghton) warned that if Dr Koornhof came back to Parliament with legislation to circumvent the ruling his "almost non-existent credibility" would be totally destroyed

Dr Koornhof reacted angrily "That sort of remark should not be made. It is stupid. If you want to go and joke, don't be so personal"

'Clear instructions'

Mrs Suzman called on Dr Koornhof to issue clear and unambiguous instructions to Administration Board officials to obey the court's ruling

She launched a broadside attack on Dr Koornhof for his "complete bungling" of the black portfolio and called for his salary to be reduced to that of an ordinary MP

"That is all he is qualified to be," Mrs Suzman said

● The best influx control measure was development of the National States and creation of job opportunities in these territories, Dr Koornhof said last night in reply to debate on his vote.

A total of 22 150 jobs had been created in the National States with an investment of R8,15 million "Show me a place in Africa or the world which can equal this"

Between April last year and March this year the Decentralization Board had approved 777 applications for decentralization concessions

The applications represented a capital investment of R1 460 million and would create 65 340 job opportunities — "an extraordinary achievement in a period of economic slump"

'Cut to the marrow'

● People could accuse him of murder but when they brought his personal credibility into doubt they cut him to the marrow, Dr Koornhof said last night in a passionate response to Mrs Suzman's attack on handling of his portfolio

"It is a terribly serious accusation when a man's personal credibility is brought into doubt, especially when he is a Cabinet minister and one dealing with such sensitive issues," he said

He had built up "a certain credibility" with black people "What has been happening here today has been most unfair. I don't deserve it"

● Western Cape contract workers who went to the Western Cape Administration Board (WCAB) offices yesterday to get their pass books stamped were again turned away

Last week the WCAB announced that they would be honouring the Rikhoto judgment and would begin implementing it probably early this week.

However, Mr Gert du Preez, chief liaison officer for the WCAB, said there was much administrative processing to be done and that workers would not have their passes endorsed immediately

Pass sentences are meted out at a rapid rate

Own Correspondent

CAPE TOWN — People accused of pass-law offences spend an average of three minutes each, in the dock of the Langa Commissioner's Court, a session monitored here has revealed.

In a 104-minute period before lunch yesterday, 36 cases were dealt with — an average of less than three minutes during which each accused is charged, asked to plead, evidence is heard and sentence is handed down.

Of the 36 cases, 24 people were fined a total of R1 330 (or an equivalent number of days in prison) while many of these and others convicted were cautioned. Four people had the charges against them withdrawn.

Mr Ken Andrew, the Progressive Federal Party MP for Gardens, this week described the commissioner's courts as "disgraceful instruments of oppression where black people could not expect a fair trial".

He called for an urgent investigation of all commissioners' courts by the Hoexter Commission.

The accused yesterday were charged almost exclusively with being in the Cape illegally, being unable to produce passes on demand or, in the case of women, being found in men's hostels.

The 36 people, 21 women and

15 men, faced a total of 52 charges, six of which were withdrawn. Of the remaining 46 charges, pleas of guilty were entered to 42.

Asked about the high incidence of guilty pleas, observers in the court explained that a plea of guilty was always accepted and this meant that the accused were released immediately after paying their fines.

People who entered pleas of not guilty were often remanded in custody for a number of days. Most preferred paying the money to spending the time in jail.

In a typical trial, the accused is called by the prosecutor who puts the charge to him in a kind of verbal shorthand. A charge under section 10 (4) of the Blacks (Urban Areas) Consolidation Act becomes merely "ten-four" while section 15 (1) becomes "fifteen-one".

Similarly, a person found guilty of three charges and sentenced to R50 (or 50 days) on the first, R20 (or 20 days) on the second and R10 (or 10 days) on the third will hear "50-50 on one, 20-20 on two and 10-10 on three" from the magistrate, Mr L van Wyk.

Often confused offenders do not appear to realise they have already been sentenced.

Mr Andrew also described the attitudes of the magistrates as "often hostile and sometimes abusive".

Cape Times 8/6/83

Official slams Andrew for 'destabilizing'

By PHILLIP VAN NIEKERK

MR KEN ANDREW (PFP Gardens) was yesterday accused by a senior government official of "destabilizing society" for describing the Langa Commissioner's Courts as "disgraceful instruments of oppression where blacks cannot expect a fair trial"

Mr Timo Bezuidenhoud, Chief Commissioner for Co-operation and Development in the Western Cape, said he had no doubt in his mind that the law was being applied "very fairly" in the Langa courts

He described Mr Andrew's attack as an "example of destabilizing society by bringing the courts into disrepute"

However, several lawyers agreed that commissioner's courts, which deal with pass law and influx control offences, did not meet the standards of the magistrate's courts, and the Black Sash said the majority of cases were unrepresented by lawyers and went through the courts very fast

'Unfair'

Mr Bezuidenhoud said Mr Andrew's allegations were so unfair "I just cannot go with them"

"To describe these courts as unfair when people have the right to appeal to the Supreme Court or the Appeal Court — and don't make use of it — is unfair"

Mr Bezuidenhoud said the majority of cases in the courts were defended, but Mrs Mary Burton, West Cape chairman of the Black

Sash, which monitors the courts daily, said this was totally incorrect

"During 1982, we provided legal aid to 154 people out of the 9393 cases at the court, and we don't know of any others that have been defended," she said

"Our experience as observers at the Langa Court is that in the vast majority of cases the accused are not represented and the hearings take less than five minutes each

'Uncivil'

"Prosecutors and commissioners are frequently uncivil to people on trial, speaking to them with contempt and rudeness which would not be heard of in a law court

"Although the prosecutors are part of the legal system, the commissioners are appointed by the Department of Co-operation and Development"

Professor John Dugard, head of the Centre for Applied Legal Studies at the University of the Witwatersrand, which has recently done a survey of the Johannesburg Commissioner's Courts, said about one third of blacks who appeared before South African courts, appeared before the commissioner's courts

"One fears that the procedures they observe in these courts will not enhance respect for the South African legal system

"In my view, the commissioner's courts do more to destabilize the situation than any other institution in South Africa"

Pass law trials over ^{Argus 8/6/83} in just three minutes ²⁰⁶

Staff Reporter

PEOPLE accused of pass-law offences spend an average of three minutes each in the dock of the Langa Commissioner's Court, a monitored session shows

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"Disgraceful"

Mr Ken Andrew, Progressive Federal Party MP for Gardens, said in Parliament this week that the commissioners' courts were "disgraceful instruments of oppression where black people could not expect a fair trial"

He called for an urgent investigation of all commissioners' courts by the Hoexter Commission, which is studying South Africa's courts

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Asked about the high incidence of "guilty" pleas, people who attend the courts regularly said a plea of guilty was almost always accepted and this meant that the accused was released immediately after paying his fine

People who entered pleas of not guilty were often held in custody for a number of days Most preferred to pay rather than spend time in jail

"Ten-four"

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Similarly, a person found guilty of three charges and sentenced to R50 (or 50 days) on the first, R20 (or 20 days) on the second and R10 (or 10 days) on the third will hear "fifty-fifty on one, twenty-twenty on two and ten-ten on three" from the magistrate, Mr L van Wyk

Even the practice of pronouncing a formal verdict seems to have been short-circuited, with Mr van Wyk moving straight from evidence into sentence

Often confused offenders do not appear to realise they have been sentenced and are still in the dock when the next accused comes to take his or her place

Yesterday, Mr van Wyk told a woman accused of being in men's hostels that "the only way we'll keep you out of the men's hostels would be to post you somewhere"

8/6/83
Court ruling: little effect on Border *P. Pizabhi*

EAST LONDON — Government officials expect the Appeal Court ruling on city rights for long-serving migrant workers to have little effect in the Border area

A spokesman for the Department of Co-operation and Development in Port Elizabeth said most of the workforce in the area was made up of people resident in the national states

"The ruling only applies to migrant workers living in proclaimed black townships in South Africa, not to the national states," the

spokesman said

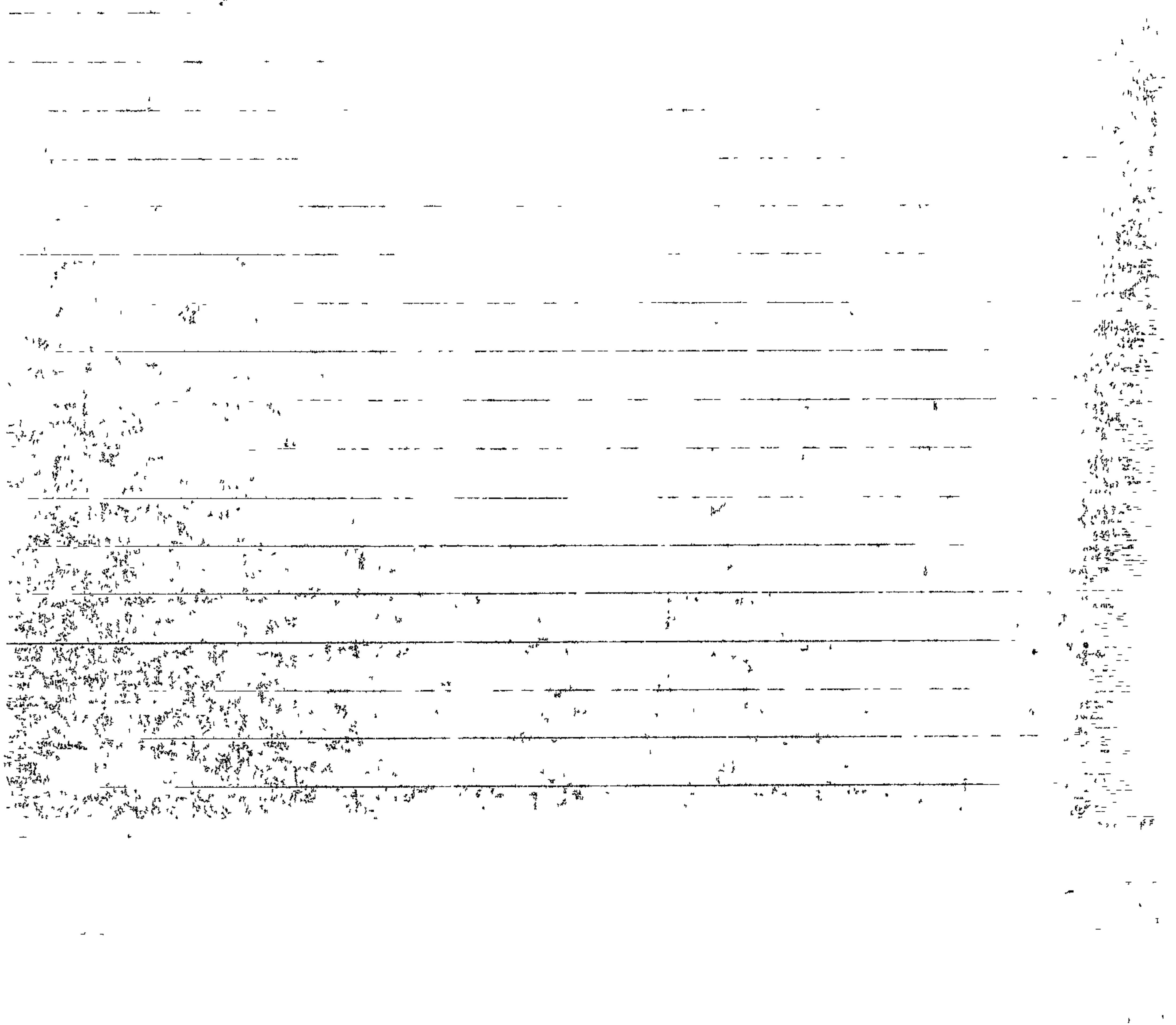
People in the national states had already been ensured the same labour rights as holders of section 10 rights, he said, and thus the ruling would have little effect on workers in areas such as Mdantsane near East London, Zwelitsha near King William's Town and eZibeleni near Queenstown

The spokesman said there were "numbers" of people in East London's Duncan Village who could be affected by the Appeal Court ruling. However, he said it was hard to be specific on

how many people there are, and whether they would apply for their rights in view of their pending removal from Duncan Village to Mdantsane

In East London, the chairman of the chamber of commerce, Mr George Orsmond, said he also felt the ruling would have little effect "because of the Ciskei-Transkei situation"

● The East Cape Administration Board, which has administrative control over blacks in the Eastern Cape and Border, has already said it will abide by the court ruling — DDR



Anti-pass law declaration
does rounds in Transvaal
in the wake of Rikhoto

Labour Correspondent

IN the wake of mounting worker interest in the landmark Rikhoto judgment, thousands of Transvaal workers are being asked to sign a declaration which charges that the pass laws are being tightened by the Government

The declaration also rejects in its entirety Dr Piet Koornhof's Orderly Movement and Settlement of Black Persons Bill and calls for the scrapping of all controls on workers' freedom to seek jobs where they choose

It has been adopted by the Transvaal region of the Federation of SA Trade Unions which is circulating it among all workers at Fosatu Transvaal factories

The declaration is framed in the form of a petition to Dr Koornhof and will also be presented by Fosatu to employers at all factories where a majority of workers sign it. Fosatu says it will publicise employers' responses

Details of the declaration were released yesterday Fo-

satu sources say it was adopted by worker meetings before the recent Rikhoto judgment but had taken on added impetus since the court decision

It says workers must be free to seek jobs where they choose and employers free to employ whoever they choose without interference from "pass offices"

All South Africans should have equal citizenship rights and workers the right "to live with their families in decent housing within a reasonable distance from their place of work"

The document then goes on to reject

● The fact that section 10(1)(b) of the Black Urban Areas Act, which the Rikhoto judgment upheld, compels black South African migrants to work for one employer for ten years to earn city rights "while white foreigners need only three years to qualify for full citizenship"

● The unwillingness of the authorities to grant workers even the right to qualify for

city rights after ten years

● Increasing restrictions on migrants, such as the fact that the "special" system which allowed migrants to seek work in cities before they acquired a job was no longer being used

● The refusal of "pass offices" to allow migrants who lost their jobs to stay in the cities and seek other work.

The declaration also attacks key aspects of the Orderly Movement Bill

These include heavy fines on "illegal" workers and their employers, a curfew on blacks, and a provision robbing migrants of their city rights if they lose "approved accomodation" — even if they retain their jobs

The declaration also cites the destruction of township shacks and the increase in pass law arrests as evidence of a tightening up of influx control

The document rejects the Bill in its entirety as well as all official moves to tighten up influx control ahead of the Bill

Rikhoto
decision
defended

Mail Reporter

ATTEMPTS by the Government to block the implementation of the Appeal Court's Rikhoto judgement exposes the dishonesty of its reform plan says the United Democratic Front (UDF)

The UDF is a newly formed umbrella body including over 30 opposition organisations

It says they are angered and disgusted by reports that the Government is attempting to block the implementation of the ruling

"This Government is trying to slip out of adhering to laws which were formulated by this very same Government," it said in a statement yesterday

"Apart from being audacious, it clearly exposes the so-called reform which the Government is trying to implement

"The majority of people have a deep-seated suspicion of our rulers

"The attempts to block migrant workers from getting their rights would only serve to further expose the cunning dishonesty of the Government," the statement said

Transkei jobs for 'illegals'

CAPE TIMES 8/6/83

206

Political Staff

A CONSIDERABLE number of the 4 000 job opportunities being created under the special employment programme in Transkei will go to unemployed blacks living "illegally" in the Western Cape, the Deputy Minister of Co-operation, Dr George Morrison, has disclosed.

In a letter published yesterday in the Nationalist mouthpiece, the Burger, he also disclosed that efforts to repatriate "illegal" squatters in the Western Cape to the national States were proceeding.

The Prime Minister of Transkei, Chief George Matanzima, has publicly criticized alleged government attempts to link the employment programme with the repatriation of Transkeians living in the Western Cape.

Dr Morrison's statement is the first firm government confirmation that the programme is closely connected with resettling "illegal" blacks in Transkei.

The Deputy Minister of Information, Mr Barend du Plessis, recently told Parliament that the main aim of the programme — launched with financial aid from South Africa — was to provide jobs for unemployed in Transkei.

Reader's complaint

However, he conceded that Transkeians without jobs or accommodation in the Western Cape would also benefit.

In the letter, Dr Morri-

son responded to a reader's complaints about the influx of blacks to the Peninsula.

He said the uncontrolled influx of blacks to the Western Cape should as far as possible be countered with creation of job opportunities in Transkei, Ciskei and the Eastern Cape.

Job creation should be accompanied by physical, economical and social development in these areas.

'Unemployed'

"A project has been undertaken to create 4 000 jobs in Transkei of which a large number will be made available to the unemployed in the Western Cape," said Dr Morrison.

The solution to the illegal influx of black people to the Peninsula would not be found locally, but in agricultural, economic and social development in the national States.

Dr Morrison denied that the government was providing housing for "illegal" squatters in the Western Cape.

"In fact, efforts are being proceeded with to repatriate these people to their places of origin," he said.

Rikhoto ruling Govt marks time

CAPE Times 8/6/83 200-201-206

Political Staff
THE government is marking time on the historic Appeal Court judgment on migrant workers' rights, in the face of mounting international pressure

According to informed sources, the cabinet yesterday postponed a final decision on whether to pass retroactive legislation to nullify the court ruling in respect of those migrant workers who already qualify for urban rights in terms of Section 10(1)(b) of the Black (Urban Areas) Consolidation Act.

It is understood that while the cabinet is agreed that interim legislation should be introduced to nullify the ruling in terms of migrant workers who might qualify in future, there is a difference of opinion on whether steps should be retrospective

The Minister of Co-operation and Development, Dr Piet Koornhof, indicated on Monday that a decision on retro-

active steps would only be taken once the numbers involved had been established

Meanwhile diplomatic sources said yesterday that the European Community was likely to deliver a strong demarche if the government overruled the Appeal Court ruling. The United States is also monitoring the situation

● The New Republic Party yesterday urged the government not to circumvent the Rikhoto ruling and warned of enormous urban unrest if the ruling were not accepted

Mr Pat Rogers (NRP King William's Town) cautioned the government not to pander to vociferous right-wing protest about the ruling

Speaking during debate on the Co-operation and Development vote, Mr Rogers said legislation to circumvent the ruling would make a mockery of the country's proud tradition of an independent judiciary

1507

WEDNESDAY, 8 JUNE 1983

1508

(b)

Whites	none
Coloureds	none
Asians	none
Blacks	February
Cape	1
Natal	1
O F S	0
Transvaal	1

Destroying of daggas

916 Mr S A PITTMAN asked the Minister of Law and Order

- (1) Whether he will furnish the names of the herbicides used by the South African Police to destroy daggas, if so, what is the (a) chemical classification, (b) common name and (c) manufacturer's brand name of each such herbicide,

- (2) whether methods other than spraying by hand are used by the South African Police in daggas control, if so, (a) what are the alternative methods used and (b) what proportion of each herbicide is used in each method.

- (3) (a) in what year did the South African Police introduce the use of herbicides as a method of destroying daggas and (b) what quantities of herbicides have been used in each method of application since the year of introduction,

- (4) whether persons applying these herbicides are required to take any precautions, if so, what precautions,

- (5) whether the herbicides used are manufactured in the Republic, if so, what are the names of the manufacturers, if not, from which country or countries are they imported,

- (6) whether the Government has a strategic stock-pile of these herbicides?

The MINISTER OF LAW AND ORDER

- (1) No Furnishing of the name is not beneficial to free competition

1509

WEDNESDAY, 8 JUNE 1983

1510

males were arrested for offences relating to reference books and influx control in (1) Randburg (ii) Sandton and (iii) each northern suburb of Johannesburg in 1981

(1) and (ii)	1981	1982
Randburg	(a) 2 011	(b) 79
Sandton	(a) 215	(b) 12
	(a) 3 574	(b) 1 286
	(a) 2 441	(b) 1 312

(iii) Statistics in respect of suburbs are not kept

Randburg/Sandton: applications for funds

932 Mr H E J VAN RENSBURG asked the Minister of National Education

- (1) Whether his Department received any applications for funds from (a) the Randburg municipality, (b) the Sandton municipality and (c) any organization in the (i) Randburg and (ii) Sandton area in 1982 if so

(2) (a) what funds (b) for what purpose, and (c) with what result, in each case?	(1) (a) and (b) No	(c) (i) and (ii) Yes
--	--------------------	----------------------

- (2)

(a)	(b)	(c)
Organization and amount applied for	Purpose	Amount allocated
Tree Society of Southern Afrika (R2 500)	Defrayment of printing costs	R 350
Safety First Association (R2 000)	"	R 700
The Sandowners (R300)	Defrayment of administrative expenses	R 250
Johannesburg Bach Choir (R500)	"	R 300
Randburg Afrikaanse Kultuurraad (R300)	"	R 200
Johannesburg Weavers and Spinners Guild (R250)	Defrayment of printing costs and administrative expenses	Nil
Watercolour Society of South Africa (R500)	"	Nil
Dameskring, Randburg (R100)	Defrayment of expenses in connection with cultural projects	R 100

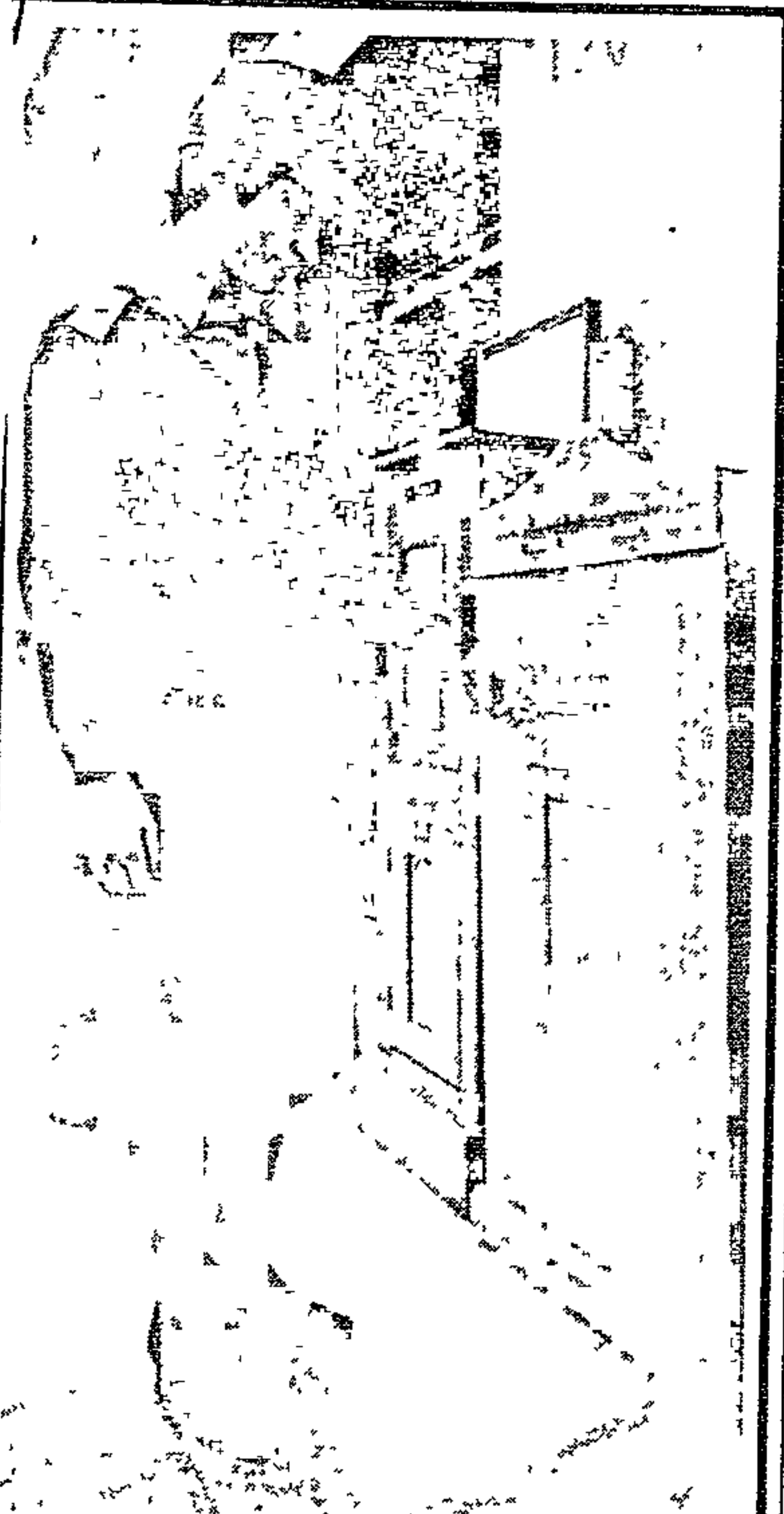
The MINISTER OF LAW AND ORDER

- (1) None
- (2) Falls away
- Reference books/influx control
- How many Black (a) males and (b) females?

8/6/83

931 Mr H E J VAN RENSBURG asked the Minister of Law and Order

How many Black (a) males and (b) females?



The government's latest antidote to the defence force's most hated ailment — Late Mail Fever — is this large wooden postbox for border letters which has been erected in the foyer of Cape Town's central post office. Letters posted in the box, being tried out here by Captain Riette Overbeek, SADF public relations officer for the Western Cape, bypass the normal sorting channels. They are lifted straight into mailbags and despatched directly to the field post office in Pretoria, which flies mail to sub-field post offices in the operational area twice a week. The "border box" is not meant for any letters except those going to the operational area.

WCAB to 'cut hostels' power

Staff Reporter
THE West Cape Administration Board (WCAB) has been accused of selectively cutting off the electricity supply to about 50 hostels in Mbekweni in Paarl, leaving about 300 single men without heat and lighting.

A top WCAB official has said the board is determined to cut the electricity to all 2,000

the electrical outlets in their hostels for cooking and heating, even though the board had warned against the use of "unauthorized apparatus".

When the electricity was cut more than a week ago, a group of Mbekweni tenants were told by a senior WCAB official that the electricity was cut off because

CAPE TIMES 9/6/83

Andrew hits back on courts

Staff Reporter

MR KEN ANDREW, the PFP MP for Gardens, yesterday hit back at Mr Timo Bezuidenhoud, the Chief Commissioner for Co-operation and Development in the Western Cape, for accusing him of "destabilizing society" by criticizing the Langa Commissioners' Courts.

Mr Andrew told Parliament on Monday that the Langa courts were "disgraceful instruments of oppression where blacks can not expect a fair trial".

Mr Andrew said yesterday he "would have hoped Mr Bezuidenhoud would have been as concerned as I am to see that people receive a fair trial, even when the laws themselves are unjust".

"I would have also hoped that Mr Bezuidenhoud would be sufficiently in touch with reality to realize that it is the harrasing of people day and night, the tearing down of rudimentary shelters and the denial of the right of black people to live together as families that destabilizes our society".

"Mr Bezuidenhoud stoutly defends the Langa Commissioners Courts. Perhaps, then, he can tell us for example, whether he considers that justice is likely to be done when a trial lasts only 60 seconds and why two officials of the court had to be severely cautioned to maintain irreproachable conduct in court".

Egg price to rise on Monday

Staff Reporter

CAPE shoppers will have to pay between four and six cents a dozen more for eggs from Monday.

TV 1 & 2 tonight

- 5 27 Programrooster
- 5 30 Boekevat. Scripture reading
- 5 34 Jacky die Beer van die Berge Die Skobbejakke Even in the Sierra Nevada mountains the summers can be very hot Everyone wants to swim But you have to be careful if you're going to take the plunge in Lake Tahoe
- 6 00 Nuus
- 6 14 Die Kraaines A magazine programme for children presented by Jannie du Toit and Carke Keuzenkamp
- 6 37 Uit en Tuis A family magazine programme, presented by Elsabe Daneel Tonight Agulhas, the most southerly point of Africa, Sandra de Meyer, beauty queen, a new way to hold conferences
- 7 22 Dennekruijn The traumas and joys of architect Wynand de Bruyn, his wife Mona and their three children
- 8 00 News
- 8 28 Weather
- 8 37 Games People Play A programme which looks at the way people communicate with each other in different situations
- 9 06 Anthology The Hiding of Black Bill Jacques du Preez, an inexperienced farmer, buys a sheep farm and employs Percival St Clair, a down-and-out gold digger, to work for him. The police arrive and question both men regarding a train robbery Suspicion grows between them — as well as an unlikely friendship
- 10 02 The Woman at No 10 British Prime Minister Margaret Thatcher in conversation with Sir Laurens van der Post
- 10 56 News
- 11 11 Epilogue The Rev James Seekola

TV2

- 6 30 Umakhulu Uyasibalisela Grandmother's story today is about a mother who leaves the porridge dishes on the table, and along comes a naughty baboon. Produced by Eileen Thorns Ezabasha Jikelele (Youth News)
- 7 00 Izindaba/lindaba (News)
- 7 10 Jikelele (Magazine Programme)
- 9 00 Izindaba/lindaba (News)
- 9 27 Imozulu/Isibikezelo Sezulu (Weather)
- 9 29 Iphunga Elimnandi Usizi (Epilogue)

★Times Choice★

★ TONIGHT'S CHOICE — Mrs Margaret Thatcher in conversation with Sir Laurens van der Post at 10 02.

Last night's TV

TV1

AN interesting Midweek compensated for House Calls which was pretty feeble as usual, and knee-deep in schlock but at least proved one thing — when Lynn Redgrave puts on a blonde

TV2

THE revelation that some of the most expensive cosmetics are produced through the exploitation of animals must have come as a shock to many concerned viewers

Parliament and Politics

Rikhoto: PFP warns of June 16

Opt Times
9/6/83

206

Political Staff

HOUSE OF ASSEMBLY — Mrs Helen Suzman (PFP Houghton) yesterday warned the government against taking retroactive steps to circumvent the Appeal Court ruling on migrant workers' rights on the eve of the June 16 anniversary of the Soweto riots

"I say it is madness. Leave it alone June 16 is coming up soon and we don't want to enrage people"

Mr Frank le Roux (CP Brakpan) warned that if the government did not act speedily to take retroactive steps to neutralize the Appeal Court ruling on Mr Tom Rikhoto it would say farewell to the policy of apartheid which brought it to power

The Minister of Co-operation and Development, Dr Piet Koornhof, refused to be drawn further on the Rikhoto issue and said the government would take final decision only once further studies had been conducted

Interim steps

On Monday Dr Koornhof said that the government was considering interim steps to "rectify" the position for migrant workers who might qualify for Section 10(1)(b) rights in the future but indicated that retroactive legislation to block those who already qualified for urban rights would depend on the numbers involved

Speaking during the closing stages of the debate on Dr Koornhof's vote yesterday Mrs Suzman said it was "bad enough" to circumvent the judgment for future people "but to attempt to do it retrospectively will be a disaster"

Dr Koornhof had said that the Appeal Court judgment was at odds with the interpretation of the law by all his officials

"But eight judges disagree with him including five Appeal Court judges," Mrs Suzman said

City contract workers turned away again

Call Times 9/6/83
~~106~~ ~~106~~

Staff Reporters
PENINSULA contract workers were again turned away by the Western Cape Administration Board (WCAB) yesterday when they went to claim their Section 10 (1) (b) rights in the wake of the Rikhoto Appeal Court judgment.

In terms of the last week's judgment migrant workers who have worked for one employer for longer than 10 years are entitled to permanent city residence.

Last week the WCAB said they would probably start implementing the finding of the Rikhoto judgment early this week, but yesterday a spokesman said whilst formal applications would be accepted there would be "administrative delays".

He said the WCAB had received a number of inquiries from employers on the correct procedures to follow to obtain the rights for their employees. By the start of this week over 1 000 workers in the Western Cape had applied for these rights and yesterday a further 22 workers, all members of the General Workers Union (GWU), who had letters from their employers supporting their applications, left the WCAB offices in Langa empty-handed. Workers who have been turned away say they have been told to return at the beginning of July to get their pass books stamped as their applications have to be administratively processed.

However, workers on the East Rand have had their pass books stamped since last Thursday.

A spokesman for the GWU yesterday said the workers regarded residence in towns as their right and warned that failure to implement the judgment would create resentment.

Meanwhile, the prospect of amending legislation to override the Rikhoto decision still looms and Mr Fred Ferreira, the industrial relations director of Ford S A, has warned of a "furor" if the United States if the Rikhoto decision is overridden.

Mr Ferreira told our Johannesburg correspondent that such a move would strengthen the hand of the growing disinvestment lobby in the United States.

"The Americans are certain to view an attempt to circumvent the judgment as an attempt to muzzle the courts. They are particularly sensitive to this sort of issue as their own Supreme Court played a key role in the desegregation initiatives of the 50s and 60s.

"For this and many other reasons I believe the government would do well to implement the judgment."

Knoetze: Rikhoto

rule is applied

By Tony Davis,
Labour Reporter
SKAN
10/6/83

Administration boards say they are processing applications for migrant contract workers for permanent residence rights.

Both the West and East Rand administration boards said this week they were not turning away any applicants, adding that the process took time.

Contract workers who qualify for residence status have been streaming to the boards' offices since the Appeal Court's Rikhoto judgment last week.

But the Federation of South African Trade Unions (Fosatu) has accused the boards of not implementing the judgment and its members are drawing up a petition to the Minister of Co-operation and Development calling for its speedy application.

At Erab, workers had to fill in lengthy questionnaires which meant that only a few people were filing applications each day, Fosatu said.

LIMITED

The chief director of Erab, Mr Frans Marx, said his officials were not restricting applicants but the board was working with a limited staff.

He said there had been long queues of workers at their offices for the past week. Officials had been told to accept applications and afterwards process them and check particulars.

Wrab's chairman, Mr John Knoetze, said the board was applying the judgment.

"We are not turning anyone away but time is needed to check out applications."

A spokesman for the Department of Co-operation and Development in Pretoria said no directive had yet been sent to administration boards on the processing of applications.

the Department of Environment Affairs

Experts from the mentioned Departments are regularly consulted and have access to the Island Recommendations which are made by them are compiled with For example a project to breed the ideal honeybee has been introduced in co-operation with the University of Stellenbosch and has been going on for quite a while Robben Island has been selected for this purpose as the experiment cannot be disturbed by bees from elsewhere A large variety of antelope, land and marine birds occur on Robben Island under controlled situations and censuses are done regularly to ensure the balance between species with compliance to the capacity of the pasture

The advice of experts on nature conservation are applied by the Agriculturnists of the Prisons Service in order to preserve the eco-system on Robben Island The fact that the environment on Robben Island is to a great extent unspoiled can be ascribed to the fact that the public do not have uncontrolled access thereto, as well as the fact that experts have a share in the conservation actions which are in fashion

The Prisons Service and specifically the commanders on Robben Island are conservation minded and will not cease to protect the natural environment on the Island The Prisons Service has within the limits of security arrangements, never been disinclined to allow interested parties and private persons on Robben Island with the object of viewing the buildings and surrounding landscape The procedure in this regard is in the description of the Commissioner of Prisons The contribution of the security measures as well as the fact that uncontrolled access will have a negative influence on the eco-system of Robben Island, gave cause to the Prisons Service to agree to the filming of a television documentary on behalf of the SABC TV on Robben Island and its people and personnel of the Prisons Service has also rendered assistance to the published media to compile various articles on the subject

(4) (a) and (b) Yes It is commonly

The MINISTER OF COMMUNITY DEVELOPMENT

(1), (2) and (3) This Department has not yet been approached to find an alternative area

Hauman 10/6/83
Drift Sands/Swartklip 10/6/83
*4 Mr K M ANDREW asked the Minister of Co-operation and Development

(1) Whether any provision is to be made for (a)(i) pre-primary, (ii) primary and (iii) high schools (b) health care, (c) shops, (d) churches and (e) transport requirements in respect of the first 1 000 families to be allocated sites at the new township at Drift Sands/Swartklip referred to in his reply to Question No 8 on 13 May 1983, if not, why not, if so.

(2) (a) what will be the nature of these facilities, (b) when is it anticipated that they will be completed and (c) what is the estimated cost in each case.

(3) what amount has been allocated by (a) his Department and (b) other specified sources for the provision of such facilities?

The DEPUTY MINISTER OF CO-OPERATION

(1) (a) (i) No, not at this stage (ii) Yes (iii) No not at this stage

(2) (a) The provision of school facilities is the function of the Department of Education and Training and it can be accepted that it is regarded as a matter of priority by that Department The Health Department of the Divisional Council of the Cape is on site to provide health services Mobile shops are also on the site and provision is made for churches on a site-basis Subsidized transport is provided by means of passenger buses by Messrs Cape City Tramways

(2) (a) Through the Administration Board in terms of section 9 of the Blacks (Urban Areas) Consolidation Act, 1964 and the regulations framed thereunder

(1) Yes

(a) Through the Administration Board in terms of section 9 of the Blacks (Urban Areas) Consolidation Act, 1964 and the regulations framed thereunder

(3) whether he will make a statement on the matter?

(b) Exact dates cannot be furnished at this stage but the availability of facilities will be programmed according to needs as families are settled in the new township Subsidized transport is already being provided

(c) No firm estimate of cost can be given at this stage as planning is yet to be finalized However R97 million has been allocated for the development of the township during the current financial year

(3) (a) and (b) The funds for the infrastructure were allocated from the National Housing Fund Education facilities are to be funded by the Department of Education and Training and transport subsidy by the Department of Transport *206 2555*
Hauman 10/6/83
Domestic servants 10/6/83
Q 61/1522 - 1521
*5 Mr K M ANDREW asked the Minister of Co-operation and Development

(1) Whether his Department administers any laws or regulations relating to the (a) employment and (b) accommodation of Black domestic servants in White municipalities in the Western Cape, if so, what are the provisions of these laws or regulations

(2) whether these provisions apply equally to all such municipalities, if not (a) what are the differences and (b) to which municipalities do they apply?

+The DEPUTY MINISTER OF CO-OPERATION

(1) Yes

(a) Through the Administration Board in terms of section 9 of the Blacks (Urban Areas) Consolidation Act, 1964 and the regulations framed thereunder

(3) whether he will make a statement on the matter?

tion Act, 1945 and regulations promulgated in Government Notice R1894 dated 20 November 1964

- (2) These laws and the regulations apply equally to all municipalities in the Western Cape

(a) and (b) Fall away

Domestic servants

*6 Mr K M ANDREW asked the Minister of Co-operation and Development

- (1) Whether the Western Cape Administration Board is involved in applying the provisions of laws or regulations relating to the (a) employment and (b) accommodation of Black domestic servants in the White municipalities of the Western Cape, if so,
- (2) whether the provisions applicable in the Parow municipal area differ from those currently applicable in the Cape Town municipal area, if so, (a) why, (b) what are the differences, (c) since what date or dates have these differences applied, (d) how many persons have (i) successfully and (ii) unsuccessfully applied for permission for (aa) employment and (bb) accommodation in the Parow municipal area and (e) what is the role of the Western Cape Administration Board in processing these applications?

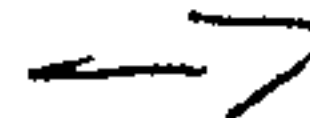
The DEPUTY MINISTER OF CO-OPERATION

- (1) (a) Yes, in terms of section 11(1)(e)(aa) of the Black Affairs Administration Act, 1971, read with the Blacks (Urban Areas) Consolidation Act, 1945 and the Black Labour Act, 1964 and regulations framed thereunder
- (b) Yes, section 9 of the Blacks (Urban Areas) Consolidation Act, 1945 and the regulations promulgated in Government Notice R1894 dated 20 November 1964
- (2) No, (a) (b) and (c) Fall away
- (d) (i) (ii)(aa) and (bb) This infor-

mation is not available in respect of each municipal area

- (e) The roll of the Administration Board in the processing of applications for licences to accommodate Black in White municipal areas is prescribed by section 9 of Act 25 of 1945 and also by the provisions of the regulations as promulgated in Government Notice R1894 of 20 November 1964

The issue of such licences is furthermore subject to the requirements of the respective local authorities' health regulations. Due regard is thus taken when applications are decided upon.



~~206~~ 10/6/83 Rikhoto judgment
Hansard Q Col. 1530
*14 Mrs H SUZMAN asked the Minister of Co-operation and Development

Whether instructions concerning the implementation of the Rikhoto judgment have been issued to officials of Administration Boards if not why not if so what instructions?

The DEPUTY MINISTER OF CO-OPERATION

Yes To receive all applications from persons who apparently qualify in terms of the Rikhoto judgment and to process such applications in conjunction with the Reference Bureau

Rikhoto judgment

*15 Mrs H SUZMAN asked the Minister of Co-operation and Development

Whether any Black persons qualifying for rights under section 10(1)(b) of the Blacks (Urban Areas) Consolidation Act No 25 of 1945, have had their reference books endorsed in accordance with the Rikhoto judgment if so how many as at the latest specified date for which figures are available?

The DEPUTY MINISTER OF CO-OPERATION

✓ Yes 143 as at 8 June 1983

What's good for business

A long time ago, not in another galaxy but at Oxford University, the young Piet Koornhof wrote a thesis on migrant labour. He thought it a very bad system. Now he seems to think otherwise. At any rate, it has played quite a large role in his career.

In Parliament this week, speaking in the Budget debate on his vote, the Minister indicated that government was contemplating new legislation to circumvent the implications of the Appeal Court judgment on the Rikhotso case. Koornhof spoke loftily of the "economic" consequences of compliance with Rikhotso. There will indeed be such consequences — housing and health infrastructure costs, and the like — but they should be seen in perspective.

Given the view of major sections of business that migrants should be permitted to acquire permanent urban rights (see *Current affairs*), and the intense overseas scrutiny which is being brought to bear on the issue, Pretoria would be very ill-advised to hurry through a law which would state, in effect, that the annual contract system represents a break in employment.

This would be flying in the face of the opinion of the highest legal authority in the land; make SA's friends a little less sympathetic to the *bona fides* of reform; and quite possibly precipitate labour unrest. Matters could be made far worse if legislation is made retroactive, and migrants who have acquired permanent urban status are told to go back to square one. They will resist it.

Yet it could well happen. The question must be asked — why?

The Afrikaans press has provided the answer. In gloomy tones, warnings have been sounded about a "black tide" converging on the cities, straining resources and, presumably, threatening white identity.

The fear of "swamping" seems exaggerated. Where *Rapport*, for example, got its figure of over 1,5m new black entrants to "white" SA as a consequence of Rikhotso is a mystery. The numbers will, surely, be far less — though that is not the point.

The courts have found that it could never have been the intention of those who drafted the Blacks (Urban Areas) Consolidation Act, 1945, to deny urban rights to migrants who have worked in prescribed areas for long periods of time. The law, as it stands, makes it difficult for workers to obtain rights — but not impossible.

Section 10(1)(b) is clearly designed to create a stable workforce with a stake in the urban areas. Work for one employer for 10 years, or for a number in the same area for 15, and you are allowed to stay. Your rights, of course, are an exemption from the 72-hour curfew that prefaces Sec-

tion 10, but once you have them, you should be safe.

By regulation, government attempted in the late Sixties to make the annual attestation of contracts a break in service. This is what the courts have thrown out.

It is therefore illegal for the administration boards to refuse rights to blacks with the necessary documentation. Many will do their best, of course, to slow the process down, pending fresh restrictions. It would be too kind to regard this as bureaucratic stupidity, since the legal situation is crystal clear.

We have all been led to believe that government had finally accepted the permanence of urban blacks. Even in the white and coloured labour preference area of the western Cape, the foundations are being laid for a massive new township which should eliminate the squatter settlements that have become endemic to the area.

But no, the final ideological bridge appears not to have been crossed. What government wants is apparent in the

very title of the Orderly Movement and Settlement of Black Persons Bill, currently hovering in the background of the parliamentary process. Blacks will continue to be regarded as labour units, while the size of townships will be limited through brakes on housing provision.

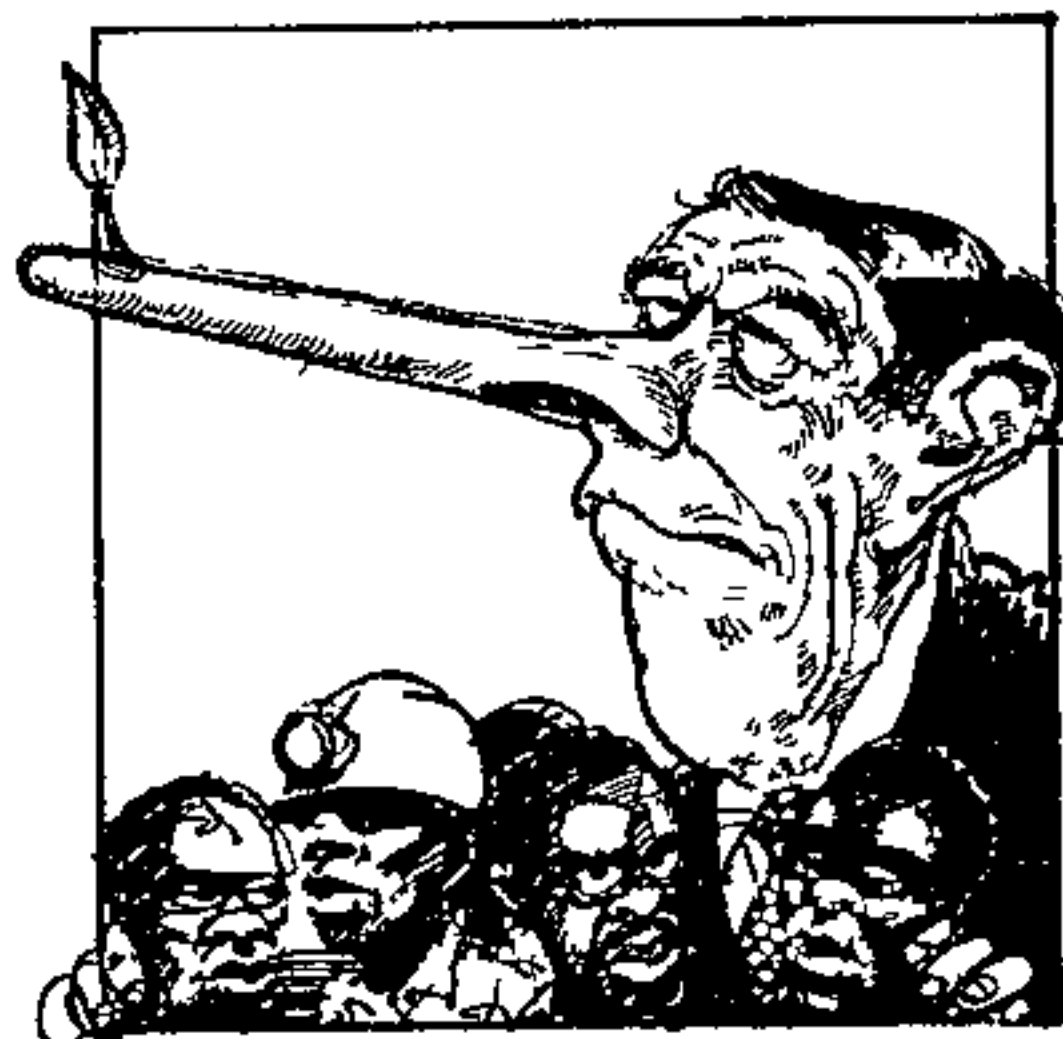
Yet it must be said that nothing will stop blacks coming to the cities if the alternative is starvation. And they must be catered for — given family accommodation that they can afford in a spectrum ranging from site-and-service schemes to relatively affluent employer housing.

Even in recession, the sheer economic pull of the developed areas means that many thousands of blacks are willing to live under plastic sheets in winter rather than face the prospects of a homeland existence.

The point has been made that SA's cities are small in comparison with, say, those in Latin America. By the end of the century mass urbanisation will have occurred. Government's role should be to provide for this influx through basic health and water services, at the very least. Not seek to arrest an ineluctable process.

Anyone who feels that his identity will be threatened by more blacks coming to the cities should walk down Commissioner Street to assess just how white Johannesburg, or any major town outside the platteland, actually is. No wonder the conservatives want a homeland for whites.

Given the realities, the extraordinary fact is just how orderly and settled the black workforce has become — despite crushing obstacles. It is perhaps for this reason that businessmen would like to see Rikhotso implemented. Black reaction to the closing of a perfectly legal (indeed outdated) entry point to security should not be underestimated.



peal Court's Rikhoto judgment. The judgment basically entitles migrant workers who have served one employer continually for 10 years, or more than one for 15 years, to urban residential rights for themselves and their families.

Business reaction to the judgment (see following box) is generally favourable — in some cases enthusiastically so. International pressure is also building up for government to accept the implications of the decision. The judgment has already been welcomed by the US State Department and there is a possibility of a combined diplomatic protest by European Economic Community governments if Pretoria decides to nullify the decision.

There are indications that Co-operation and Development Minister Piet Koornhof may accept that those entitled to urban rights in terms of the judgment should not be deprived of their new entitlement. He may, however, introduce legislation to prevent others gaining urban residential rights on the same terms.

Under attack

Koornhof is already under attack by the Conservative Party, and the rightwing of his own party, for his decision to develop a major black residential area, to be called Khyalitsha, in the Western Cape. Politically the last thing he needs is to be accused of agreeing to further watering-down of influx



Rikhoto ... a migrant who shook government

control

According to the Black Sash the Rikhoto judgment could affect tens of thousands of black workers. But no reliable figures are available on the number who could become entitled to urban residential rights.

A major government worry is that any large-scale extension of residential rights would worsen the already critical black housing shortage in the urban areas. This is what Koornhof meant when he referred to the "economic" implications of the judgment.

RIKHOTO FM 10/6/83 206 Brink of decision

According to political sources the Cabinet had not yet decided whether to introduce legislation nullifying the effect of the Ap-

Many migrants seek residence

Labour Reporter

Star The East Rand Administration Board (Erab) has processed more than 100 migrant worker applications for permanent residence status

Hundreds of workers have streamed to the board's labour offices in Germiston since the Appeal Court upheld the Rikhoto judgment less than three weeks ago

Erab's chief director, Mr Frans Marx, confirmed this week that his officials had processed about 140 applicants

At the time of the Appeal Court decision Mr Marx said the board would abide by the law and accept applications

On June 2 Erab processed Mr Mehlolo Tom Rikhoto's reference book with the stamp that entitled him to live permanently in the Germiston area with his family

Erab, the West Rand Administration Board and the Western Cape Administration Board are the three largest boards which are likely to be flooded with applications from migrant contract workers. There are 12 boards throughout the country

But trade unions have complained that the administration boards have tied up applicants with bureaucratic red tape and lengthy interviews

Fears have also been expressed that the Government will still try to frustrate the Rikhoto judgment

MAWU

^{RPM} asks

^{11/6/83} bosses

to help

Labour Correspondent

SHOP stewards of the Metal and Allied Workers Union (MAWU) "all over the Reef" are approaching employers and asking them to assist workers who are entitled to city rights in terms of the landmark Rikhoto judgment to claim them, a union statement said

The union also said it was holding a general meeting in Germiston at the weekend to discuss the judgment as well as influx control in general and the recent wage negotiations in the metal industries

MAWU estimates that about 70% of its members on the East Rand are migrants and it claims a membership of around 30 000. It is believed many of its migrant members qualify for rights

According to a union statement released yesterday, stewards are asking employers to give migrants who qualify time off from work to apply and are also being asked to accompany them to administration board offices

The boards say they are applying the judgment, but groups assisting workers to claim rights say they face long delays before they are granted them

MAWU welcomed the Rikhoto ruling as "a drop of water in the burning furnace of discontent among workers on influx control"

WHY XABA ALWAYS CARRIES HIS DOMPAS

CP Correspondent

12/6/83

EAST LONDON — Ciskei's vice president, the Rev Willie Xaba, won't give up his dompas.

Speaking in the national assembly, Mr Xaba said although he carried a Ciskei identity document, he was refusing to part with his green-govered South African dompas because it protected him from being "molested" when he visited South Africa

Roadblock

Expanding on the virtues of carrying a dompas, Mr Xaba said: "Even in Pretoria, when roadblock police see the dompas, they let one pass without looking inside it."

He was obviously convinced that a Ciskei document would NOT give him the same protection.

Endorsed

"I retain the dompas for the sake of returning to the Republic of South Africa because I do not want to be molested when I go there," Mr Xaba said.

A spokesperson for the Black Sash said homeland citizens did not have to carry both identity documents and the dompas, as long as their urban rights were endorsed in their ID books.

She expressed surprise that Mr Xaba had a Ciskei identity book because the Sash offices in Jo'burg have never come across one yet.



● Rev Willie Xaba, Transkei's vice-president . . . won't be molested.

CISKEI'S

~~Editor~~ (206) RDM
Migrants claims 'not true'

By STEVEN FRIEDMAN
Labour Correspondent

black population outside the
homelands

CLAIMS by Government supporters that a "flood" of black people would enter the cities if the Rikhotso judgment on migrant worker rights is implemented are drastically overstated according to a study by a noted research economist

13/5/83
Mr Simkins calculates that if migrants are allowed to continue qualifying for rights in terms of the judgment in future about 29 000 new people a year would be allowed into the cities

Mr Charles Simkins of the University of Cape Town says implementing the judgment fully could bring about 145 000 black people into cities immediately

Government-supporting media and politicians have warned that a "flood" of blacks would enter the cities if the ruling is implemented

This, he adds, is a "modest increase" when compared with the estimated urban

One newspaper put the number of blacks who would be able to enter the cities legally at 1 500 000 and argued this would place a massive strain on housing and services in the cities

Pass arrests shoot up 206

Sowetan
13/6/83

THE number of people arrested for pass law offences in Randburg and Sandton shot up incredibly last year — from less than 100 to more than 2 500 black women were arrested.

This was disclosed in Parliament last week by the Minister of Law and order, Mr Louis le Grange.

Giving a written reply to a question from Mr Horace van Rensburg, Mr le Grange said 2 426 black men were arrested in 1981 for offences relating to reference books and influx control in Randburg and Sandton.



REPLY: Le Grange.

This went up to 6 015 in 1982.

In Randburg 2 011 men and 79 women were arrested for these offences in 1981 and 3 574 men and 1 286 in 1982.

In Sandton 215 men and 12 women were arrested in 1981, while 2 441 men and 1 312 women were arrested last year for the same offences.

KDM 14/6/83 (206) (135) RDM (206) (135)

Rikhoto ruling plea to Koornhof

Labour Correspondent

A KEY affiliate of the Trade Union Council of SA, the Garment Workers' Union has urged the Government to implement the Rikhoto judgment on migrant worker rights

The union's president, Dr Anna Scheepers, is also president of Tuksa

While emerging, mainly black, unions have urged the Government to implement Rikhoto, the established union movement has re-

mained silent on the issue and the garment workers are believed to be the first established union to call for the judgment's implementation

An editorial in the union's journal "Garment Worker", urges the Minister of Co-Operation and Development Dr Piet Koornhof, to "accept with grace" the Appeal Court decision and to implement it "in the name of common decency"

"As we see it, he and his department have no choice

but to respect the court and accept (the ruling), but there is a fear that the Government could go to Parliament to change the law," the editorial says

The ruling "underlined the right of a person to live where he works, and to share his home with his family "Fairness and humanity prevailed and it would be grossly wrong for the Government to try to reverse the situation"

While welcoming the judgment the editorial said "We

are not so foolish as to believe that influx control is destroyed Workers still have to get to the cities and into legal employment before they can even begin that 16-year wait for permanence"

It said Dr Koornhof would "do well to welcome the slight ease" in the influx control system which the judgment had brought

Another article in the journal urges workers who qualify for rights in terms of the judgment to apply for them

1984
 1911
 1924
 25
 66
 56
 72
 44

Money
 50% more
 Members of
 unions

In drafting
 Unions
 Commission
 S.S.
 Teachers

Agreements
 Local Act 1973
 Memoranda

New study reveals glaring administration deficiencies

The 'lower' justice of pass law courts

Every three minutes a black man, woman or child is arrested somewhere in "white" South Africa for being in the wrong place at the wrong time or for not having a reference book in his or her pocket

That is the start of a process that usually results in a spell in jail, a brief appearance in court and a trial often characterised by "procedural irregularities" and a "lower standard of justice", according to a new study on the Johannesburg Pass Courts

The study, entitled "Is This Justice?", reveals the extent to which the enforcement of influx control and the procedures employed in the Commissioners' Courts undermine the general standards of criminal justice, concludes Mr Ramarumo Monama, a research officer for the Wits University Centre for Applied Legal Studies

His study is based on two weeks of observation of practices employed by five of the Johannesburg Commissioners' Courts during last December. Mr Monama and another law graduate recorded the proceedings in 369 trials

Mr Monama found

● There was a 66 percent increase in the number of blacks tried in Johannesburg in 1982 compared with 1981 — more

The sausage-machine justice of the Commissioners' Courts where black people, including children, caught up in the influx control web appear for trials that last 30 seconds to a few minutes and face a jail sentence of months, has again been highlighted in a new study by a Johannesburg lawyer. Anthony Duigan reports.

than 40 000 against 24 334 the previous year

● The shortest time spent on the cases attended was 30 seconds, the longest period was seven minutes. About 60 percent of all accused were convicted on the day of their first appearance, while fewer than one in 10 were acquitted or discharged. Only five of the accused had legal representation

● The heaviest fine imposed was R250 and the longest jail sentence was 250 days. The usual sentence appears to have been between R30 (or 30 days) and R90 (or 90 days). More than a third of the cases (135) involved people who had been held in custody after their cases had been remanded from an earlier hearing

A number of the cases heard were also postponed for between one and 19 days with no bail granted unless specifically

requested by an accused with some idea of legal procedure

● In 48 of the cases the accused had a reference book which, it appeared, he or she was not given an opportunity to get — a transgression of the ruling laid down by court decision and police regulation that a person be given "reasonable opportunity" to fetch his reference book

The administration of justice was left almost entirely in the hands of the influx control bosses — the Department of Co-operation and Development — and it appeared that the prosecutors had usually been promoted from positions as clerks and interpreters in the department, said Mr Monama

"Their experience of the law of evidence and of criminal procedure is therefore inevitably limited and this may well contribute to the number of procedural irregularities that characterises these courts," he added

Too often the impression given is that the courts are determined to complete the roll as soon as possible — a case of "justice sacrificed in the interests of haste".

During his period of observation none of the commissioners explained to an accused that he or she could be released on bail, even when the State postponed a case. When bail was specifically requested it was often fixed so high that it was difficult for the accused to afford it — between R70 and R100 for cases in which the fine was rarely more than R30 or 30 days

Certain aspects of cases observed clearly showed up irregularities, Mr Monama believed

● Courtesy and the civilised standards of behaviour required in courts generally were missing. For instance, the accused — and even witnesses — were referred to by first names or case numbers only

● No investigating officer was called to prove the accused was in an "illegal" area

● In one case an accused said he was coloured and the case was postponed for seven days. The accused went back to jail and no mention was made of bail

More than 44 percent of the cases tried in the female Commissioners' Court during three days of last December were postponed at the request of the prosecutor

"Such a high number of postponements should be cause for concern, particularly because the accused are unrepresented and their right to bail is neither explained nor respected," said Mr Monama

Schoolchildren who visited their parents in Johannesburg also fell foul of influx control and ended up in court, said Mr Monama. About 10 cases involving youngsters below the age of 16 years were heard during the two-week period. In some cases the children were deported to their homelands without any notice to their parents

There was also no indication in the Commissioners' Courts that legal aid through the Legal Aid Board was available

The study concluded that justice was being undermined in these courts and nothing would change until legal representation was introduced on a large scale for pass offenders

(MSP)

206

Star 15/6/83

The Rikhoto ²⁰⁶ ^{rem} judgment won't swamp cities 15/6/83

reversed

long

THERE is a great deal of confusion and misunderstanding about the Rikhoto judgment. It is a most important judgment but it does NOT allow a sudden massive influx into the cities.

It does NOT overthrow the whole of the influx control mechanism. It does NOT presage an overnight growth in the size of the urban population.

What it does do is to allow a VERY limited, VERY controlled and slow process of legal urbanisation to take place. IF Government leaves the existing influx control legislation to stand unaltered and if Government allows this judgment, and the previous Komani judgment, to take effect without obstruction or interference.

Section 10 (I) (b) of the Urban Areas Act allows a person who works for 10 continuous years in REGISTERED employment with the same employer in one town (prescribed area) to acquire an urban residence qualification, provided that he has not been sentenced to a fine of more than R500 or to imprisonment for more than six months during the 10-year period or thereafter, and provided that he has continued to RESIDE in the town concerned after completing the 10-year period, and is not at the time of making the application, employed outside the town where he worked during the 10-year period.

Subject to the above provisos to Section 10 (I) (b), qualification is also earned by 15 years' continuous and lawful residence in one town. Lawful residence is residence with some kind of legal accommodation.

Excluded from any possibility of acquiring Section 10 qualifications is the enormous urban population which resides in homeland townships adjacent to the so-called white towns.

Also excluded are those whose continuous period of work with one employer has not been in the same town all the time. Hundreds of construction workers have worked for the same company for decades, but have been moved from one site to another in different areas throughout the period of employment. They do not qualify for 10 (I) (b), because they have never been continuously employed in one town for 10 full years.

Section 10 (I) (b) is an extremely restrictive, very limited mechanism which allows an exceedingly slow and inadequate rate of legal black urbanisation. Government attempted to halt the process completely in 1968 by promulgating regulations which required that an employer discharge a migrant worker at the end of each annual contract and return him to his homeland. This was designed to break the CONTINUITY of the employment so that, even if a worker went on coming back to the same job year after year for 10 years, he could not claim a 10 (I) (b) qualification. It is this interpretation which the courts have overturned in the Rikhoto judgment.

It must be understood that, even before Rikhoto, any person who entered into the 10 or 15-year period before April 1, 1968, has always been entitled to a 10 (I) (b) qualification. Labour officers acted unlawfully in instructing employers to re-register such workers on an annual basis. Many such workers have been denied their rights because they have not known the administrative procedures by which they can appeal to establish their rights.

The importance of Rikhoto is for those who entered into the 10 or 15-year period after April 1, 1968. The present group of men and women lining up at Administration Board offices demanding their rights are those whose rights have been denied them since they completed the 10 years on or after April 1, 1978, that is, a 10-year period which began after the 1968 regulations were introduced. There is, therefore, a five-year backlog which accounts for the large numbers now presenting themselves.

These tens of thousands of workers are NOT a new influx into the cities. They have all been in town working legally and productively for a minimum of 10 years. They all have accommodation somewhere.

Once their rights are established they have

By SHEENA DUNCAN
President of the Black Sash

the right to APPLY to rent or to buy a home. They have no legal right to DEMAND a house. Control of the provision of accommodation remains firmly in the hands of the authorities and is the most important weapon in the armoury of influx control measures (it will be made even more so by the provisions of the Orderly Movement Bill, which seeks to take away all urban residence rights by making them subject to the possession of "approved accommodation").

The families of people with Section 10 (I) (b) rights also have a right to remain in town once they have taken up residence with the qualified husband or parent. This right was established by the Appeal Court judgment in the Komani case. This does NOT mean a sudden influx of thousands of people into town.

In many, many cases migrant workers who are in regular employment, and who have accustomed themselves to city life, have brought their families to town. These families are "illegal" but they ARE here. They are not an "influx". The combination of Rikhoto and Komani will enable them to regularise their positions.

Many other workers who should now get their 10 (I) (b) endorsements have left their families behind in the rural areas because of the lack of accommodation. It is most unlikely that such a person would send a telegram to his wife, telling her to bring the children and to come at once.

A much more probable course of events will be that he will seek family accommodation. If he is lucky, and if his employer is prepared to assist him to obtain a stand and to build or buy a house under the 99-year leasehold scheme, he will then bring his family. It will be a long, slow, gradual process because the authorities continue to drag their feet in the provision of serviced stands.

Administration Boards, under the direction of Dr Koornhof's Department, are now putting on a performance designed to delay the implementation of the law as established by the Appeal Court. Applicants for 10 (I) (b) endorsements are being required to fill in a form which demands particulars which are in no way related to their legal rights in terms of the Section. They are being told that it will take time to process the applications and that they must return at a later date, which varies between eight days' time and the end of July.

All this is nonsense. The employment records of every legal worker are in the keeping of the labour bureaus and are computerised. It should not take more than 20 minutes at the outside for any person's claim to be checked. Labour officers have always been able to make astonishingly swift decisions when they want to endorse somebody out. It takes no longer to check for a legal right.

The present procedures are designed to cause confusion, and one is entitled to ask what motive the Government has in seeking to do this? There is no excuse. It is straightforward disobedience of the law.

Were the authorities to implement Rikhoto now without all this delay, there would be a busy time for labour bureaus for a few months. After that, things would slow down and, by the end of this year and thereafter, there would be a very slow, but steady, number of people claiming their rights as they complete the 10 or 15-year period, then seeking ways to provide themselves with accommodation so that their families can legally be with them.

It is not an enormous challenge at all. It is a development to be welcomed by all sensible people.

If Government is not now prepared to demonstrate its readiness and competence to accommodate this process, and if it passes legislation to prevent it, the anger of black workers will not easily be contained. Such an irrational response to the political and economic pressures which face South Africa will be a disaster.

ment basis from 1980 to 1983 —

Mr L van Wyk
Mr W Fourie

(ii) Officers appointed as presiding officers on a temporary basis —

1980—None
1981—Mr J J Fourie
(Two days only)
Mr E L Kleynhans
1982-1983—Mr J J Uys
(Twenty days only)

(b) (i) Legal qualifications of the above-mentioned officers are as follows —

Mr L van Wyk—None
Mr W Fourie—Public Service Law Examination.
Mr J J Fourie—None
Mr E L Kleynhans—
B Iuris
Mr J J Uys—B Iuris.

(ii) The legal experience of the relevant officers is as follows —

Mr L van Wyk—10 Years bench experience in Commissioners' Courts.
Mr W Fourie—30 Years bench experience in Commissioners' and Magistrates' Courts.
Mr J J Fourie—10 Years experience in Commissioners' Courts
Mr E L Kleynhans—6 Months experience as Prosecutor and one year bench experience in Commissioners' Courts.
Mr J J Uys—One year experience in Commissioners' Courts

(2) These presiding officers are appointed by the Chief Commissioner Western Cape under del-

egated powers in terms of section 2(2) and 2(6) of the Black Administration Act 1927 (Act 38 of 1927)

†Mr S S VAN DER MERWE Mr Speaker, arising out of the hon the Deputy Minister's reply, is the experience of the presiding officers in Commissioners Courts regarded as a qualification or a disqualification?

†The DEPUTY MINISTER Mr Speaker, I indicated earlier that I am not prepared to express any opinions. If the hon member experiences any problems, he is free to place a further question on the Question Paper

206 Hansard 15/6/83
Langa Commissioners' Courts
Col. 1551 - 1553
*11 Mr K M ANDREW asked the Minister of Co-operation and Development

Whether any persons appearing before the Langa Commissioners' Courts in 1982 were legally represented in court, if so, how many persons (a) were and (b) were not so represented?

The DEPUTY MINISTER OF CO-OPERATION

Yes.

(a) 104

(b) 9 298

Langa Commissioners' Courts

*12 Mr K M ANDREW asked the Minister of Co-operation and Development

(1) (a) Which persons have served as presiding officers at the Langa Commissioners' Courts in a (i) permanent and (ii) temporary capacity in 1980, 1981, 1982, and 1983, respectively, and (b) what (i) are the legal qualifications and (ii) is the legal experience of each of these presiding officers;

(2) by whom are these presiding officers appointed?

†The DEPUTY MINISTER OF CO-OPERATION

(1) (a) (i) Officers appointed as presiding officers on a perma-

*How it stands in
supply curve of labour - the position
being position
get cap improve off dose design later
forward carried, supplying later
low wages for migrants, higher for natives
significant labour force*

consulted in respect of those electoral divisions, if so, (a) which persons have been so appointed, and (b) in respect of which electoral division, in each case,

- (2) whether the members of the House of Assembly of the electoral divisions concerned are also consulted in regard to matters affecting their electoral divisions,
- (3) whether he will make a statement on the matter?

†The PRIME MINISTER

- (1) No
- (2) and (3) fall away

†Dr W J SNYMAN Mr Speaker, arising out of the hon the Prime Minister's reply, can he tell us whether his attention has been drawn to what the hon the Minister of Co-operation and Development said in his reply to the discussion of his Vote, namely that the CP is not in power, and that, as in other parts of the country, a caretaker MP is appointed when there is no NP Member of Parliament in a particular electoral division and that it is also the most normal thing in the world to consult a caretaker MP of an adjoining electoral division? [Interjections]

†The PRIME MINISTER Mr Speaker, the hon member for Pietersburg has now drawn my attention to this The NP in the Transvaal is free to arrange its organization as it likes [Interjections]

Ministers

Howard 15/6/83
Crossroads inhabitants
Q. Co. 1539-1541

*1 Mr J H. HOON asked the Minister of Co-operation and Development †

(a) How many (i) persons and (ii) families have in terms of Government decisions with regard to the inhabitants of Crossroads been allowed to remain in the Cape Peninsula since 1 January 1979 and (b) (i) on what date was each of these decisions

taken and (ii) what was the purport of each decision?

†The MINISTER OF CO-OPERATION AND DEVELOPMENT

- (a) (i) 24 261 persons
- (ii) Approximately 4 246 families

(b) (i) The Cabinet decided on 27 March 1979 that the following categories of members of the Black community who were in "Old Crossroads" on 31 December 1978 be allowed accommodation in "New Crossroads"

(aa) Men who qualified in terms of section 10(1)(a) or (b) of Act 25 of 1945, together with their families

(bb) Men (contract workers) legally employed in terms of section 10(1)(d) of Act 25 of 1945, together with their families

(cc) Displaced compassion cases who were for many years in or from White areas in the Western Cape and who had nowhere to go

(dd) Men legally present but still to obtain section 10(1)(b) of Act 25 of 1945 status, together with families

On 5 April 1979 it was decided on Ministerial level that a survey be undertaken to determine who would qualify in terms of these categories and that a Committee be established to decide on doubtful cases. This Committee was disestablished on 28 September 1982 but re-established on 28 October 1982.

On 5 September 1979 it was ruled that workers who were illegally employed by permitted in terms of section 10(1)(d) of Act 25 of 1945 to register with their employers on a one year service contract basis. Dependents of such workers were considered on an *ad hoc*-basis to legalize their

presence temporarily in terms of section 10(1)(d) permits in order to decide where they should go

On 29 June 1982 it was decided that illegally present members of Black communities be allowed until 20 September 1982 whereafter they would be subject to normal influx control measures including prosecutions which actions were instituted

- (ii) The decisions were taken in order to deal with the Crossroads issue in the best possible manner to ensure that difficult circumstances be stabilized and not get out of hand

*2 Mr P R C ROGERS asked the Minister of Industries, Commerce and Tourism

(1) Whether the chemical known as dioxin is being manufactured in (a) the Republic and (b) any of the (i) national states and (ii) independent Black states, if so, where in each case,

(2) whether any measures and safeguards are in force in respect of (a) the safety of (i) persons involved in the manufacture of this chemical and (ii) the environment in the vicinity of the factories concerned and (b) the disposal of waste material by these factories, if so, what measures and safeguards in each case,

(3) whether dioxin in its pure form is imported into the Republic, if so, (a) in what quantities, (b) for what purposes and (c) what measures and safeguards are in force in this connection,

(4) whether any chemical products containing dioxin are imported into the Republic, if so, (a) what are the names of these products, (b) for what purposes are they used and (c) what measures and safeguards are in force

in respect of the (i) importation and (ii) use of these products,

- (5) whether he will make a statement on the matter?

†The MINISTER OF INDUSTRIES COMMERCE AND TOURISM

- (1) No
- (2) Falls away
- (3) No
- (4) No

(5) There is a possibility that in the manufacturing process of certain herbicides a minimal quantity of dioxin could be formed. European manufacturers of herbicides announced in April 1980 that they accept a level of 0.01 mg/kg TCDD (as the relevant dioxin is called) as the maximum permissible level. Since this level is so low it is not necessary to take special precautionary measures in respect of these products.

The ICDD content is at present the subject of an intensive investigation by the Department of Agriculture in order to ensure that all herbicides which are manufactured locally and which could form dioxin in the manufacturing process, contain 0.01 mg/kg or less TCDD

Public servants: transfer

*3 Mr F J LE ROUX asked the Minister of Internal Affairs †

(1) Whether any public servants in Messina, Louis Trichardt, Duwelskloof or Tzaneen have been given notice of transfer since 10 May 1983 if so, (a) who are they, (b) how long had they been stationed at the places concerned (c) what posts did they occupy there, (d) (i) where and (ii) why were they transferred and (e) what were their reactions to these transfers.

Raid on Hout Bay Squatters

Cape Times 16/6/83

206

Staff Reporter

WESTERN Cape Administration Board (WCAB) officials yesterday raided the Disa River squatter camp in Hout Bay, taking at least three adults into custody and leaving 11 children in the care of their "teacher".

This brings the total number of the camp's squatters taken into police custody to about 200 after a number of raids on the community during the past two weeks.

A resident, who did not want her name published, said yesterday

afternoon that the officials had taken away about 20 people in the first raid on Tuesday last week.

The next day a large number of people were taken and although she had been in possession of a valid pass she had been charged and fined R30 for trespassing.

"I find it strange that I was fined for trespassing on Mr Bill Mitchell's ground as he has never come to put up any private property signs since the Disa River community was founded here in 1979."

Last Friday the WCAB again raided the community and about 200 people were arrested including 10 small children, she said.

Yesterday morning the officials raided the camp taking the remaining three adults with them but leaving eleven children aged between three and six years, in the care of their "teacher".

The woman said most of the residents were former residents from Kadotsoot, a squatter camp on the mountain-

side near the fishing harbour, who were told they had to move to Transkei when the adjacent property was developed in 1979.

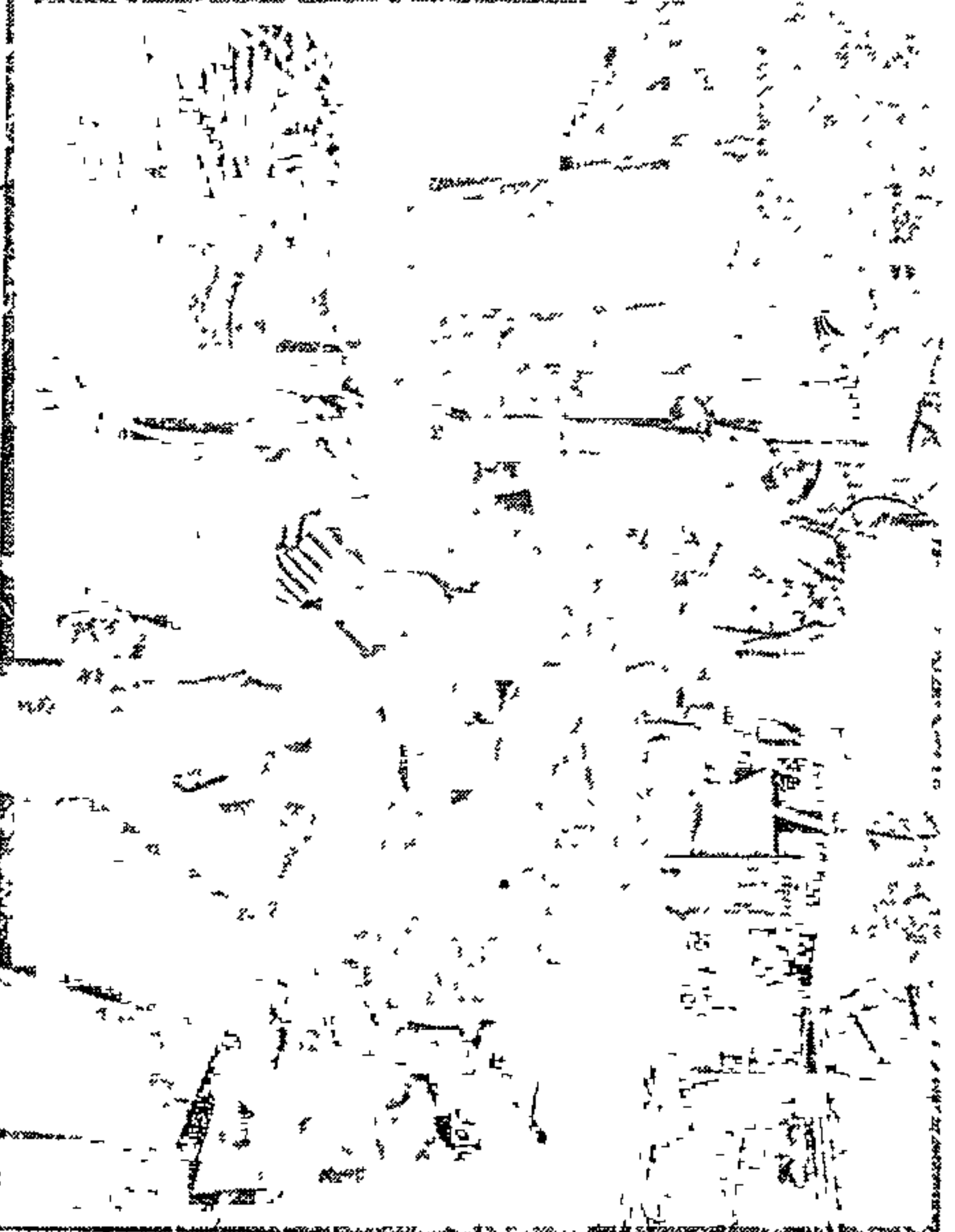
Although some of the people were taken to Transkei a group of them moved into the bush on the slopes of the Constantiaberg to found the Disa River camp.

Recently some other squatter families, who had been forced to move from the harbour side of the bay due to further development, had moved to the Disa camp bringing the total number of families to about 50, she said.

The owner of the property, Mr Bill Mitchell, said the WCAB had come to see him to ask permission to move the people on his property.

Mr Mitchell said he had not been to the property since 1974 when someone asked him permission to build a yacht in a large garage there.

Attempts to contact officials of the WCAB for comment last night failed.



While half of the Hout Bay Disa squatter camp's children are in police custody following raids during the past few weeks, schooling of the 11 remaining children continued yesterday afternoon.

Cape Times 16/6/83
**Renewed call for
probe of courts**

Political Correspondent

MR KEN ANDREW (PFP Gardens) last night re-
newed his call for an investigation of Commission-
er's Courts after being told some presiding officers
at Langa had no legal qualifications and most
cases there were undefended

He told Parliament last week that the Langa
courts were disgraceful instruments of oppression

Subsequently the Chief Commissioner of Co-
operation and Development for the Western Cape,
Mr Timo Bezuidenhoud, accused him of "destabi-
lizing society by bringing the courts into disre-
pute"

After being given further information in Parlia-
ment yesterday, Mr Andrew said in a statement
that Mr Bezuidenhoud had no idea of what was
going on at the Langa courts

Where Mr Bezuidenhoud had said most accused
in the Langa Commissioner's Courts had legal de-
fence, Mr Andrew was told yesterday that only 104
of the 9 402 people who appeared there last year
were legally represented

● Commissioner not legally qualified, page 4

Cape Times 16/6/83
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Commissioner not legally qualified

Political Correspondent

HOUSE OF ASSEMBLY — One of the two permanent presiding officers at the Langa Commissioner's Courts has no legal qualifications and the other is a magistrate who has passed a public service law examination

Both, however, had lengthy experience as presiding officers

This was disclosed yesterday by the Deputy Minister of Development, Dr George Morrison, in reply to a question from Mr Ken Andrew (PFP Gardens)

Dr Morrison said presiding officers were appointed by the Chief Commissioner of Co-operation and Development for the Western Cape

Mr L van Wyk and Mr W Fourie were appointed permanent presiding officers from 1980 to 1983

Mr Van Wyk has no legal qualifications but has 10 years' bench experience in commissioner's courts Mr Fourie has passed the public service law examination and has 30 years' bench experience in commissioner's and magistrate's courts

Three temporary presiding officers were appointed over the past three years They were Mr J J Fourie for two days, with no legal qualifications but 10 years' experience in commissioner's courts, Mr E L Kleynhans who has a B Juris degree, six months' experience as a prosecutor and one year on the bench in commissioner's courts, and Mr J J Uys, who presided for 20 days, has a B Juris degree and one year's experience in these courts

Pass officials: 'No legal qualifications'

By TOS WENTZEL
Political Correspondent

TWO presiding officers at the Langa Commissioner's Courts had no legal qualifications although they had considerable experience in these courts, the Minister of Co-operation and Development, Dr Piet Koornhof, told the Assembly

Answering questions put to him by Mr K M Andrew (PFP Gardens), Dr Koornhof said that Mr L van Wyk, who was one of the two presiding officers appointed on a permanent basis from 1980 to 1983, had no legal qualifications but had 10 years of bench experience in these courts

Another presiding officer, Mr J J Fourie, who had served in the Langa court for only two days in 1981, also had no legal qualifications but had 10 years of experience in commissioners' courts

In answer to another question from Mr Andrew, Dr Koornhof said that only 104 of the 9 298 people appearing before the Langa Commissioner's Courts last year 1982 were legally represented

Mr Andrew pointed out today that Mr Timo Bezuidenhout, Chief Commissioner in the Western Cape, had stated last week that the law was being applied fairly and that the majority of the cases in the courts were defended

This was disproved by Dr Koornhof's answer, he said

Equally serious was the fact that some presiding officers had no legal qualifications, yet these courts sentenced people to fines totalling R250 000 last year and to jail sentences totalling 684 years in 1981, all for "the crime of attempting to work and live together as a family"

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Pass laws criminal - study

THE ENFORCEMENT of influx control laws and the procedures employed in the Commissioner's Courts, undermine the general standards of criminal justice in South Africa.

This is the conclusion of a recent study by the Wits University Centre for Legal Studies of the Johannesburg Commissioner's (pass) Court

On the basis of their finding the researchers asked themselves: Is it possible to introduce fair-trial procedures into these courts? "The answer is probably 'No' — unless legal representation is introduced in a substantial number of cases either by voluntary organisations

or by the Legal Aid Board," the report says.

According to the report, figures recently released in Parliament by the Minister of Law and Order and the Minister of Co-operation show that the number of pass law offences in 1982 was 206 022 compared with 162 024 in 1981

The figures show an increase of about 27,15 percent in the number of arrests, according to the study

"The number of blacks tried for pass law offences during 1982 in Johannesburg's pass law courts compared with 24 334 during 1981 shows an increase of about 39,50 percent "

Magistrate attorney clash in court

Staff Reporter

A Langa Commissioner's Court magistrate yesterday took 'the strongest exception' to an application by an attorney representing five Hout Bay squatters that he recuse himself because he had earlier discussed the bail hearing with the State prosecutor.

The attorney, Mr Colin Fortes, told the magistrate, Mr W Fourie, that he had overheard him in a conversation with the State prosecutor, Mr D Mngomoni, discussing his intention to apply for bail for the five accused men.

"I feel that the presiding officer might be influenced by this and object to the fact that I was not present at the discussion," he said.

'Strongest exception'

Mr Fourie's immediate reply was that he took the "strongest exception" to the argument. He said that Mr Mngomoni had approached him saying he had no objection to a postponement and that he would oppose a bail application. At no stage had he committed himself regarding the bail application, he said.

"I therefore fail to see any grounds for my recusal."

Three of the five accused men, Mr Zwelelemba Clarrick, 37, Mr Sibulise Kwele, 38 and Mr Prutse Sibhozo, 39, were granted R50 bail each provided they report daily to the Guguletu police station until the day of their trial, June 24.

Releasing the men, Mr Fourie warned them that their bail receipts would not automatically entitle them to stay there until June 24. They would have to apply for visitors' permits.

Earlier in the hearing Mr Fortes said one of the accused men had described severely overcrowded conditions in Pollsmoor Prison.

Two other squatters who appeared in the same hearing, Mr Joe Mashoba, 42, and Mr Minnis Mabiza, 31, were remanded until June 24 after it was learnt they would not be able to afford bail.

In a separate hearing five other squatters were remanded until June 22. They were not represented.

All 10 men are accused of being in the Lisa River area of Hout Bay illegally and have been held in Pollsmoor Prison since their arrest at the squatter camp during the past two weeks.

5 ex-KTC residents convicted

Staff Reporter

FOUR KTC squatters were yesterday each fined R75 (or 75 days) conditionally suspended for two years, for illegal squatting and remaining in the Peninsula for longer than 72 hours.

As a condition of suspension, Pinana Gomsazi, Elias Magaga, 54, Litchman Mbkeni, 38, and Edward Nginangini, 38, were ordered to leave the Peninsula not later than June 30, unless they obtained permission to stay.

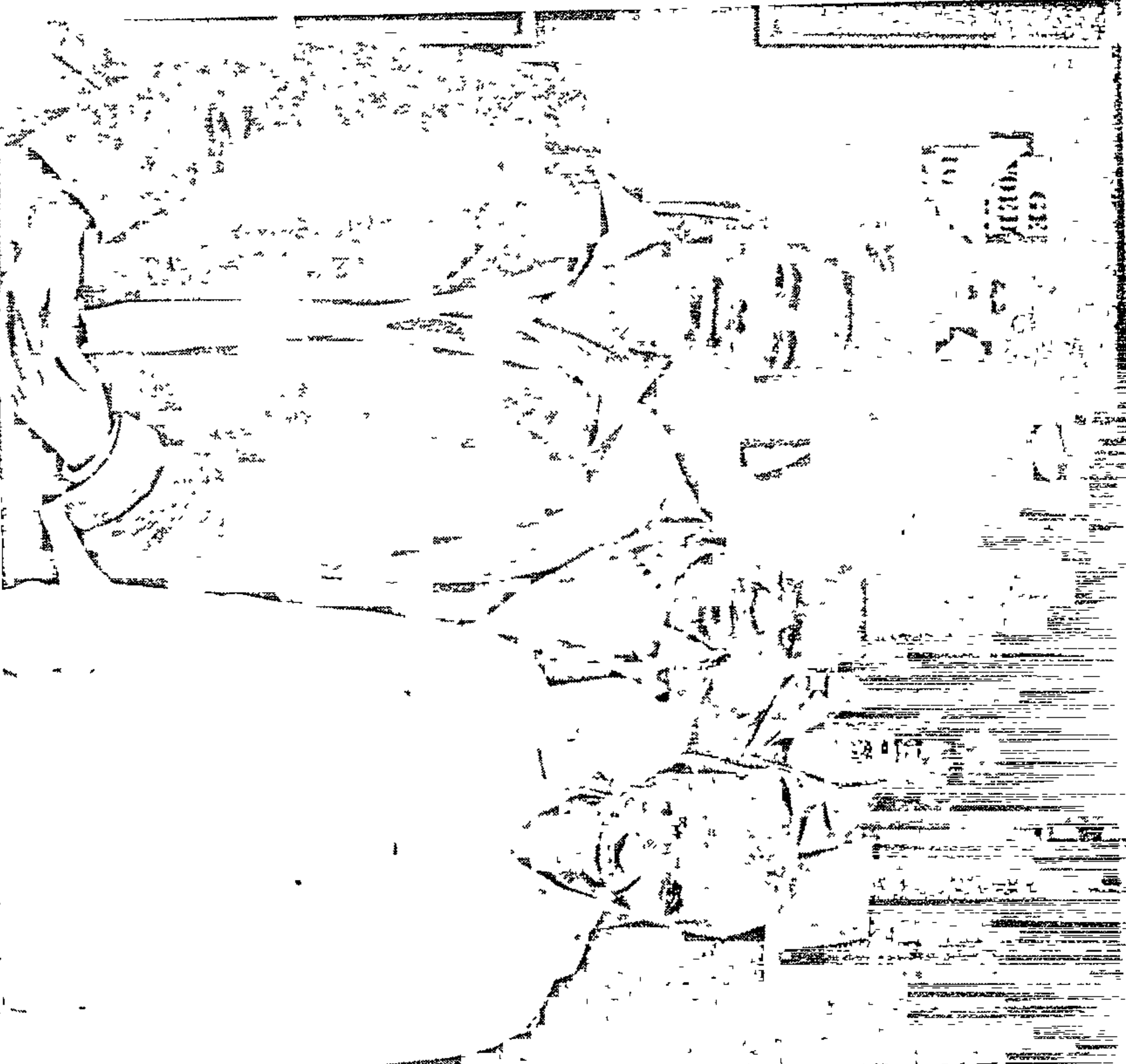
A fifth man, Siphho Mkesi, 28, was fined R100 (or 100 days) suspended for two years for illegal squatting.

He was acquitted on a charge of remaining in the Peninsula for longer than 72 hours as there was evidence that he was a contract worker, and ordered to report to the Langa Commissioner's offices to arrange accommodation.

Mr E F van Jaarsveld, a Western Cape Administration Board (WCAB) inspector, said the men were part of a group arrested at the KTC site on May 17 because they could not show permission to live and work in the Peninsula.

Mr D C Luyt, for all the men, said they were in a desperate position and had not had any reasonable alternative course to follow.

The magistrate was Mr A P Kotze. Mr A C Venter appeared for the State.



These former KTC squatters have all vowed never to return to Transkei despite an Athlone magistrate making their return a condition of suspending their sentences. Outside the Athlone Magistrate's Court yesterday were: Edward Nginangini, top left, Elias Magaga, top right, Litchman Mbkeni, centre; Siphho Mkesi, left, and Pinana Gomsazi, right.

Rhodes Scholars

Over two centimetres into his heart

Crayfish beds Shergar: Loyds may be rotated in R12m payout

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The Kumi Chol Kwak Mpay dile Kriste ed gu whic the I than fallu erenc at li camp Ku wan R100 each squa the I than the days ally year Ch phel R50 coun of be la f hour faili eren fine cond for Tl aga Lize el f tent fine G mit Mr Mr sen eco tion wou dut dan to Law M app Mr

nskei starvation

Administration Board its attitude and he same rights as ple" Litchman Mbkeni also word of Damocles over his head A of the suspension ntnce is that he o Transkei before unless he is grant- sion to stay

He came to the Peninsula in 1964 from Lady Frere, and also refuses to go back to Transkei Mr Siphon Mkesi, whose parents died when he was 15 years old, came from Lady Frere in 1973 He found contract employment and had been working for three weeks when he was arrested He

spent a month in jail before his court appearance He does not know the whereabouts of his wife or children, whom he has not seen since their arrest on May 17 "My heart is breaking I don't know where my wife is going to live, she has no pass I have a contract but where must she go?"

6 KTC men found guilty

Staff Reporter SIX men were convicted on squatting charges when they appeared in the Athlone Magistrate's Court yesterday

The men, Mhlebusina Kumkati 33 Vethezo Cholitiza, 25, Gerald Kwakwan, 35, Michael Mpaypheli, 33, Mzwandile Mankayi, 25 and Kristen Lize 22, pleaded guilty to the charges which included being in the Peninsula for more than 72 hours and of failing to produce a reference book on demand at the KTC squatter camp on May 17

Kumkati and Kwakwan were each fined R100 (or 100 days) on each count of illegal squatting and being in the Peninsula for more than 72 hours Part of the fine — R75 (or 75 days) — was conditionally suspended for two years

Cholitiza and Mpaypheli were each fined R50 (or 50 days) on each count of squatting and of being in the Peninsula for more than 72 hours On a charge of failing to produce a reference book, each was fined R20 (or 20 days), conditionally suspended for two years

The three counts against Mankayi and Lize were taken together for purpose of sentence and they were fined R50 (or 50 days)

Giving evidence in mitigation of sentence, Mr Charles Simkins, a senior lecturer in economics at UCT, said "If I were in the position of the accused, I would consider that the duty towards my dependants outweighs my duty to obey a particular law"

Mr A P Kotze was the magistrate Mr A C Venter appeared for the State and Mr J R Bromley appeared for all the men



squatters have all vowed never to return to Transkei despite an e making their return a condition of suspending their sentences ie Magistrate's Court yesterday were Edward Nginangini, top left, op right; Litchman Mbkeni, centre; Siphon Mkesi, left, and Pinana Qomsazi, right.

h beds e rotated

and it was possible that e some of the areas closed is for more than 20 years

Shergar: Lloyds in R12m payout

From IAN HOBBS LONDON — One of the most bizarre episodes in the history of racing was the kidnappers We would never do so We have not made communication directly or in-

US gives kitchen to squatters

THE United States Government has donated R2 000 to the KTC squat

Study reveals pass offenders get raw deal

By JOSHUA RABOROKO

ABOUT 40 223 blacks were prosecuted for pass law offences in the Johannesburg Commissioners' Court in 1982 compared with 24 334 in 1981

A study by the Wits University Centre for Legal Studies of the Johannesburg Commissioner's Court (pass, reveal that the figures show an increase of about 39 50 percent

According to the report, the people were arrested in terms of the Blacks (Urban Areas) Consolidation Act of 1945 which has been amended over 33 times since its implementation.

The Act is designed to control the influx of blacks into prescribed areas "white SA" — and to control their conduct while there. It is used to arrest an average of one black person every two-and-half minutes, day and night, or some 206 000 per year

The Act, together with the Curfew Regulations Promulgated under the Act; the Black Labour Act 67 of 1964, as amended; the Admission of Persons to the Republic Act 59 of 1972 and the Blacks (abolition of passes and Co-ordination of Documents) Act 67 of 1952, as amended, have caused "serious concern" because South Africa has one of the highest prison population in the world, according to the study

Contravention of all these statutes is an offence punishable by fines ranging from R20 to R500 and the study undertaken during the first 10 days of December 1982 in five Commissioners' Courts in Johannesburg reveal that approximately 2 380 criminal cases were dealt with

According to the study the cases are tried by Commissioners who have passed civil service lower law examinations or any examination determined by the Public Service Commission to be equivalent to a civil service lower law examination.

Prosecutors in these courts are normally promoted from the positions of clerks and interpreters in the Department of Co-operation and Development. Their experience of the law, is therefore inevitably limited

"Legal representation in pass courts is rare. Consequently the administration of justice in these courts is left almost entirely in the hands of CAD, which is responsible for the appointment of commissioners"

In all the cases observed there was no sign of state witnesses or arresting officers in attendance at the proceedings

(206) Hansard 17/6/83
Mathopistad: police action
Q. 601599

*17. Mr S A PITMAN asked the Minister of Law and Order

Whether the South African Police took any steps in respect of a group of persons wanting to enter an area known as Mathopistad on or about 11 June 1983, if so, (a) what steps and (b) (i) in terms of what statutory provisions and (ii) why were these steps taken?

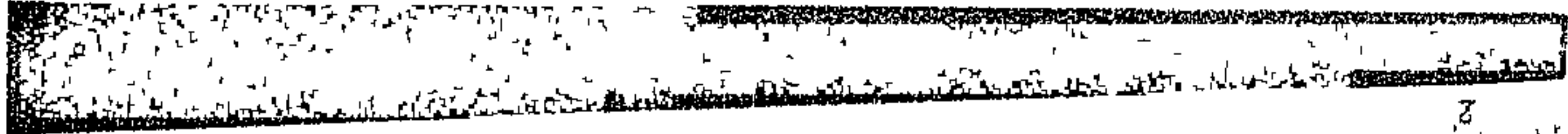
†The MINISTER OF INTERNAL AFFAIRS (for the Minister of Law and Order)

Yes

(a) and (b) As a result of a complaint, the Boons Police on 11 June 1983 came across a number of persons in the area known as Mathopistad. As they could produce no permits to be in the area, they were requested to accompany the Police to the police station where it was ascertained that they no longer require permits to enter the area.

Q 61. 1602 - 1604
Repatriation 17/6/83
904 Mr P R C ROGERS asked the
Minister of Co-operation and Development

- (1) (a) On what grounds and (b) in terms of what statutory provisions are citizens of independent Black states de



1603

FRIDAY, 17 JUNE 1983

1604

clared to be illegally present in the Republic,

- (2) whether his Department follows diplomatic procedures in repatriating these persons, if so, what procedures are followed (a) in notifying the diplomatic representatives of such states, (b) in reaching agreement with these representatives on (i) temporary accommodation and meals, (ii) arranging transport and (iii) payment for such transport and (c) in regard to further action to be taken against the persons concerned,
- (3) whether the consent of the diplomatic representatives of the states concerned is obtained in regard to the repatriation of such persons, if so, (a) at what stage is such consent obtained and (b) what matters are covered by it,
- (4) whether the same procedures apply in respect of the repatriation of persons from urban and rural areas, if not, (a) why not and (b) what are the points of difference?

The MINISTER OF CO-OPERATION AND DEVELOPMENT

- (1) (a) Such citizens are deemed to be illegally present in the Republic of South Africa if they do not comply with the provisions of the agreements between the Governments of the Republic of South Africa and the independent states relating to the movement of the citizens of the relevant countries across the common borders.
- (b) The Admission of Persons to the Republic Regulation (Act, 1972 (Act No. 59 of 1972).
- (2) Yes
 - (a) The diplomatic representatives are not notified but direct negotiations are conducted with the

Governments of the independent states concerned.

- (b) (i), (ii) and (iii) As indicated above agreement is not reached with the diplomatic representatives but with the Governments of the independent states concerned. As a rule the Government of the Republic of South Africa provides the necessary transport and meals and in certain cases temporary or other accommodation.
- (c) After repatriation no further action is taken against the persons.
- (3) As indicated above the consent of the Governments concerned is obtained and not that of the diplomatic representatives.
 - (a) Such consent is obtained before the repatriations are undertaken.
 - (b) The proper identification of the persons concerned and whether the Governments concerned will accept them.
- (4) Yes (a) and (b) Fall away.

+ 34

Blitz on pass offenders ²⁰⁶ 17/6/83

By JOSHUA RABOROKO

MORE than 100 blacks have been prosecuted and ordered to leave the Oranje-Vaal Administration Board's area of jurisdiction within 72 hours because they did not have urban rights during June so far.

And, several others have been fined between R10 to R20 or jailed after being convicted for failing to produce their "pass books" during the same period.

The order to leave the area comes amid calls by trade unions' and other organisations' pleas to the Government to relax the influx control laws

by scrapping the "abhorrent apartheid laws"

It also comes in the wake of a Supreme Court ruling that Mr Mehlole Tom Rikhoto, a contract worker who has worked for more than 10 years for the same employer, is entitled to permanent urban residence rights, despite enforced annual returns to his "homeland".

According to records in the Vanderbijlpark Commissioner's Court this week, 101 people who pleaded guilty be-

fore Mr A Ahlers, were ordered to leave the area within 72 hours after they had been found in the area without permission

A spokesman for the Department of Co-operation and Development in the area told The SO-WETAN that the courts dealt with several cases of this nature daily. An average of 40 cases were treated each day

The spokesman said that those convicted under Section 10(4) RW

Sowetan
Section 1 and Section 44 of Act 25, 1945 — being in the prescribed area without permission — were normally sent back to their "homelands".

Meanwhile moves are afoot to take full advantage of Mr Rikhoto's judgment and employers have been urged by the Black Sash to send employees who have worked for 10 years to pass offices with letters certifying the dates of their employment so that they can claim their Section 10(1)(b) rights — in terms of the Blacks (Urban) Consolidation Act

The Black Sash's chairman Mrs Sheena Duncan, has said that "tens of thousands" of migrant workers who have "continuously" worked for one employer for over ten years or several employers for 15 years were entitled to Section 10(1)(b)

J. Raboroko

What business says

FM 10/6/83

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With the exception of the Afrikaanse Handelsinstituut, the SA business community has generally welcomed the Rikhoto judgment. However, words of caution from some leading Afrikaans businessmen balanced the enthusiastic welcome given to the judgment by mainly English-speaking corporations.

Here are some of the corporate responses to the matter which the *FM* received just prior to Co-operation and Development Minister Piet Koornhof's indication in Parliament this week that action to counter the Rikhoto ruling is being contemplated.

Speaking at chairman Gavin Relly's request, Anglo American group industrial relations consultant, Bobby Godsell, said: "We very much welcome the Appellate Division's judgment as it returns us to the situation before 1968 when influx control acted as a regulator of urbanisation." (A 1968 Regulation of the Black Labour Act made migrants' work contracts annually renewable in their homelands. Its effect was that the permanent urban black population could grow only by natural increase.) "After the 1968 Regulation, which the court effectively struck down, influx control acted as a preventer of urbanisation.

"We would hope that government will respect this decision or, at any rate, not take precipitous action. That the process of urbanisation will impose a strain on urban infrastructure, we understand. There is a need for a co-ordinated government-business strategy to provide housing and jobs. We are looking to government for a positive lead. It is unrealistic to expect economic growth not to affect groups other than white, coloured and Indian."

Barlow Rand executive director, David Brown "We hail the Court's decision as an important one to normalise the lives of thousands of black workers. And we hope that the authorities will not undermine the residential status obtained by black workers as a consequence of the decision.

"Group companies, as responsible employers, strive to have stable employment relationships with their employees. The contract labour system is not an aid to this. Consequently, as a measure that will improve the quality of life of many employees in the group it (the judgment) will also contribute to

improved employment relationships."

Sanlam chief, Fred du Plessis, said he would rather not comment on the court ruling, but added "We can ill-afford to have a haphazard influx situation as far as our metropolitan areas are concerned. From a practical point of view it is not in anyone's interests to have an uncertain situation and haphazard movement of people. No country can afford to have an uncontrollable influx to the cities, so government should clarify the situation."

Federale Volksbeleggings MD, Johan Moolman "These people have been here for 10 years. There's no way we can wish them away. In the new dispensation the government committee responsible will have to address this question. I am gratified that the blacks concerned have worked for a long time. This is a positive aspect in the fight against unemployment. But I am quite sure there are other aspects I don't know about that will influence government. We need a more positive approach than a decade ago. In principle I have no argument against (the ruling)."

The Premier Group's Tony Bloom: "I am absolutely delighted. This landmark decision will alleviate the plight of thousands and is long overdue. It would be a great pity if government sought to circumvent the Appeal Court ruling as it would undermine the concept of an independent judiciary."

Assocom said in a statement that its policy "is that influx control *per se* should be progressively phased out and that the only criteria for 'permanent rights' should be employment and housing. This view was endorsed by the Riekert Commission. The Appeal Court judgment in this case therefore appears to be a step in this direction, but it is not clear how many employees will be involved. Whilst the availability of employment does not arise here, the problems of providing accommodation for the families concerned will be a major issue in many cases. If this not available, the disappointment caused might give rise to problems in the labour relations field." Assocom members are advised to assist employees affected in their applications for Section 10 rights.

AHI president, Hennie Klerck "Although the AHI believes there may be dozens of humane reasons to reunite contractual workers with their families, we believe the realities of a massive influx of blacks to the metropolitan areas is totally impractical and nowhere in

the Western world would any country be able to cope with such a situation. We foresee problem areas in housing, schools, health services, job opportunities and the homelands would lose most of their best people. I believe it is in the best interests of blacks to avoid the chaos that would result from a loosening up of influx control. The AHI calls upon the government to handle the situation with kid gloves so as not to jeopardise the policy we have embarked upon."

Afribank MD, Moses Maubane "The fact that there is such legislation specifically to control blacks is to be regretted. As a black man I feel citizenship is a basic non-negotiable right. The legislation is a total mockery of basic rights. However, the court ruling in favour of certain rights for migrants is to be viewed with gratitude by fairminded people. The fact that government wants to challenge the decision makes hollow its claim to be serious about meaningful reform."

AECI personnel director, Steve Anderson "The decision potentially affects a number of our employees. Steps are being taken to make these employees aware of it and to inform them that they can now apply for registration."

FCI president, Rod Ironside "If the courts and law are to mean anything, government is obliged to carry through the decision. The FCI would expect the meaning of the judgment to be carried through in every legitimate case."

Ford's labour relations chief, Fred Ferreira "The court's decision should stand and attempts should not be made to circumvent it. The housing shortage should not be used for effecting legislation against the judgment." Ferreira drew attention to the active anti-SA disinvestment lobby in the US which largely bases its case on the Group Areas Act and the Orderly Movement Bill on blacks. He therefore "urges" government to withdraw this proposed legislation.

The Urban Foundation (UF) would prefer to study the judgment before making any "meaningful comment" but remarks that "it is impossible to question the judgment of an SA Appeal Court."

The UF adds that the implications of the judgment are a "different kettle of fish." "It is also pleasing to see that the East Rand Administration Board (which brought the appeal) has no objection or problems to register those that qualify. We trust that other boards will follow their example."

By MIKE CADMAN

HLONGWANE was only 15 years old when he was deported from Johannesburg to kwazulu — without his parents being told.

He appeared in the Johannesburg commissioner's court alone, without legal representation, and was tried for allegedly being in an urban area without a permit.

He was then sent to appear before a children's court, hundreds of kilometres away in kwazulu.

He is only one of hundreds of children who have been found guilty of pass offences and deported to a 'homeland' by South African commissioner's courts.

In a study of the Johannesburg commissioner's courts, Mr Ramarumo Monama, a lawyer at the Centre for Applied Legal Studies at the University of the Witwatersrand, found 10 cases (out of the 365 studied) involving children below the age of 16 in some instances the children were deported to their 'homeland' without any notice to their parents.

Mr Monama quoted the case State v Hlongwane, heard on December 13, 1982, in the Johannesburg commissioner's court.

"The accused was a 15-year-old child from kwazulu arrested for being in the Johannesburg area without a permit.

"Without any real investigation the matter was referred to a children's court in kwazulu and the boy was deported for this purpose" he said.

Mr Monama quoted another case where a child was about to be deported when it was discovered that his mother lived in Alberton. Mr Monama felt the procedure followed in this case

So Where

have all

the

children

gone?

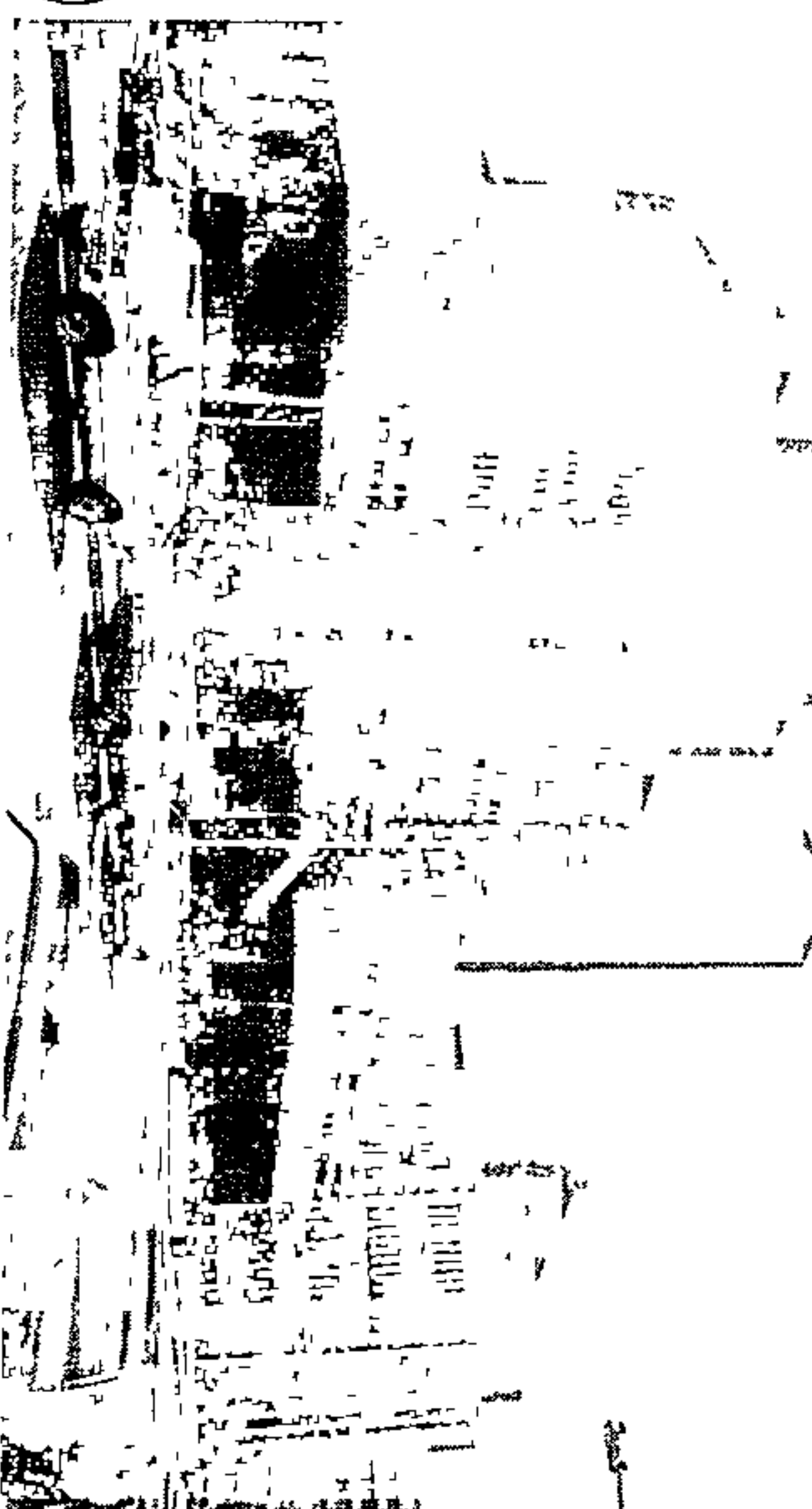
206
19/6/83
S. Ex/press

THOUSANDS of black people are found guilty of offences under South Africa's influx control laws in commissioner's courts (pass courts) annually.

During 1982, 206 022 black people were arrested for pass law offences in South Africa and the vast majority of these cases were heard in commissioner's courts. During the same year no fewer than 40 223 cases were in heard in the Johannesburg Commissioner's courts alone.

should be adhered to more often. "In the case State v Skosana a child who visited his mother was to be deported

to Standerton, on application of the prosecutor," Mr Monama reported. "Further inquiry by the Johannesburg Commissioner resulted in the refusal of the application because one of the parents was in Alberton. "Surely this type of inquiry is necessary whenever



● The Johannesburg Commissioner's Court.

young children appear before the commissioner's courts?" Mr Monama said.

In an interview this week, Mr Monama explained the procedure for trying children in commissioner's courts.

"In not one of the 10 cases in which children were involved did any child have legal defence," Mr Monama said. "The child is required to answer questions as well as possible.

"During the case, the child is asked various questions in an attempt to find out if an offence under the pass laws has been committed," Mr

Monama said. "Some children said they were in Johannesburg because they go to school here."

Mr Monama said that in an effort to find out if the child was telling the truth some prosecutors asked them to answer questions.

"Children were asked to provide answers to arithmetic problems. Examples of the questions asked are: 'What is the answer to x plus x, or, how much is x²?'

"One assumes that if the child answers them correctly it proves school attendance," Mr Monama said.

It was quite possible, he added, that some children did not understand what was happening to them. "One young girl told the court she came from Pietersburg.

"She was about to be deported there when she mentioned she was at school in Johannesburg — this obviously was of vital importance but she did not seem to be aware of it.

"The children in these cases were all between the ages of 14 and 16," Mr Monama said. "If they are deported, their cases are referred to children's courts in whichever area they are sent."

cont →

Legal shocks in pass laws survey

SERIOUS irregularities in legal proceedings occur almost daily in the Johannesburg commissioner's courts, according to a report released by the University of the Witwatersrand this week

In a study called 'Is This Justice?', Mr Ramarumo

A fair trial or not?

FFP MP for Gardens, Mr Ken Andrew, told Parliament this week that the Langa commissioner's courts were disgraceful instruments of oppression where black people could not expect a fair trial.

Blacks arrested under the Blacks Consolidation Act, 25 of 1945, have to prove their innocence — rather than the State having to prove their guilt. Professor John Dugard, head of the Centre for Applied Legal Studies at the University of the Witwatersrand, in the foreword to the report, 'Is this justice: A study of the Johannesburg Commissioners' Courts', says South African lawyers should work towards the abolition of this system. Do these courts, which try one third of all persons sent to trial each year, deserve this reputation?

Monama, a lawyer at the Centre for Applied Legal Studies at the University of the Witwatersrand, and an assistant, Miss Nomali Tshabalala, attended 365 trials over 10 days in December, 1982

The courts handled a phenomenal 40 233 cases during the year

Those tried under South Africa's influx control laws range from grandparents to children, from South African residents to citizens of Zimbabwe and Mozambique. All were black

In the survey period, 2 380 cases were heard in the six commissioner's courts

Mr Monama reports on serious irregularities in the proceedings of the courts, including

● Not once, in the 365 cases attended, was the accused informed of the right to be released on bail — even though the Criminal Proce-

dures Act, 51 of 1977, safeguards this liberty

● Despite Section 84 of the Criminal Procedure Act, which stipulates that an accused should be accurately and fully informed of the charge pending, this seldom happened

● In all cases observed, neither the commissioner nor the prosecutor addressed the accused as Mr, Mrs, or Miss

The following facts were also recorded in the study

● Only five of the accused were legally represented — 0,21%

● The longest time spent on a case was seven minutes and the shortest 30 seconds

● The heaviest fine was R250 and the longest prison sentence was 250 days. The average was between R30 or 30 days and R90 or 90 days

● In one third of the cases people had been held in custody after their cases had been remanded from an ear-

lier hearing

The report stresses that the lack of legal representation — only five of 365 accused had legal representation — raises serious doubts as to the fairness of the courts

Mr Monama also draws attention to the legal qualifications of the commissioners and prosecutors

"A commissioner is a member of the public service who has passed the civil service lower examination or any examination determined by the Public Service Commission to be the equivalent of that examination," the report explains

"A commissioner does not necessarily need experience as a prosecutor before his appointment

"Their experience of the law of evidence and criminal procedure is, therefore, invariably limited"

Rikhoto:

CPA TMB, 20/6/83

'Ploy' fear

200-005-339 206

Own Correspondent

JOHANNESBURG — Mrs Helen Suzman of the Progressive Federal Party and Mrs Sheena Duncan of the Black Sash yesterday voiced fears that a "ploy" was being devised by the government to undermine the Rikhoto and Komani Appeal Court judgments

They were responding to weekend reports in Nasionale Pers newspapers that "legislation to give effect to the Rikhoto judgment" would be introduced before the present parliamentary session ends on June 30

There was no need to introduce legislation to give effect to the judgment, the women said

Both the Minister of Co-operation and Development, Dr Piet Koornhof, and his deputy, Dr George de V Morrison, declined to comment on the reports

Act is focus of seven-day vigil

Staff Reporter

THE Black Sash is mounting a week-long public vigil to focus attention on forced removals and resettlements from today — the 70th anniversary of the Natives Land Act of 1913

The Act prohibited blacks from buying land in areas demarcated for whites, and vice versa, Mrs Mary Burton, chairman of the Cape Western Region of the Black Sash, said in a statement

"This set the pattern of black dispossession which has culminated in the forced removal of over three million people"

The government's purpose in passing the Land Act was to reduce Bantu-speaking people to being wage-labourers

and subordinates forever, she said

This week's programme of shows in the Trellis Room beside the Crypt under St George's Cathedral includes

● Monday, 1pm — Dr Margaret Nash speaks on "One People, One Land"

● Tuesday — "The Promised Land", a slide show, will be presented in English and Afrikaans alternately from 11 30 until 1pm at half-hourly intervals

● Wednesday, 1pm — Community Arts Project Mime Group will stage "Die Groot Baas"

● Thursday, 1pm — a slide show entitled "Vulamehlo" (open your eyes)

● Friday, 1pm — Cape Focus, 70 years of relocation, by Mr Keith Gottschalk

1 JUNE 1983

1610

(200) *21/6/83* *Q col 1610*
Reference books/influx control
945 Mr K M ANDREW asked the
Minister of Co-operation and Development

How many of the (a) 7 342 Black males and (b) 7 631 Black females in the Western Cape charged with offences relating to reference books and influx control as referred to in his reply to Question No. 26 on 18 February 1983, appeared in each specified court in 1982?

The MINISTER OF CO-OPERATION
AND DEVELOPMENT

Court	Males	Females
Montagu	11	20
Ceres	99	228
Bonnievale	3	5
Robertson	25	40
Wolseley	13	38
Tulbagh	31	35
Springbok	35	51
Port Nolloth	16	31
Garies	3	7
Paarl	468	1 122
Wellington	62	137
Malmesbury	170	84
Vredenburg	48	28
Hopefield	10	13
Piketberg	45	20
Laarplek	0	13
Clanwilliam	11	28
Calvinia	2	1
Van Rhynsdorp	6	3
Vredendal	7	4
Worcester	177	68
Laingsburg	0	45
Touwsrivier	1	41
Rawsonville	20	21
De Doorns	44	49
Hermanus	67	23
Grabouw	41	76
Bredasdorp	10	2
Caledon	52	74
Stellenbosch	497	264
Strand	506	238
Somerset-West	162	129
Peninsula	4 700	4 693

7 342 7 631

Land Act is whites' arrogant assertion

After 21/6/83 Show

By Tony Duigan

The enormous scale of forced removal of black people from land they lived on and often owned for generations made it impossible for anyone to plead ignorance about what had happened to millions of people in South Africa, a Johannesburg advocate said yesterday.

Mr Ernest Wentzel was addressing about 90 people at a lunchtime meeting in Johannesburg to commemorate the 70th anniversary of the 1913 Land Act.

A vigil organised by the Black Sash to highlight the Government's race removals policies will continue each day

until Friday at Johannesburg's Khotso House.

The wide South African "myth" that Van Riebeeck arrived in the Cape simultaneously, or perhaps earlier than blacks reached the Limpopo, arose from "a deep-felt desire to cover the guilt of conquest in the cloak of legitimacy", Mr Wentzel said

"Apartheid is the arrogant assertion of a right to divide the land of South Africa and for whites to determine where in South Africa blacks may live, may work, may vote and enjoy any rights which are to be accorded to them," he added

The Land Act of 1913,

which sanctified white supremacy, was the legal cornerstone of this whole system, he said.

"The 1936 Land Act — longer and more complicated than its forerunner — endorses and affirms the restriction on the right of blacks to acquire land save in that 12,3 percent of their country in which whites were prepared to permit it," he said

"Most important of all, it is the legal foundation of the whole policy of removals"

In practice the Act was an assertion of white supremacy which proclaimed that in South Africa whites not only proposed, but also disposed

Woman fasts in solidarity with threatened community

By Carolyn McGibbon

A 40-year-old Johannesburg mother will live on bread and tea this week in solidarity with the community at Driefontein who are threatened with forced removal.

Mrs Gill de Vlieg started her fast yesterday and will continue until Friday — the duration of the Black Sash vigil to commemorate the 70th anniversary of the Land Act.

She said the idea occurred to her after an elderly resident at Driefontein, Mrs Ngudwane Shongwe (74), said that her family had subsisted on half a loaf of bread and a cup of tea a day to save money to buy farmland at Driefontein.

That was in 1912, a year before the promulgation of the Land Act, which forbade black people from buying land in "white" areas.

Mrs Shongwe's family bought farmland in the Transvaal after her father had been badly treated as a farm labourer in Natal.

A number of black farmers formed a company, called the Native Farmers' Association of Africa, and paid 17 000 pounds for two farms, where they established a prosperous agrarian community.

But now the Government has declared the area a "black spot" and the people are faced with forced "re-settlement".

Mrs de Vlieg said: "The Black Sash was desperate to highlight these removals, and I came up with the idea of a fast to show solidarity with the suffering people. By fasting I am expressing the deep affection and friendship I feel for the people at Driefontein. It will be like sharing a communion with them."



Mrs Gill de Vlieg gets encouragement from the widow of Saul Mkhize, Mrs Beauty Mkhize of Driefontein, on the first day of her fast.

The idea for a week-long vigil evolved out of the plan for a fast, she said.

This week speakers are focusing on the Land Act and forced removals in a series of lectures at Khotso House in Johannesburg.

Tomorrow Liberal Party founder member Mr Peter Brown will speak during the lunch hour on communities in Natal who are resisting removal. Community leaders from Driefontein, Mathopiestad, KwaNgema and Daggakraal will address the vigil from 5 pm onwards.



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

Study slates pass law courts

Cape Times 21/6/83 ~~200~~ ~~207~~ ~~284~~ 206 ~~339~~ ~~253~~

Labour Reporter
THE pass laws and the procedures applied in the commissioner's courts "undermine the general standards of criminal justice", an in-depth study published by the University of the Witwatersrand's Centre for Applied Legal Studies has found

The study follows a recent row which arose after Mr Ken Andrew, PFP MP for Gardens, had told Parliament that the Langa Commissioner's Courts were "disgraceful instruments of oppression where black people could not expect a fair trial".

Conducted at the Johannesburg Commissioner's Courts

by a researcher at the centre, Mr Ramarumo Monoma, the study reported a number of "disturbing" facts

During the period in which Mr Monoma observed the Commissioner's Courts, only five of 2 380 accused — 0,21 per cent — had legal representation

"From my observations I am satisfied that where the accused is represented, the standard of justice is substantially higher," he said

Other observations by Mr Monoma of where he believed the standards of justice at the Commissioner's Courts did not meet those set by the Supreme Court and Magistrates Courts

included that:

- State witnesses or arresting officers did not appear to attend the proceedings

- It was not explained to most accused that they could be released on bail. Bail was also fixed at such a high level that most could not afford it

- Where the accused was sentenced on two counts, the court did not order that the sentences run concurrently. The fact that the accused might have spent some time in jail as an awaiting-trial prisoner was also not taken into account for sentencing

- The accused were often not strictly and accurately informed of the charges against

them and certain major elements of the crime were never mentioned or proved

In one case, a woman who told the court she was coloured pleaded guilty to a charge of failing to produce her reference book on demand — an offence which applies only to blacks. She was convicted on the strength of her plea

- Most commissioners did not question the accused sufficiently

- Neither the commissioner nor the prosecutor addressed the accused as Mr, Mrs or Miss. Sometimes only first names were used and sometimes only the case number.

CAPE TRIB 21/6/83

Court told plight of squatters

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Staff Reporter

THE decentralization policy of the South African Government had failed in Transkei because the local industries could not absorb the large labour force, an Athlone magistrate was told yesterday.

Mr Iraj Abedian, a lecturer in economics at the University of Cape Town, was speaking at the trial of seven men accused of illegal squatting and being in the Peninsula for longer than 72 hours.

The men, Zitshonisile Mgibisa, 26, Mr Mgobozi Andries Nqwkiso, 29, Mr Alfred Qayi, 57, Mr Milion Mati, 50, Mr Sydney Ngqola, 44, William Malala, 45, and Mr Skelo Eliot Jajini, all pleaded not guilty to the charges. Mr Sydney Ngqola also pleaded not guilty to a further charge of failing to produce his reference book on demand.

Mr Abedian said he had done a thesis on the national accounts of Transkei and had lived there for 14 months.

He said the men were mainly migrant workers and an estimated 70 per cent of Transkei men were working in South Africa. The labour recruitment policy of

South Africa automatically affected most of the Transkei workforce, he said.

"As there were no major industrial or mining industries more pressure was put on people to migrate to other centres, legally or otherwise. An additional national phenomenon was the drought," he said.

Mr Abedian said the two major Transkei industrial sectors, Butterworth and Umtata, were a result of the decentralization policy of the South African Government.

The policy failed because the industrial centres could not absorb the large Transkei labour force. There were neither raw material or skilled labour in Transkei to establish large industries.

"The Peninsula has an attraction because of the higher wages paid. Even if a person could get a job in Transkei he could expect to earn an average of R65 per month compared to about R200 in South Africa.

"People would rather violate the law to survive and it is an accepted fact that an individual would forego being near relatives if they have a chance to work," Mr Abedian said.

The trial continues today.

Mr A. P. Kotze was the magistrate. Mr A. C. Venter appeared for the State. Mr P. J. Berthold appeared for all the men.

~~206~~ *Hansard 22/6/83*
Influx control/identity documents
98 Mr K M ANDREW asked the
Minister of Co-operation and Development

(1) What was the total (i) amount in

1641

WEDNESDAY 22 JUNE 1983

1642

fines and (b) number of days in respect of sentences imposed on Blacks in 1982 in the (i) Cape Peninsula and (ii) rest of the Western Cape for offences relating to influx control and identity documents.

(b) Information not readily available

(2) (a)(i) how many persons paid fines and (ii) what was the total amount paid in such fines, and (b)(i) how many persons served sentences and (ii) what was the total number of days served by such persons in each of the above mentioned areas in that year?

The MINISTER OF CO-OPERATION AND DEVELOPMENT

(1) (a) (i) Cape Peninsula R324 900

(ii) Rest of Western Cape-- R226 256

(b) (i) Cape Peninsula-- 324 965 Days

(ii) Rest of Western Cape-- 179 677 Days

(2) (a) (i) Cape Peninsula-- 4 187 Persons
Rest of Western Cape-- Information not readily available

(ii) Cape Peninsula--R249 662
Rest of Western Cape--Information not readily available

206 Hansard 22/6/83
Rikhoto case
Q. 161, 1636
27 Mrs H SUZMAN asked the Minister of Co-operation and Development

How many contract workers in each Administration Board area will be entitled

1637

WEDNESDAY

to qualify for rights under section 10(1)(b) of the Blacks (Urban Areas) Consolidation Act No 25 of 1945, in view of the decision by the Appeal Court in the Rikhoto case?

The MINISTER OF EDUCATION AND TRAINING (for the Minister of Co-operation and Development) (reply laid upon the Table with leave of House)

The figures have been obtained from the administration boards and it is emphasized that the figures represent estimated numbers since the actual total number can only be determined on a basis of examination of each individual case. This task, considering the fact that there are approximately 800 000 contract workers employed and the time involved cannot be undertaken at this juncture.

The figures in respect of each administration board are as follows —

West Rand	—	42 330
East Rand	—	15 600
Port Natal	—	29 761
Central Transvaal	—	12 482
Western Cape	—	12 000
Drakensberg	—	9 089
Southern O F S	—	7 657
Orange Vaal	—	4 800
Eastern Transvaal	—	1 141
Western Transvaal	—	3 044
Highveld	—	2 510
Northern Cape	—	1 735
Eastern Cape	—	1 176
Northern Transvaal	—	477
		<hr/>
		143 802

This is the number that could optimally qualify. If in terms of the Appeal Court's decision and the relevant Act the conditions under which a contract worker can qualify be applied, the actual number would be very considerably less.

3 on 15 June 1983, from Louis Trichardt to Newcastle?

*The MINISTER OF JUSTICE

As the hon member will appreciate, it is not in the interest of public servants or of efficient administration to divulge information of the nature concerned

*8 Mr K M ANDREW asked the Minister of Co-operation and Development

Whether any women convicted at the Langa Commissioners' Courts were accompanied to gaol by dependent children (a) in 1982 and (b) from 1 January 1983 to the latest specified date for which figures are available, if so, (i) how many children were involved in each of these periods and (ii) into what age category did they fall?

The MINISTER OF EDUCATION AND TRAINING (for the Minister of Co-operation and Development) (Reply laid upon the Table with leave of House)

(a) 1982—Yes

(b) 1 January 1983—16 June 1983—Yes

(i) 1982—331 Children
1983—34 Children

(ii) 1982

0-1 Year—136
1-2 Years—106
2-3 Years—45
3-4 Years—18
4-5 Years—19
5-6 Years—7
1983
0-1 Year—15
1-2 Years—10
2-3 Years—7
3-4 Years—1
5-6 Years—1

Women convicted: children

*9 Mr K. M ANDREW asked the Minister of Co-operation and Development

Whether any children of women con-

icted in the Langa Commissioners' Courts were taken from these courts to a place of safety (a) in 1982 and (b) from 1 January 1983 to the latest specified date for which figures are available, if so, (i) how many in each case and (ii) into what age category did these children fall?

The MINISTER OF EDUCATION AND TRAINING (for the Minister of Co-operation and Development)

(a) 1982—Nil

(b) 1 January 1983—10 June 1983—Nil

Public Service: restructuring

*10 Mr P C CRONJÉ asked the Minister of Internal Affairs

(1) Whether his Department has investigated the restructuring of the Public Service with a view to the proposed new constitutional dispensation, if so, (a)(i) which Government departments will be affected and (ii) to what extent in each case, (b) how many new posts is it estimated will be required and (c) what will be the estimated additional cost of administration *per annum*, if not, why not,

(2) whether his Department intends to institute an investigation of this nature, if not, why not,

(3) whether he will make a statement on the matter?

*The DEPUTY MINISTER OF INTERNAL AFFAIRS

(1) This matter is being investigated at present

(a) (i) and (ii), (b) and (c) The information requested will only be available on completion of the investigation and after finalization of the constitutional dispensation

(2) Falls away

(3) No

Afrikaner-weerstandsbeweging

*11 Mr S A PIIMAN asked the Minister of Law and Order

(1) Whether the South African Police are conducting an investigation into the activities of the Afrikaner-weerstandsbeweging, if so, who is the investigating officer,

(2) whether a docket has been opened in connection with the investigation if so, what are the charges?

*The MINISTER OF JUSTICE (for the Minister of Law and Order)

(1) and (2) As I have already indicated on previous occasions, the activities of the Afrikaner-weerstandsbeweging are continuously receiving the attention of the South African Police, and I consider it inexpedient to disclose further information at this stage

*12 Mr S A PITMAN asked the Minister of Law and Order

(1) Whether one Sallem Badat has been detained under section 29 of the Internal Security Act, No 74 of 1982, if not, under what statutory provision has he been detained, if so,

(2) whether he has been informed in terms of Notice 877 of 1982 (a) of the reasons for his detention and (b) that he may make written representations relating to his detention or release if not, why not, if so, when was he so informed,

(3) whether the detainee has made such representations to him, if so, (a) when and (b) what was his response?

The MINISTER OF JUSTICE (for the Minister of Law and Order)

(1) Yes

(2) (a) and (b) Yes on 10 June 1983

(3) To date I have not received any representations from him

*13 Maj R SIVÉ—Internal Affairs
Reply standing over

Groot Constantia Control Board

*14 Mr R R HULLEY asked the Minister of Agriculture

Whether the Groot Constantia Control Board has received representations relating to the environmental impact of the new wine cellar and/or tavern on the estate, if so (a) from which persons or organizations and (b) what was (i) the nature of the representations and (ii) the Board's response thereto?

*The DEPUTY MINISTER OF AGRICULTURE

No

Water reserves

*15 Mr R R HULLEY asked the Minister of Environment Affairs and Fisheries

Whether, with reference to his reply to Question No 15 on 18 March 1983, he will make a further statement on the state of the water reserves of each of the major urban areas of the Republic as at the latest specified date for which figures are available?

The MINISTER OF ENVIRONMENT AFFAIRS AND FISHERIES

The most serious water shortages are at present being experienced in Natal and I am holding discussions with various organizations in this regard in Pietermaritzburg on Friday, 24 June 1983. I will decide after these discussions whether I will make a statement on the matter.

*16 Dr W J SNYMAN asked the Minister of Agriculture +

(1) What is the tonnage of the potatoes

(3) whether the area known as Umgeni Vlei has been identified as such an area?

The DEPUTY MINISTER OF AGRICULTURE

(1) Yes Towards the end of the year

(2) Yes

(3) Yes

Blacks from Mozambique/Zimbabwe

*20 Dr F HARTZENBERG asked the Minister of Co-operation and Development †

How many Blacks from (a) Mozambique and (b) Zimbabwe are illegally in the Republic at present?

†The MINISTER OF EDUCATION AND TRAINING (for the Minister of CO-OPERATION AND DEVELOPMENT)

The numbers which have come to notice are as follows —

(a) Mozambique — 1 831

(b) Zimbabwe — 2 958

Attention is, however, drawn to the fact that after proper identification these people are repatriated by the Department of Co-operation and Development

Blacks repatriated to Mozambique/Zimbabwe

*21 Dr F HARTZENBERG asked the Minister of Co-operation and Development †

(a) How many Blacks were repatriated to (i) Mozambique and (ii) Zimbabwe in the latest specified period of 12 months for which figures are available and (b) which person or body paid the cost involved in their repatriation?

†The MINISTER OF EDUCATION AND TRAINING (for the Minister of Co-Operation and Development)

(a) For the period 1 June 1982—31 May 1983

(i) To Mozambique—27 766

(ii) To Zimbabwe—2 336

(b) The costs were paid for by

(i) the state in respect of 29 880

(ii) the persons themselves 14

(iii) the employers 208

Potatoes

*22 Dr W SNYMAN asked the Minister of Agriculture †

(1) Whether the demand for potatoes on the municipal markets exceeded the supply during the past month, if so on what date or dates.

(2) what is the expected available potato supply from the Northern Transvaal irrigation area for the week ending 24 June 1983?

†The MINISTER OF AGRICULTURE

(1) No

(2) Approximately 84 000 × 15 kg pockets

*23 Dr M S BARNARD asked the Minister of Internal Affairs

(1) Whether dietitians are to receive salary increases, if so, (a) when and (b) by what percentage will their salaries be increased, if not, why not,

(2) whether he will consider increasing the salaries of dietitians in 1983, if not, why not, if so, when.

(3) whether dietitians as an occupational group will receive additional improvements in salary in terms of the principle of occupational differentiation if not, why not?

†The DEPUTY MINISTER OF INTERNAL AFFAIRS

(1) and (2) An investigation on an occupational specific basis is at present being conducted into the service dispensations of certain categories highly qualified personnel. The occupational class dietitian is included in this investigation. The nature and extent of improvements to service dispensations resulting from occupational specific investigations as well as the cost implications thereof can only be determined when investigations have been completed. It is therefore not possible to indicate the date on which a new dispensation for dietitians will be implemented and by what percentage salaries will be adjusted. A revised service dispensation will however be implemented during the current financial year.

(3) Falls away

Medical aid funds

*24 Dr M S BARNARD asked the Minister of Health and Welfare

(1) Whether he or his Department has received any representations concerning recognition for the services of private nurses and midwives by medical aid funds, if so, (a) when, (b) from whom and (c) what was (i) the nature of the representations and (ii) his response thereto;

(2) whether any action has been taken as a result of these representations; if not, why not; if so, what action;

(3) whether he will make a statement on the matter?

†The MINISTER OF HEALTH AND WELFARE

(1) Yes,

(a) a letter dated 10 January 1983 was addressed to the Central Council for Medical Schemes and the hon member for Kroonstad referred a document to me which was dated 18 May 1983 and which was addressed to him

(b) the South African Nursing Association

(c) (i) that registered nurses and midwives be recognized as individual practitioners and that their claims for services be considered by medical aid schemes without having to be endorsed by medical practitioners

(ii) I acknowledged receipt of the document referred to me,

(2) yes; the Central Council for Medical Schemes referred the representations to the Representative Association for Medical Schemes and the Medical Association of South Africa for comments and recommendations, and I referred the document which I received to the Department for investigation;

(3) no; I have no jurisdiction in the matter.

†Dr. M. S. BARNARD. Mr Speaker arising out of the hon. the Minister's reply, can he then indicate to us who has jurisdiction over this case and whether he is of the opinion that nurses and midwives are not entitled to recognition?

†The MINISTER Mr Speaker, the question is not what nurses and midwives are entitled to and what my opinion is about that, but whether I have jurisdiction over that. All I am saying is that I do not have jurisdiction

Magistrate calls Transkei 'wretched'

CAPE TIMES 22/6/83

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Staff Reporter

THE situation in Transkei was wretched but it did not justify breaking the laws of South Africa, an Athlone magistrate said yesterday as he sentenced seven men for squatting at KTC

Six men, Zitshonisile Mgbisa, 26, Mgobozi Andries Nqwikiso, 29, William Mati, 50, Sydney Ngqola, 44, William Malala, 39, and Skelo Eliot Jajini, 45, were sentenced to a total of R100 (or 100 days) each for illegal squatting and being in the Peninsula for longer than 72 hours

The entire sentence was suspended on condition that they were not convicted of a similar offence and that they leave the Peninsula by July 15

A seventh man, Alfred Qayi, 57, was acquitted of being in the Peninsula for longer than 72 hours. He was cautioned and discharged for illegal squatting

Particulars in his reference book indicated he had worked for the same employer for 19 years

"In the light of the Rikhoto judgment it appears as if he qualifies to live in the Peninsula," the magistrate, Mr A P Kotze, said

All the men pleaded not guilty to the charges and raised necessity as their defence

Passing judgment, Mr Kotze said "Conditions in Transkei are bad and wretched but they cannot be classified as a state of emergency. No one testified that they approached the Transkei Government for assistance. The court is not satisfied that they did everything in their power"

Passing sentence Mr Kotze said "The court has listened to the evidence and has sympathy with you who do not have any family left in your places of birth. The court cannot even give you advice but will impose a sentence which will prevent you from finding yourself in a similar position"

Mr A C Venter appeared for the State. Mr P J Berthold appeared for all the men

It attacks 'baked' bill

SEMBLY. — The Progressive Federal Party called for the Promotion of Local Areas Bill to be referred to a select committee for its second reading. During debate on the bill, Mr Ray Swart said this should be done because of lack of agreement between the government and other parties. The bill was introduced in the face of criticism of the proposed legislation from various sources, including the coloured press.

confirm our view that this bill was introduced in haste and is half-baked. The Minister of Constitutional Development and Administration (Mr Heunis) is now trying to recover from the bill's shortcomings by introducing amendments. Will the legislation be pushed through in this manner?

Does the pattern of procedure for the second and third tier government consultation have taken place? Will the move to downgrade provincial government be completed?

Will the minister come clean on his intentions with provincial government?

Will the blacks be left out of local government?



The Rikhoto judgment, if implemented, would make tens of thousands of migrant workers eligible for permanent urban rights.

Rikhoto: Signs of Cabinet deadlock

Political Staff

THERE are growing signs of a serious deadlock in the Cabinet over how to respond to the historic Rikhoto Appeal Court ruling on the rights of black migrant workers to live in the urban areas.

At the third Cabinet meeting since the landmark judgment was delivered, the government failed to reach finality on the matter yesterday.

The Minister of Co-operation and Development, Dr Piet Koornhof, said yesterday that a decision had not yet been taken.

It was also learnt from senior government sources yesterday that a "summit" of senior Administration Board officials, which was to have been held in Roo-depoort this week, may no longer be held.

Section 10

It is also unclear whether the government will proceed with legislation this session to deal with the judgment which, if implemented, would make tens of thousands of migrant workers eligible for permanent urban rights in terms of Section 10(1)(b) of the Black (Urban Areas) Consolidation Act of 1945.

Recent speculation in the government-supporting Nasionale Pers newspapers has indicated that the government is preparing legislation which would carry out



Dr Piet Koornhof

the Rikhoto judgment in terms of migrant workers who presently qualified for urban rights, but would amend the law to prevent their wives and families from living with them in the cities.

However, sources said yesterday that the lack of consensus in the government over the Rikhoto ruling could mean that any legislative steps would be delayed until the short August session of Parliament on the Constitution Bill.

The sources said that the division in the National Party over how to respond to the Rikhoto judgment was along Cape-Transvaal

lines rather than traditional verligte-verkrampte divisions.

In this instance it was the "verligte" Cape ministers such as Mr Chris Heunis, Minister of Constitutional Development, and a vociferous group of Cape Nationalist MPs who were insisting that there should be no softening of influx control through acceptance of the judgment.

The Deputy Minister of Co-operation, Dr George Morrison, is believed to be one of the most outspoken Nationalists in favour of overruling the judgment.

Compromising

However, the Minister of Co-operation and Development, Dr Piet Koornhof, is believed to be in favour of a more compromising approach which would avoid any impression that the government was blatantly circumventing a major Appeal Court ruling.

Elements in the government in favour of a hard-line approach have been seeking grossly inflated estimates of the projected black influx to the cities if the ruling were allowed to stand.



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WORLD NEWS

CAPE TIMES 22/6/85 (206)

Influx control prosecutions

JOHANNESBURG — The number of prosecutions under the influx control laws in the Western Cape totalled 2081 from January to April this year, the Deputy Minister of Co-Operation and Development, Dr George Morrison, said in an interview with the SABC yesterday

All complaints against vagrants were also being investigated

Referring to the influx control laws, Dr Morrison said they were still being applied consistently in the Western Cape, and that the number of prosecutions arising

from "Act 25" was clear proof of this

Dr Morrison said the black communities of Langa, Nyanga and Guguletu in the Cape Peninsula would eventually be resettled in the new residential area of Khayelitsha ("New Home")

However, he could not say when the process would be completed. The three existing black residential areas would later become available to the coloured community

Dr Morrison said orderly and healthy community development made it essential that

blacks in the Peninsula were accommodated in a single area

The development of Khayelitsha did not only comprise accommodation — emphasis would be on community development

However, homes would be provided only for those people legally in the Peninsula under the Urban Areas Act of 1945

Dr Morrison said it was the government's intention that the Western Cape should remain the traditional home and workplace of the white and coloured communities — Sapa

Cabinet to honour Rikhoto judgment

Govt gives green light to city rights for black workers

By Peter Sullivan,
Political Correspondent
Cape Town.

Thousands of black contract workers were today given a go-ahead by the Government to become permanent city dwellers.

Despite suggestions that the Cabinet would block this right — endorsed by the Appeal Court judgment in the famous Rikhoto case — it was announced today that no new contradictory law would be enacted.

But the workers' rights to bring their wives and families with them will be linked to their having accommodation available for their relatives.

In today's announcement by the Minister of Co-operation and Development, Dr Piet Koornhof, the Government said it would honour the Appeal Court decision and not bring in counter-ing legislation.

This follows the so-called "Rikhoto case" where the Appeal Court gave a judgment in which Mr Mehlole Tom Rikhoto, a contract worker, was given full rights to live in a city and bring his family with him.

However some legislation will be brought to Parliament this session to ensure that contract workers wanting to bring their families with them have family accommodation.

Dr Koornhof said the Government had given its urgent attention to the judgment of the Appeal Court and its implications in terms of influx control and the socio-economic position of urban black communities.

The Government numbers affected would be relatively few, he said.

But because of the acute shortage of housing for black people throughout South Africa "the Government has a responsibility

to guard against unrealistic expectations being created for contract workers and their wives and children in regard to living in the prescribed areas".

Dr Koornhof said the Government would introduce legislation to ensure that rights were only given to wives and children of contract workers with either a permit for a private dwelling, a permit to hire a council house, a certificate of occupancy of a

them have family accommodation

Dr Koornhof said the Government had given its urgent attention to the judgment of the Appeal Court and its implications in terms of influx control and the socio-economic position of urban black communities

The Government numbers affected would be relatively few, he said.

But because of the acute shortage of housing for black people throughout South Africa "the Government has a responsibility

to guard against unrealistic expectations being created for contract workers and their wives and children in regard to living in the prescribed areas".

Dr Koornhof said the Government would introduce legislation to ensure that rights were only given to wives and children of contract workers with either a permit for a private dwelling, a permit to hire a council house, a certificate of occupancy of a council house or those living on a property with leasehold rights.

Tens of thousands of contract workers will now acquire the status of permanent urban residents, Mrs Helen Suzman, the Opposition spokesman on black affairs, said today

However the "Catch-22" of the situation was that they also acquired the right to bring their families to join them — but there had always been a lack of accommodation in every city in South Africa, she said

"This is going to be a pretty insuperable obstacle to family life for these people," she said.

Dr Nthato Motlana, chairman of the Soweto Committee of Ten, said today that tying the city rights of migrant workers to approved housing would effectively leave things much as they had been.

"Since 1968 the Government has blocked the building of low-cost housing in places like Soweto. So, as they say, there are many ways of skinning a cat. This accommodation business will effectively reduce the numbers able to settle in urban areas because they will just not be able to get houses anywhere," he said.

However the Black Sash wholeheartedly welcomed Dr Koornhof's announcement, president Mrs Sheena Duncan said

"We now trust that the administration boards will endorse the reference books of those who qualify as speedily as possible," she said.

144 000 workers qualify

Cape Times 23/6/83

HOUSE OF ASSEMBLY. — Nearly 144 000 black contract workers in South Africa could be entitled to qualify for Section 10 rights following the Appeal Court decision in the recent Rikhoto case, the Minister of Co-operation and Development, Dr Piet Koornhof, said yesterday

He was replying to a question by Mrs Helen Suzman (PFP Houghton)

Black people qualify for rights under Section 10(1)(b) of the Blacks (Urban Areas) Consolidation Act — entitling them to live permanently in an urban area — if they have worked continuously for the same employer for 10 or more years

Dr Koornhof said

yesterday 143 802 black contract workers "could optimally qualify" for Section 10 rights

"If, in terms of the the Appeal Court's decision and the relevant Act, the conditions under which a contract worker can qualify were to be applied, the actual number would be very considerably less"

The break-down of the figures he was giving had been obtained from the administration boards and it had to be emphasized that they represented estimated numbers only.

This was because the actual total number could only be determined on a basis of examination of each individual case

"This task, consid-

ering the fact that there are approximately 800 000 contract workers employed and the time involved, cannot be undertaken at this juncture," he said

The minister supplied the following figures for contract workers who could qualify in respect of each administration board:

West Rand — 42 330,
East Rand — 15 600,
Port Natal — 29 761,
Central Transvaal — 12 482, Western Cape — 12 000, Drakensberg — 9 089, Southern Orange Free State — 7 657, Orange Vaal — 4 800, Eastern Transvaal — 1 141, Western Transvaal — 3 044, Highveld — 2 510, Northern Cape — 1 735, Eastern Cape — 1 176, and Northern Transvaal — 477 — Sapa

Govt 'respects' Rikhoto ruling

Cape Times 23/6/83

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But at a press conference in Cape Town yesterday morning he stressed that squatting would not be permitted

This follows a decision by the Appeal Court in Bloemfontein to grant permanent residence rights to Mr Mehlo Tom Rikhoto, who had worked for one employer for longer than 10 years

In a statement Dr Koornhof said the government would respect the judgment and would not introduce legislation that would nullify it.

"Every case will be judged on merit and strictly tested against the guidelines outlined by the Appeal Court decision"

The government would introduce amending legislation during this session to clarify the situation regarding the wives and children of the contract workers concerned

The conditions would entail the assurance of some form of residence or site for a proposed home

Dr Koornhof said that in order to clarify misunderstanding, confusion and speculation which had arisen as a result of the Rikhoto judgment it was neces-

sary to spell out clearly how the judgment affected the legal position of migrant workers and their dependants

"I must emphasize that the government is obviously bound by the judgment and that it accepts responsibility for all its implications

"I must however also stress the fact that as the responsible minis-

that the rights of affected migrant workers have been clearly established they have basically acquired the right to apply to rent or buy the right of occupation of a home by what is commonly known as the home ownership scheme or by purchasing 99-year leasehold rights

"But they have not, in terms of the judgment, acquired legal rights to demand a house in black urban residential areas

"It is common cause that many of the dependants of migrant workers who qualify to live in urban townships in terms of the Rikhoto judgment are already present in urban townships

"Such persons must come forward and identify themselves to the township administration in order that it may be explained to them what these legal rights are and what steps can be taken to help them

"It must be clearly understood that squatting will not be permitted under any circumstances"

Dr Koornhof appealed to employers affected by the judgment to clarify their position with the authorities — Sapa



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'Catch 22' to the Rikho

Huge backlog of houses may exclude most black migrants

From today Administration Boards can no longer hide behind the Government's skirts. The Government has given the full go-ahead for migrant black workers who qualify to be given the right to remain permanently in an urban area. But there is still an uneasy fear that another mechanism — housing — will be used to prevent many workers, possibly most of them, from bringing their families to live with them. ANTHONY DUGAN reports.

week by two experts, Professor Lawrence Schlemmer, Natal University social scientist, and Dr Flip Smit, adviser to the Government on black urbanisation

Estimates of how many blacks were affected by the judgment varied and nobody could be certain of the numbers involved. Professor Schlemmer said Some believed as many as 145 000 workers would immediately head for the towns with another 29 000 coming next year, he said But he felt this was far too high an estimate.

His own view, based on research, was that only about 15 to 20 percent of the workers who qualified for urban rights would bring their wives and families to the urban areas. On the basis of this, only between 30 000 and 50 000 workers would come to urban areas initially, he is reported to have said this week

Dr Smit agreed with Professor Schlemmer and said many of the workers who would qualify for urban rights would not want to bring their wives and families to live with them in town because of personal reasons, or because they believed town life was detrimental for family life. He also pointed out that many migrant workers already had their families with them anyway in spite of it being illegal



Dr Nthato Motlana
... no sites available



Prof Lawrence Schlemmer
... only 20 per cent

But now there is another fear, reinforced by Dr Koor announcement yesterday. Legislation would be introduced to ensure rights were given only to the wives and of those contract workers with a permit for a private home hired Administration Board house, or a certificate of occupancy for a rented house or a house purchased under the 99-year leasehold, he said

"Control of the provision of accommodation remains in the hands of the authorities and is the most important weapon in the armoury of influx control measures," said Sheena Duncan, President of the Black Sash.

Currently there is a shortage of about 170 000 houses for blacks alone, according to a Government spokesman. Indication of the sorry state of the scene is an official estimate of the houses built by the Government over the last years — fewer than 9 000 houses a year. At this rate the official backlog might not be eliminated this century

For those who simply believe that private enterprise the backlog there is another obstacle. "I have personal knowledge of firms who have put aside big money for homes for workers but they cannot get a single site for a home," Nthato Motlana, chairman of the Soweto Civic Association

The first battle is over and the doomsayers have been proved wrong. The Government yesterday endorsed last month's Appeal Court ruling that affirmed the right of black migrant workers who have remained with one employer for 10 years, or who have lived legally in an urban area for 15 years, to become permanent city dwellers

The Government, said Dr Piet Koorhof, Minister of Co-operation and Development, would not bring in legislation to counter the Appeal Court decision — a judgment in which a contract worker from Gazankulu, Mr Mehlole Tom Rikhoto judgment given the right to live permanently in an urban area and bring his family with him

Initial reaction after the Appeal Court decision seemed to indicate a Government move to negate the Rikhoto judgment by introducing blocking legislation. Government critics beat a crescendo of warnings about the dire consequences of ripping away from thousands of workers what was being seen as hard-won rights to which most blacks aspired

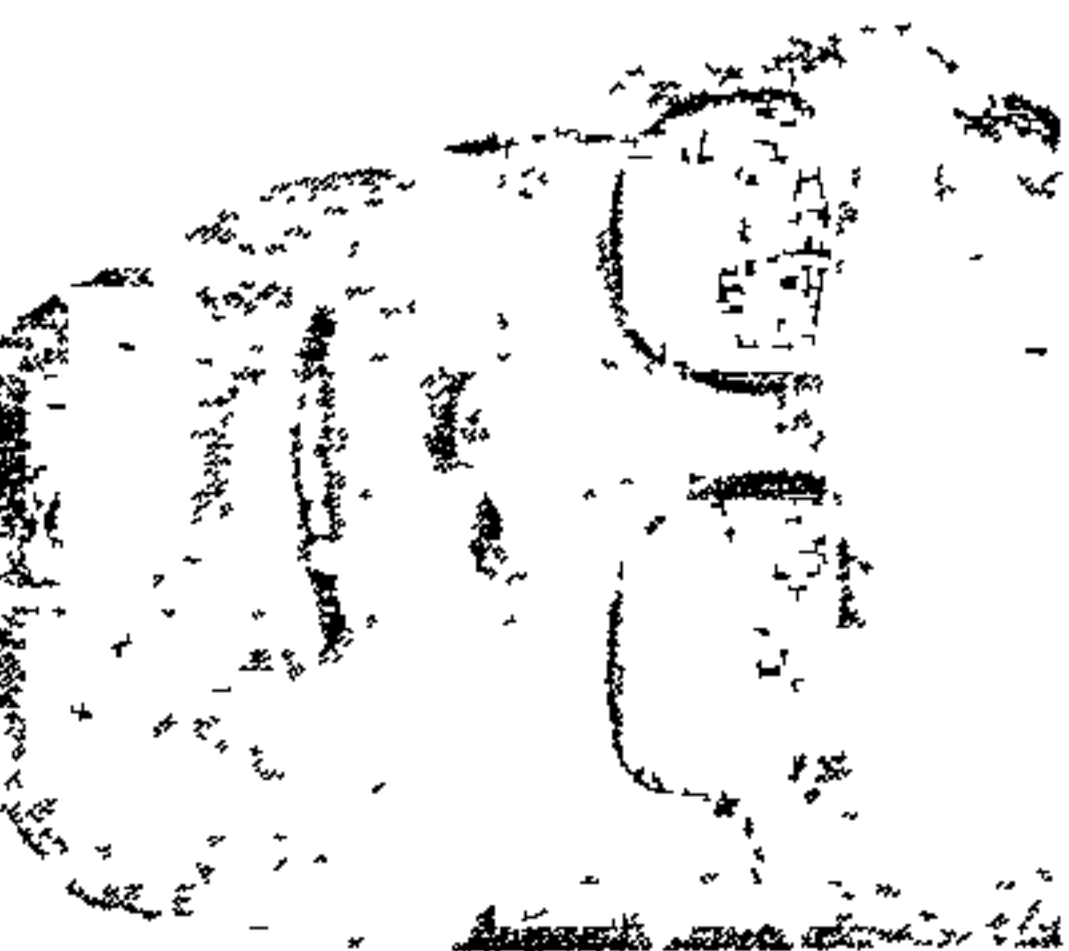
Alarmist reports claimed Government sources as fearing a flood of 1.5 million people pouring into towns looking for accommodation and bringing chaos to already overcrowded and under-housed black townships. These reports were countered this

to the Rinkhoo to victory

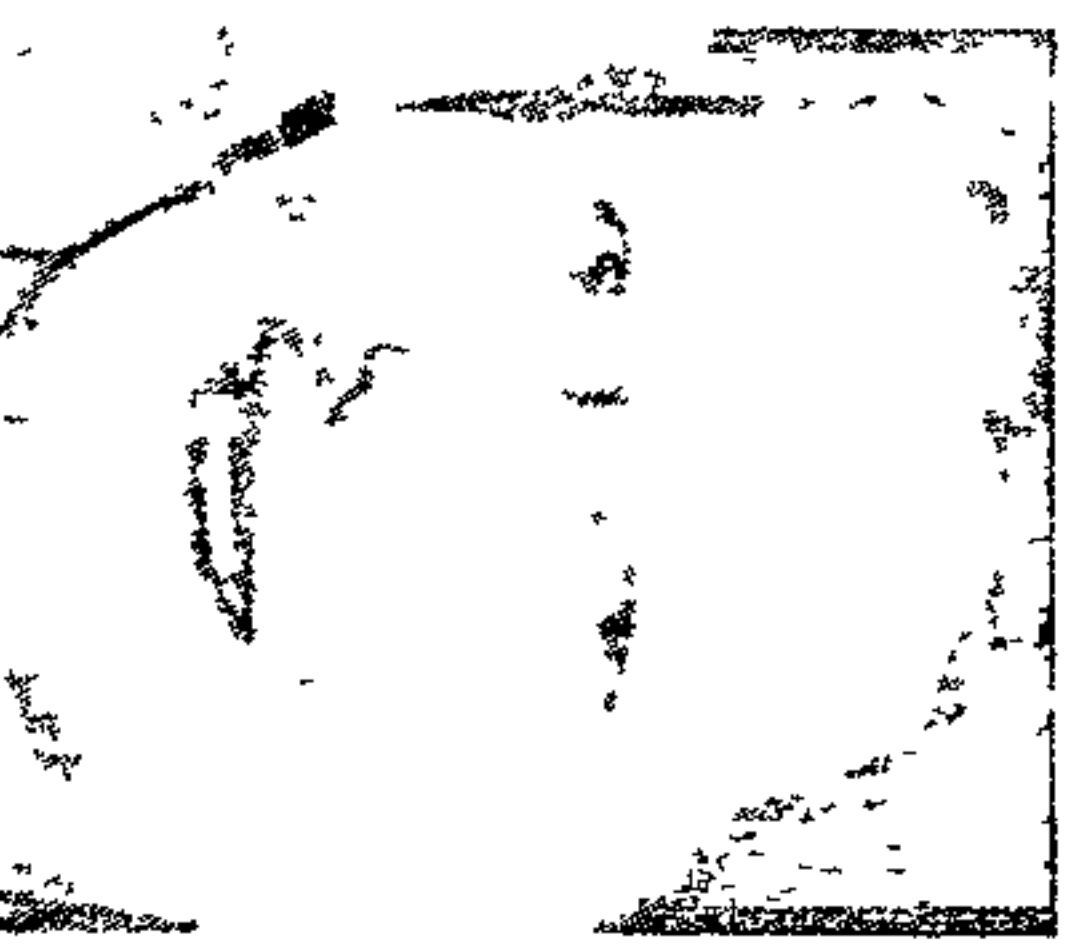
today Administration Boards can no longer hide behind the Government's skirts. The Government has given the full go-ahead for migrant black workers who qualify to be permanent to remain permanently in an area. But there is still an uneasy fear of other mechanism — housing — will be required to prevent many workers, possibly most of them, from bringing their families to live with them. **ANTHONY DUGAN** reports.



Dr Nthato Mollana
no sites available



Prof Lawrence Schlemmer
... only 20 percent



Mrs Sheena Duncan
... important weapon



Dr Piet Koornhof
... no counter move.

No experts, Professor Lawrence Schlemmer, Natal University social scientist, and Dr Flip Smit, adviser to the black urbanisation Commission, said that the Government's decision to allow migrant black workers to remain permanently in an area is a major step forward. But there is still an uneasy fear of other mechanism — housing — will be required to prevent many workers, possibly most of them, from bringing their families to live with them. **ANTHONY DUGAN** reports.

But now there is another fear, reinforced by Dr Koornhof's announcement yesterday. Legislation would be introduced this session to ensure rights were given only to the wives and children of those contract workers with a permit for a private house or a hired Administration Board house, or a certificate of occupancy for a rented house or a house purchased under the 99-year leasehold, he said.

"Control of the provision of accommodation remains firmly in the hands of the authorities and is the most important weapon in the armoury of influx control measures," said Mrs Sheena Duncan, President of the Black Sash.

Currently there is a shortage of about 170 000 houses for urban blacks alone, according to a Government spokesman. An indication of the sorry state of the scene is an official estimate of the houses built by the Government over the last seven years — fewer than 9 000 houses a year. At this rate the present official backlog might not be eliminated this century.

For those who simply believe that private enterprise can dent the backlog there is another obstacle. "I have personal knowledge of firms who have put aside big money for homes for their workers but they cannot get a single site for a home," said Dr Nthato Mollana, chairman of the Soweto Civic Association.

All three Councils administering Soweto have had complaints for years from the private sector that the provision of homes is being severely curtailed by the lack of serviced sites available. This has raised the spectre of migrant labourers, their urban rights clearly stamped in their reference books and their families standing by to join them, being delayed for years while they wait either for a home to rent or a site on which to build.

Mrs Duncan also fears that the "housing sword" could become another way of stripping urban rights from black people who otherwise qualify. In its present form the Orderly Movement Bill (presently before a select parliamentary committee) seeks to make all urban residence subject to the provision of "approved accommodation", she said.

This would put a question mark over the thousands of urban blacks forced to live in backyard shacks because of the lack of housing. They could lose their urban rights under legislation such as this, and migrant workers, waiting at the bottom of a long queue for a house to become available, might never actually get to fully exercise their right to a place in the urban sun.

Nonetheless, the Government has restored the hope which it smashed 15 years ago when it summarily removed the chances of thousands of migrants workers of ever getting the right to settle down in the urban area to which they had given their working life.

Rikhoto ruling: Govt responds with reserve

Political Correspondent
 THE government has accepted the Appeal Court decision giving permanent urban area rights to some black contract workers, but is determined to limit this to as few workers and their families as possible.

This emerged at a press conference addressed yesterday by the Minister of Co-operation and Development, Dr Piet Koornhof. The government has rejected Nationalist press speculation that a "black stream" of possibly 1.5-million people would qualify to live in urban areas in terms of the Rikhoto Appeal Court decision.

This gave permanent residential rights in urban areas to contract



Dr Piet Koornhof

workers who had worked for the same employer for 10 years or had worked in urban areas for a number of employers for 15 years.

The government had previously said contract workers could not qualify for urban area rights because a series of one-year contracts did not

constitute continuous employment.

Dr Koornhof said yesterday that the government accepted the Rikhoto judgment and would not introduce legislation to overrule it.

He said the terms of the Appellate decision would be applied strictly and warned contract workers and their families not to have "unrealistic expectations".

He also announced that amending legislation would make permission for families to join a contract worker in an urban area firmly conditional on his having approved housing.

Dr Koornhof stressed that contract workers

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Carfinder

- Caravan sales boom — in today's Carfinder
- Tomorrow Funfinder will appear with the Cape Times

Your home

A SPECIAL 20-page supplement on how to improve your home will appear with the Cape Times tomorrow



CLASSIFIED ADVERTISING
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Ex-lover holds teenage

GROSS BIEBERAU, West Germany. — Police stormed a school classroom here yesterday, freeing a 16-year-old girl held hostage by her armed ex-boyfriend, police said.

A police spokesman said they decided to end the eight-hour siege when they realized the girl was threatening to commit suicide.

The spokesman said police established a telephone link with the 20-year-old boyfriend Klaus Dingeldein, and heard

him call to the girl, "Why don't you slit your wrists then?"

Once she was free, police found the girl, Katrin Raasch, had suffered a minor cut on her right wrist.

The youth stormed into the Albert Einstein comprehensive school shortly before 9am and ordered the other 26 children and their teacher out of the room, barricaded the door, asking to be left alone with the girl.

Armed police officers surrounded the school in Gross Bieberau about 20km south-east of Darmstadt and cordoned off the area, a police spokesman said.

In a note to police, the youth said he wanted to be left alone with the girl until 8pm, when he would give himself up.

He said he had attached to his foot a detonator linked to explosives in a case and warned that if police attempted to storm the classroom he

would blow up. "I added he did not he lived or died."

Dingeldein in custody unhurt.

Mr Peter Bern, president of the later the gunpowder by police opening the classroom his ex-girlfriend receive treatment.

Dingeldein to resist arrest

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who qualified and wished to bring their wives and children to an urban area would have to have a site permit to build a private house, to occupy or have permission to occupy a council house or to live in a leasehold house

"Squatting will not be tolerated under any circumstances"

Dr Koornhof said May 29, 1983 — the date of the Rikhoto appeal judgment — would be a "cutoff date" in the new legislation for applying the housing condition to families wishing to join contract workers given permanent residential rights by the judgement

He estimated that up to 144 000 contract workers — 12 000 of them in the Cape Peninsula — could be affected, but believed the number who would actually be given permanent rights would be considerably less

He hinted that the final number could be as low as 5 000, but said he did not want to speculate on the figure

The provisions seem designed to put pressure on employers to provide housing for their workers. They will also encourage contract workers to apply to live in new black areas such as Khayelitsha, outside Cape Town

The Deputy Minister of Development, Dr George Morrison, told the press conference that people who thought the government would create housing for newly-qualified contract workers were wrong

"We have a backlog of 260 000 houses already it would be most unfair to expect us to make provision for these people who now qualify," he said

● Govt 'respects' Rikhoto ruling, page 4

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Govt's Rikhoto stand welcomed

Political Correspondent
THE PFP spokesman on black affairs, Mrs Helen Suzman (PFP Houghton), yesterday welcomed the government's intention to accept the Appellate decision giving thousands of black contract workers permanent rights in urban areas

She said, however, that these people faced the "Catch 22" situation of having to find almost non-existent accommodation before they could bring their families to live with them

Mrs Suzman said now that the government had

stated its intention not to circumvent the Rikhoto judgment, it should see that all contract workers who qualified were given permanent residential rights

"I hope no instructions will be given to administration board officials to obstruct contract workers from qualifying in terms of the law"

She questioned Dr Koornhof's intention of reducing "considerably" the potential number of 144 000 contract workers who could qualify. The law and the Rikhoto judgment were both very specific

If a contract worker now qualified in terms of his period of employment, he had to be given permanent rights unless he lived or was employed outside the urban area concerned, or had been sentenced to a fine of more than R500 or imprisonment for more than six months

Mrs Suzman also hoped Dr Koornhof intended to allow the families of newly-qualified contract workers to remain with them in urban areas even though these wives and children may have been in the areas "illegally" before the judgment

Suzman sees 'Catch contract workers' f

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By TOS WENTZEL,
Political Correspondent
ABOUT 12 000 blacks
in the Western Cape
will qualify for perma-
nent residence in
terms of the Appeal
Court's recent Rhikoto
ruling

In the country as a
whole about 143 000
would qualify

These figures have
been given by the Minis-
ter of Co-operation and
Development Dr P G J
Koornhof in answer to
questions from Mrs He-
len Suzman MP

Yesterday Dr Koorn-
hof announced that the
Government would im-

plement the court ruling
which gave permanent
residential rights to
blacks contract workers
who had worked for the
same employer for 10
years or different ones in
the same area for 15
years

The official attitude
previously was that con-
tract workers did not
qualify because they
broke their service annu-
ally to return to their
homeland area

While the Government
will not try to circum-
vent the ruling it will
take steps to control the
unrestricted flow of the
families of these contract
workers to the urban
areas

Housing

Rights will be given to
wives and children only
if they have housing

As there is a backlog
of 260 000 houses for
blacks, few families of
contract workers will be
allowed to join them

In making the an-
nouncement Dr Koorn-
hof said it was common
cause that many of the
dependants of migrant
workers were already
present in urban town-
ships

Rights explained

He called on them to
approach the township
administrations so that
their legal rights and
steps to help them could
be explained to them

It appears that they
will be "legalised", but
Dr Koornhof has also
warned that squatting
will not be permitted in
any circumstances

While welcoming the
Government's decision,
Mrs Suzman said today
there was a "Catch 22"
situation because people
would have to find al-
most non-existent accom-
modation before they
could bring their families
to live with them

The Government had
decided not to scrap per-
manent residence legisla-
tion because these provi-
sions would have fallen
away for all practical
purposes by the end of
1983



AN EXPLOSION of spray booms over the sea wall at the Sea P-
knots continues to churn up the sea in the afterm-

6/83 (200) (201) (202) (203) (204) (205) (206)

sees 'Catch 22' for workers' families



Picture DOUG PITHEY, The Argus

AN EXPLOSION of spray booms over the sea wall at the Sea Point Pavilion as a gale gusting up to 50 knots continues to churn up the sea in the aftermath of yesterday's storms.

Cape Times 23/6/83

Discrimination in labour policy alive and well

By PHILLIP VAN NIEKERK, Labour Reporter

RACIAL discrimination in labour policy is alive and well in the "liberal" Cape — perhaps more so than anywhere else in the country

That much was made clear this week by Dr George Morrison, the Deputy Minister of Co-operation and Development, who again reiterated the government's stand that the Western Cape is to remain a coloured and white labour preference area

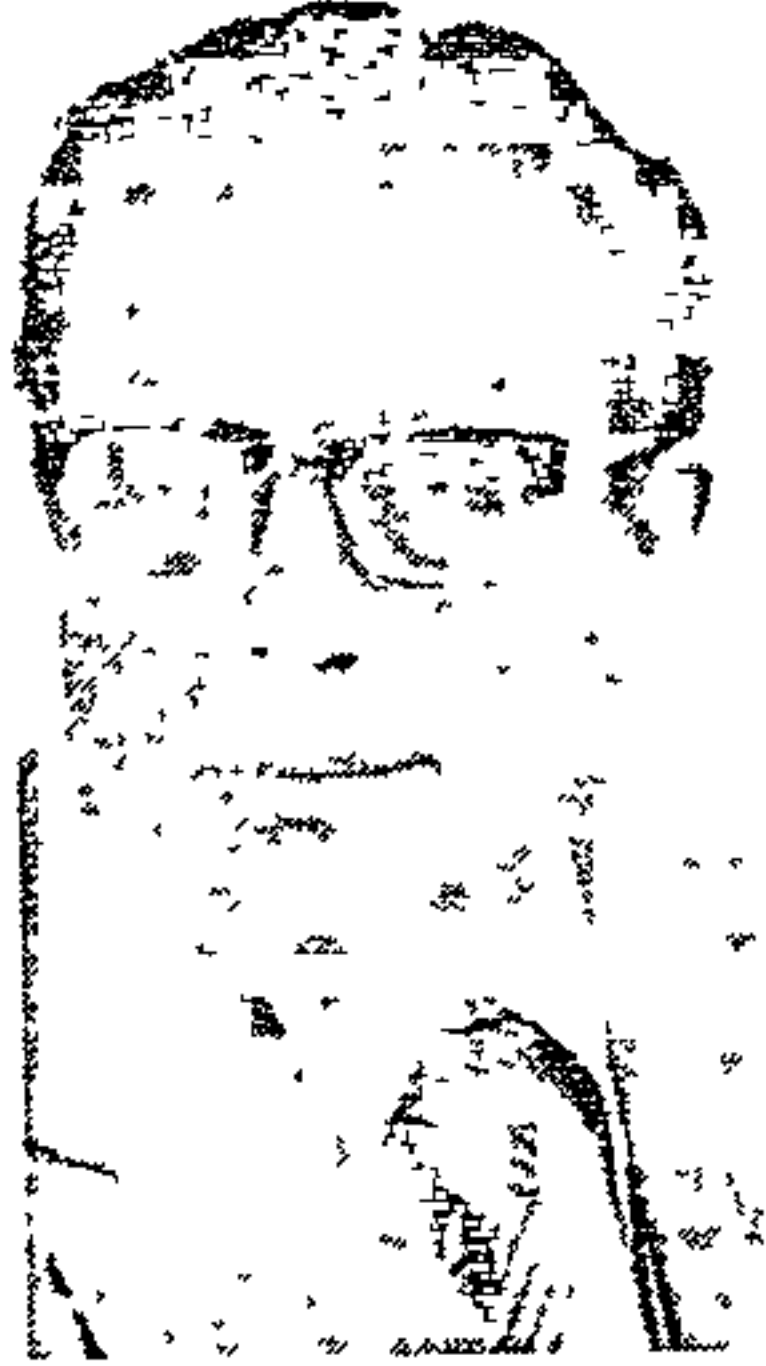
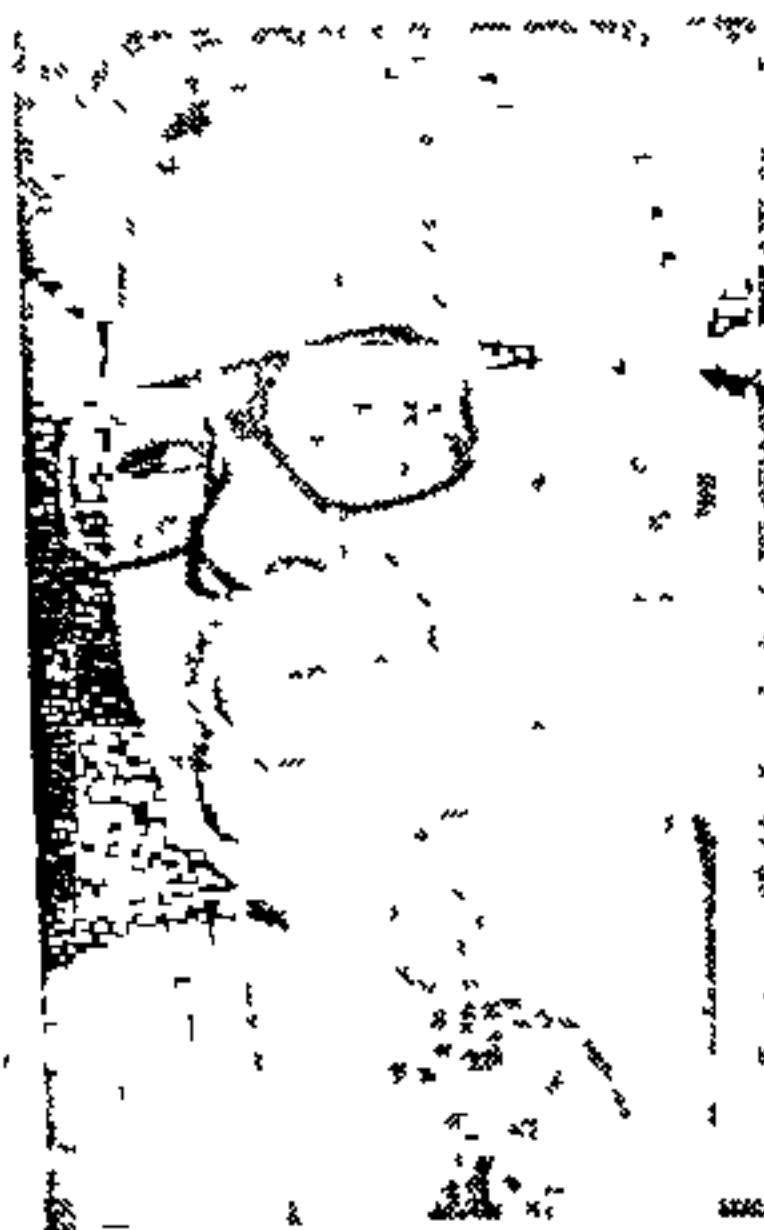
Influx control, he said, was still being applied consistently in the area and the number of pass law prosecutions was "clear proof" of this

Dr Morrison's statement is in fact clear proof that the government has chosen to ignore the feelings of just about every major interest group in Cape Town over the issue

Menial jobs

The coloured labour preference policy entrenches racial job reservation by preventing employers from employing blacks unless there is no "suitable" coloured labour available. Many well-qualified black workers are forced into menial jobs because there is virtually no skilled or more attractive work open to them

This policy goes hand in hand with the rigid enforcement of influx control in the Peninsula as evident in the pass raids, the endless and



Dr George Morrison... reiterated government stand on Western Cape

Mr David Curry — against preference area

ugly squatter crises such as at KTC and the acute housing shortage for blacks

Cape Nationalist MPs, the firmest supporters of the policy, say it is there to protect coloured workers in their "natural habitat" from the competition of cheap black labour flowing in from the homelands

Yet this view is based on a myth and a fallacy. The myth is that black workers are "foreign-

ers" in the Western Cape

As several researchers have pointed out, blacks have contributed their labour to the region since the arrival of slaves from Angola more than 300 years ago

The fallacy is that coloured workers need such protection. In fact, they did not ask for it in the first place

Writing in the Cape Times in February, Mr David Curry, national chairman of the Labour Party, said "Do our critics think we will rubber-stamp the continuous harassment of fellow blacks in the Western Province?"

"We are against any place being declared a preference area for employment for coloureds and whites only. We strongly object that this must be done in our name"

Trade unions with large coloured worker memberships such as the Food and Canning Workers' Union and the more conservative Textile Workers' Industrial Union have rejected the policy

The Cape Chamber of Industries and the Cape Town Chamber of Commerce have made repeated and unsuccessful appeals to the government to grant blacks with permanent residence rights in Cape Town the same status as those in other cities

Most telling of all, the director-general of the Department of Manpower, Dr Piet van der Merwe, told the President's Council economic affairs committee last year that the policy was a "discriminatory measure" which should be scrapped

He said it was "difficult to justify a system which allows a person to live in an area but which effectively prevents him from looking for work" Quite clearly, the Department of Manpower, which cultivates an image of reform, is embarrassed at having to apply what is in effect a racist policy

At the root of the policy is the belief that blacks, whether "legal" or "illegal", are temporary residents of the Western Cape

It has been asked whether the construction of the new city of Khayelitsha, which will lead to the uprooting of the entire populations of Guguletu, Nyanga, Langa and Crossroads, will mean that the black residents of the Peninsula will be afforded some form of permanence

'Homeland'

It has also been suggested that the consolidated Khayelitsha will function as a "semi-urban homeland", which will overcome the Western Cape's "problem" that it has no nearby homeland. This will provide local employers with a nearby reservoir of cheap labour coming from a consolidated black residential area which will be far easier for the government to control

that the coloured labour preference policy is to be retained at full strength alongside the development of Khayelitsha is not a hopeful sign

And at least one important feature of the whole Khayelitsha saga is consistent with the labour preference policy. Apart from the Cape Town Community Council, not one representative black organization has been consulted about the move

Like the coloured labour preference policy, it could be a case of white bureaucrats making plans and imposing policy on an unwilling and unconsulted population

Court told of migrant incomes

Cape Times 23/6/83

~~207~~ ~~208~~ ~~209~~ ~~210~~ ~~211~~ ~~212~~ ~~213~~ ~~214~~ ~~215~~ ~~216~~ ~~217~~ ~~218~~ ~~219~~ ~~220~~ ~~221~~ ~~222~~ ~~223~~ ~~224~~ ~~225~~ ~~226~~ ~~227~~ ~~228~~ ~~229~~ ~~230~~ ~~231~~ ~~232~~ ~~233~~ ~~234~~ ~~235~~ ~~236~~ ~~237~~ ~~238~~ ~~239~~ ~~240~~ ~~241~~ ~~242~~ ~~243~~ ~~244~~ ~~245~~ ~~246~~ ~~247~~ ~~248~~ ~~249~~ ~~250~~ ~~251~~ ~~252~~ ~~253~~ ~~254~~ ~~255~~ ~~256~~ ~~257~~ ~~258~~ ~~259~~ ~~260~~ ~~261~~ ~~262~~ ~~263~~ ~~264~~ ~~265~~ ~~266~~ ~~267~~ ~~268~~ ~~269~~ ~~270~~ ~~271~~ ~~272~~ ~~273~~ ~~274~~ ~~275~~ ~~276~~ ~~277~~ ~~278~~ ~~279~~ ~~280~~ ~~281~~ ~~282~~ ~~283~~ ~~284~~ ~~285~~ ~~286~~ ~~287~~ ~~288~~ ~~289~~ ~~290~~ ~~291~~ ~~292~~ ~~293~~ ~~294~~ ~~295~~ ~~296~~ ~~297~~ ~~298~~ ~~299~~ ~~300~~ ~~301~~ ~~302~~ ~~303~~ ~~304~~ ~~305~~ ~~306~~ ~~307~~ ~~308~~ ~~309~~ ~~310~~ ~~311~~ ~~312~~ ~~313~~ ~~314~~ ~~315~~ ~~316~~ ~~317~~ ~~318~~ ~~319~~ ~~320~~ ~~321~~ ~~322~~ ~~323~~ ~~324~~ ~~325~~ ~~326~~ ~~327~~ ~~328~~ ~~329~~ ~~330~~ ~~331~~ 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Staff Reporter
THE total income of Transkei, which includes money from the South African Government, was less than four percent of the income generated by migrant workers, an Athlone magistrate was told yesterday

This was said by Mr Iraj Abedian, a lecturer in economics at the University of Cape Town in the trial of six KTC squatters — four women and two men

Total employed

Jackson Makisi, 41, Nosandile Dlephu, 25, Daisy Nomulana, 56, Vuyezwa Stuli, 32, Eunice Mcqatsa, 23, and Thoblea Caswell Makapela, all pleaded not guilty to illegally squatting at the KTC camp and to being in the Peninsula for more than 72 hours

Mr Abedian said Transkei's subsistence economy could employ 140 000 workers and had 60 000 informal sector employees. The rest of the people depended on the South African economy

Of the estimated 1 million strong labour force, 400 000 people were registered legal migrant workers, and 200 000

were either unemployed or illegal migrants

About 13 000 people were employed by the Transkei Government as casual labour. Of this total, about 6 000 would be employed for the whole of the year

The alternative to government employment was the informal sector which at present employs about 60 000 people. The reason Butterworth and Umtata could not provide an informal sector was because trade was saturated, Mr Abedian said

People with no skills could not move to other parts of the country because of prevailing tribal traditions. If people left their districts for a long time they would find it difficult to return

Asked by the prosecutor, Mr A C Venter, what the role of the Transkei Development Corporation (TDC) was, Mr Abedian replied it was limited to the establishment of industries, with a preference for local industries

There was little scope for the establishment of local industries

Asked by Mr Venter if people starved, Mr Abedian said the situation was different to that in other parts of Africa because the possibility of illegal migration to South Africa always existed. "If people grow destitute they will violate the law", he said

The hearing continues today

Mr A P Kotze is the magistrate. Mr J van Gend appears for all the accused

Housing shortage proves the stumbling block as ...

144 000 migrant workers qualify for urban rights

Star 28/6/83
206

By Carina le Grange,
Religion Reporter
BARKLEY WEST — The
derduitse Gereformeer
Kerk in Afrika (NGKA) y
terday passed a motion
requesting its ministers
members to distance the
selves from the actions of
Broederkring
The Broederkring is
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CAPE TOWN — Nearly 144 000 black contract workers in South Africa could qualify for section 10 rights after the Appeal Court decision on the recent Rikhoto case, the Minister of Co-operation and Development, Dr Piet Koornhof, said yesterday

Black people qualify for rights under section 10 (1) (b) of the Blacks (Urban Areas) Consolidation Act — allowing them to live permanently in an urban area — if they have worked for the same employer for 10 or more years.

Dr Koornhof said 143 802 black contract workers "could optimally qualify" for section 10 rights

"If, in terms of the Appeal Court's decision and the relevant Act, the conditions under which a contract worker can qualify were to be applied, the actual number would be considerably less"

Dr Koornhof said he had received his figures from the administration boards and they were estimated numbers only

This was because the total number could be determined only on an individual case basis

This task, considering about 300 000 contract workers are employed and the time involved cannot be done now," he said

He gave these figures for contract workers who could qualify

West Rand 42 330, East Rand 15 500, Port Natal 29 761, Central Transvaal 12 482, Western Cape 12 000, Drakensberg 9 089, Southern Orange Free State 7 857, Orange Vaal 4 800, Eastern Transvaal 1 141, Western Transvaal 3 044, Highveld 2 510, Northern Cape 1 735, Eastern Cape 1 176 and Northern Transvaal 477

Earlier in the day Dr Koornhof had said that despite suggestions that the Cabinet would block the right of migrant workers to live in the cities, no new contradictory law would be enacted

Workers' rights to bring their wives and children with them

will be linked to their having available accommodation

Legislation will be brought to Parliament this session to ensure that contract workers wanting to bring their families with them have family accommodation

Dr Koornhof said the Government had given its urgent attention to the judgment of the Appeal Court and its implications in terms of influx control and the socio-economic position of urban black communities

The acute shortage of housing for black people meant "the Government has a responsibility to guard against unrealistic expectations being created for contract workers, their wives and children in regard to living in the prescribed areas"

Dr Koornhof said the Government would introduce legislation to ensure that rights were given only to wives and children of contract workers with either a permit for a private dwelling, a permit to hire a council house, a certificate of occupancy of a council house or those living on a property with leasehold rights

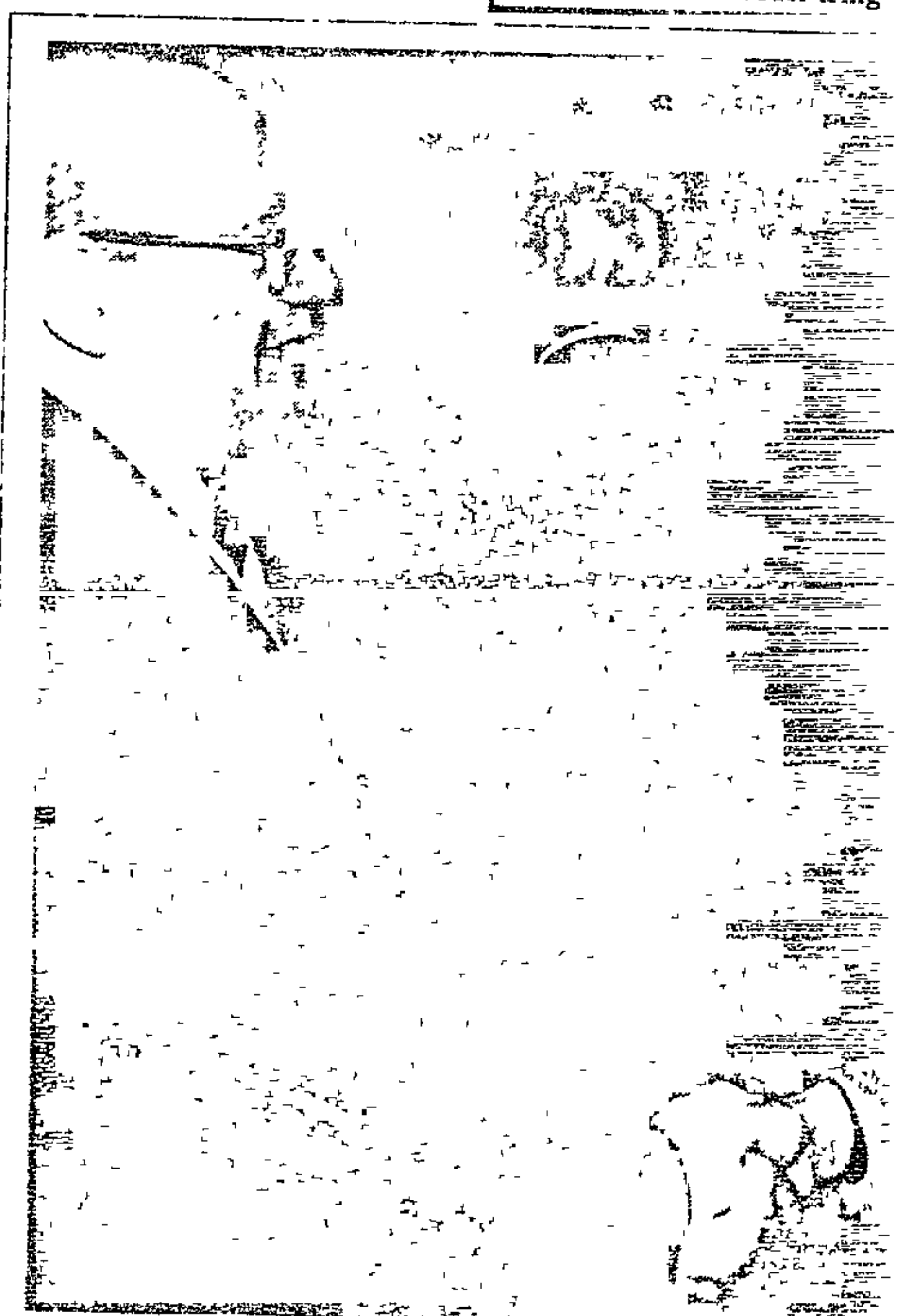
The Progressive Federal Party's Mrs Helen Suzman said the "Catch-22" of the situation was the lack of accommodation in every city in South Africa

That is going to be a pretty insuperable obstacle to family life for these people," she said

Soweto Committee of Ten chairman Dr Nthato Motlana said that tying the city rights of migrant workers to approved housing would effectively leave things much as they were

"Since 1968 the Government has blocked the building of low-cost housing in places like Soweto. So as they say, there are many ways of skinning a cat. This accommodation business will effectively reduce the numbers able to live in urban areas because they will not be able to get houses anywhere," he said.

See Page 11 of the World sec



The South African Ambassador to Britain, Mr S J M Steyn (left), greets former British Defence Minister Sir John Knott at a reception yesterday the 50th

R20 forgeries: four charged

The Star's Foreign News Service

MBABANE — A local soccer star has appeared in an Mbabane court with three others, one a government doctor, on charges in connection with the circulation of about R5 000 of forged R20 notes

The footballer Mr Gift "Cracker" Masana, appeared with Dr Edwin Khanya, of Mbabane Government Hospital, Mr Solomon Regie Nxumalo and Mr Mahlunga Mhlanga

Bail was opposed by the prosecution on grounds that the men might interfere with investigations of counterfeit money

The hearing was adjourned

X Koornhof statement 'ambiguous' X

Govt 'yes' on Rikhoto case, but...

By JOHN BATTERSBY
Political Correspondent

THE Government has decided to honour the historic Rikhoto Appeal Court judgment extending urban rights to some migrant workers but is to introduce legislation to prevent their wives and children from coming to the cities unless they have "approved accommodation" in the cities.

It's 'back door' influx control

By STEVEN FRIEDMAN
Labour Correspondent

THE Government's reaction to the landmark Rikhoto judgment on migrant worker rights seemed "like an attempt to introduce tougher influx controls through the back door," the national president of the Black Sash, Mrs Sheena Duncan, said yesterday.

Mrs Duncan said Dr Piet Koornhof's statement that workers' families would have to have "approved accommodation" would make it impossible for families to come to the cities unless they received permission from officials — which was unlikely.

She said it would be impossible to evaluate fully the move until the full text of the legislation was released.

But the move "could mean an attempt to introduce key aspects of Dr Koornhof's Orderly Movement of Black Persons Bill through the back door"

Mrs Duncan pointed out

that the Bill, which has attracted wide condemnation, seeks to link black city rights to "approved accommodation"

If it became law, workers who previously held legal rights to stay in the cities would lose these if the authorities were not prepared to grant them accommodation — even if they had legal employment.

This would mean that their right to remain in the cities depended not on the law, but on officials who could decide which accommodation was "approved" and which not.

Dr Nthato Motlana, chairman of the Soweto Civic Association, had grave reservations about Dr Koornhof's announcement, reports Patrick Laurence.

"There is some pleasure that the Rikhoto judgment will not be overturned but it is nullified by subjecting the right of their wives and children to join them to the availability of approved accommodation," Dr Motlana said

Announcing the decision — after a protracted wrangle is believed to have occurred within the Government — the Minister of Co-operation and Development, Dr Piet Koornhof, yesterday warned that it was his duty not to create "unrealistic expectations" of instant accommodation in the cities in the minds of migrant workers and their families who would benefit from the judgment.

In an immediate response, Mrs Helen Suzman the Progressive Federal Party's MP for Houghton, while welcoming the Government's acceptance of the ruling, said Dr Koornhof's statement was "highly ambiguous". The "Catch 22" situation created by linking legal permanency to housing remained, she said.

Dr Koornhof said that of a total pool of about 800 000 contract workers a maximum of 143 000 would stand to qualify for legal permanency in the cities. But he indicated that if the Government succeeded in its approach to implementing the judgment as few as 5 000 contract workers could benefit

Linking the entry of migrant workers' families to the urban areas with the availability of housing — of which there is a chronic shortage — will inevitably undermine the spirit of the Appeal Court ruling and prevent any benefits that workers' families would have received from the Appeal Court judgment.

And limiting the potential 143 000 workers who stand to benefit from the judgment to 5 000 raises the prospect of massive bureaucratic obstructionism by the administration boards which will be responsible for implementing the ruling.

Dr Koornhof's announcement was made at a Press conference at which extensive questioning by representatives of the media failed to gain clarity about key aspects of the Government's intentions.

Dr Koornhof said that while the Government accepted the judgment and was bound by it he intended introducing legislation before the end of the current parliamentary session which would prevent the wives and children of qualifying workers who were outside the urban areas on or before May 29, 1983 — the day the Appeal Court judgment was delivered — from coming to live with their husbands unless the head of the family was in possession of approved housing.

There was less clarity about the position of the dependants of contract workers who would qualify for legal permanency in terms of the judgment and already had their families with them.

But, he emphasised that people who were presently living illegally in the cities would not be legalised.

~~200~~ (206) Rikhoto judgment ~~Q. 1689~~ Howard 24/6/83

1010 Mrs H SUZMAN asked the Minister of Co-operation and Development

(1) How many Black persons qualifying for rights under section 10(1)(b) of the Blacks (Urban Areas) Consolidation Act, No 25 of 1945, have had their reference books endorsed in accordance with the Rikhoto judgment in each Administration Board area

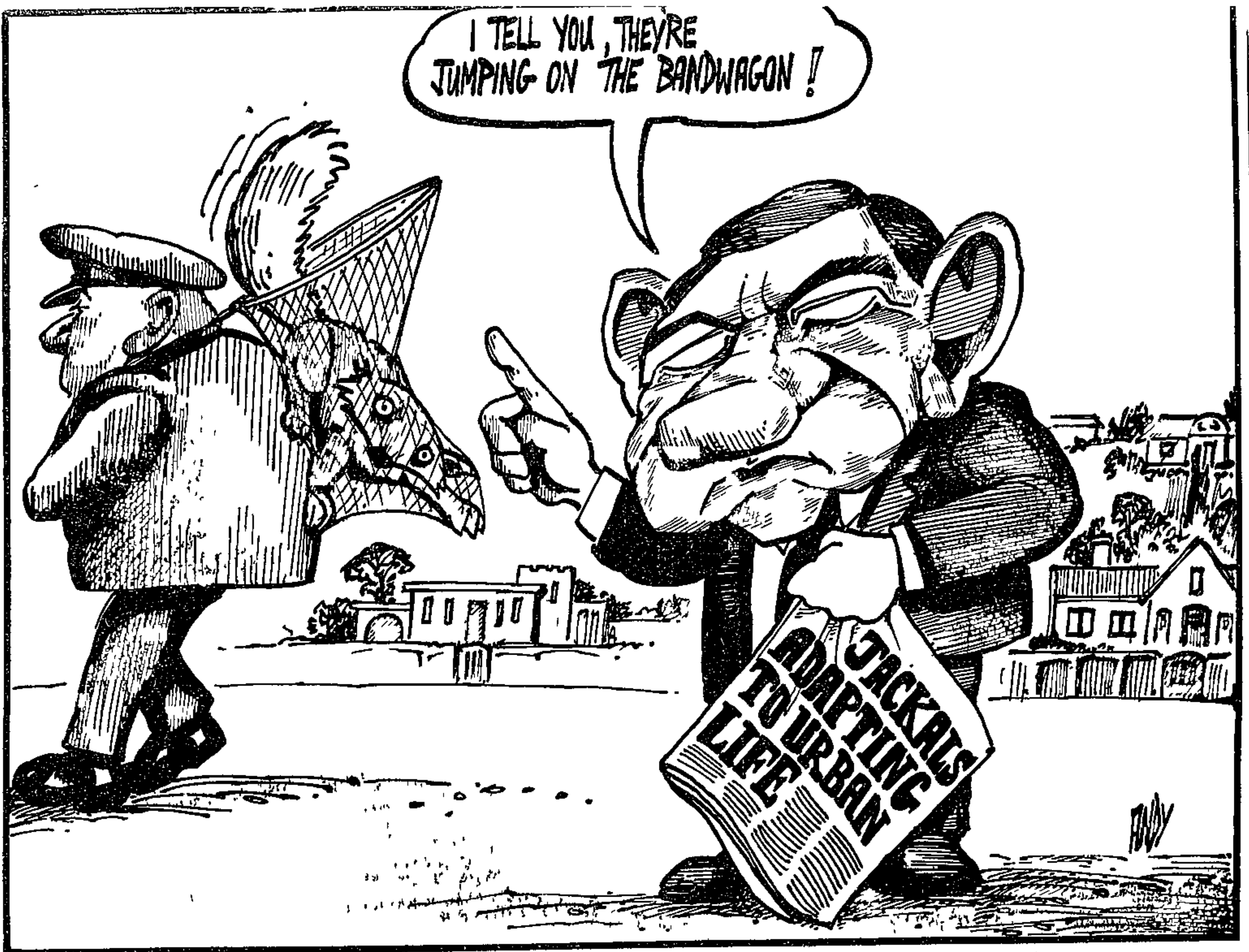
(2) in respect of what date are these figures given?

The MINISTER OF CO OPERATION AND DEVELOPMENT

(1) The number of persons qualifying for rights under section 10(1)(b) of Act 25 of 1945 as a result of the Rikhoto judgement and who have had their reference books endorsed is as follows -

East Rand Administration Board	143
Other Administration Boards	0
	143

(2) As at 13 June 1983



WHAT does this week's Government reaction to the Rikhoto judgment mean?

A final judgment will have to await the Bill Dr Piet Koornhof proposes to introduce. But even now, certain pointers have emerged.

The pass laws prevent many blacks from working in the cities unless they come in as migrants, on a one-year contract, which ties them to a particular employer and without their families.

If migrants lose their jobs, as many have done during the recession, they must return to the "homelands" where their chances of finding work are slim. They also may not change jobs.

So the worker is largely dependant on a single employer for, if he is fired, he loses not only his job but his right to stay on in the cities.

However, Section 10 of the Black Urban Areas Act allows these migrants to become permanent city residents if they have worked for one employer for 10 years.

This right was taken away in 1967, but restored by the judgment.

Dr Koornhof says the Government will now implement Rikhoto, which means up to 140 000 workers are again eligible for city rights.

They will now be able to change jobs and stay in the cities if they are fired. They will also be able to take a job in another city.

But it is by no means clear that all 140 000 who qualify will be granted rights by Administration Boards.

Dr Koornhof said this week that, if the Government's interpretation of the judgment held sway, as little as 5 000 workers might qualify.

This appears to indicate that the

Dr K removes a right, hands out a privilege . . .

206 ROOM 24/6/83

By STEVEN FRIEDMAN

Boards will take a very strict view of the judgment and only grant rights to workers whose work histories exactly match that of Mr Mehlolo Tom Rikhoto, whose application for city rights led to the judgment.

Even with the strictest possible interpretation of the judgment, 5 000 is far too low an estimate of how many workers will qualify.

But civil rights groups fear the statement means officials may make it difficult for workers to qualify and have warned that, if this happens, they will take further legal action to enforce the judgment.

There is one other key right which migrants who qualify in terms of Rikhoto would enjoy to live with their families in the cities.

The right of families of workers with city rights to live with them was also nullified by regulation, but restored by another key judgment in the Komani case.

Now Dr Koornhof intends to remove this right at least as far as ex-migrants are concerned.

He says he will introduce a Bill preventing wives and children joining migrants who qualify unless the household head has "approved accommodation".

If he goes ahead, he will be intro-

ducing one of the key provisions of his Orderly Movement of Black Persons Bill, which has been widely condemned, and will prevent all but a few families from coming to the cities.

The key issue is that housing must be "approved". The Government controls the allocation of houses in townships and, as recent shack demolitions showed, city blacks may not build their own houses without official permission.

Blacks who want to live outside migrants' barracks must have one of four documents: A 99-year lease on a house, a "site permit" allowing them to build on township land, a permit allowing them to rent a house or a "lodger's permit" allowing them to live in someone else's rented house.

If Dr Koornhof's law is passed, these documents will be issued solely at the discretion of officials.

By refusing a permit, they can ensure that ex-migrants' families never join them.

It is extremely unlikely that many migrants would obtain permits. The Government has virtually frozen the building of houses in townships and the waiting list in Soweto alone runs into tens of thousands.

So the only way ex-migrants will get approved housing is by buying a house on the 99-year lease system.

Few will be able to afford this, and they will be dependant on employers to build homes for them.

So the Bill would place new pressure on employers to build houses for workers.

But Dr Koornhof says townships like Soweto will not get more land, and new townships being built by the Government are outside the "prescribed areas" where workers have to live to retain city rights.

So even an employer initiative would become hamstrung by a shortage of land.

The Bill would have one other effect. At present, the blacks' city rights are controlled by Section 10 of the Urban Areas Act.

These are guaranteed rights obtained by fulfilling criteria largely outside officials' control being born in an area, and so on.

The Orderly Movement Bill would scrap these rights, and blacks would only qualify if they had "approved accommodation," which officials have total control over.

The effect is to remove a right and replace it with a privilege, which is solely at the discretion of officialdom.

It is this which Dr Koornhof proposes to do to migrants and their families.

So some migrants will enjoy greater security but few will enjoy a family life.

Cape Times 24/6/83 (12/20/2000) (706) 332170

Housing challenge for employers

By PHILLIP
VAN NIEKERK
Labour Reporter

A MAJOR challenge to employers to provide greater housing assistance for their workers has emerged in the wake of the historic Rikhoto Appeal Court judgment

This follows the statement on Wednesday by Dr Piet Koornhof, Minister of Co-operation and Development, that the government would implement the decision, but would legislate to prevent their families living with them unless they had "approved accommodation"

The Urban Foundation, the Federated Chamber of Industries (FCI) and the Association of Chambers of Commerce (Assocom) all felt this emphasised the need for the private sec-

tor to continue their efforts to overcome the housing shortage

However, in the Western Cape private sector bodies with housing funds are facing a dilemma over providing accommodation in Khayelitsha, the only area set aside for new black housing

It is understood some organizations, including

church bodies, who wish to help beat the housing backlog do not wish to be party to the planned massive relocation of people from Guguletu, Nyanga and Langa to Khayelitsha, viewed in an extremely negative light in the black community

Mr Jan Steyn, the executive director of the Urban Foundation,

said it was clear that the government's decision to link the settlement of dependents to the availability of suitable accommodation "poses a special challenge to the private sector to actively expand its role in the provision and financing of housing"

Mr Rod Ironside, the president of the FCI

said employers should take an increasingly active stand in giving real housing assistance to their employees

And Dr John Burns, the executive director of the Manpower and Management Foundation, said every effort should be made to make more land available for leasehold development where housing short-

ages existed

However, Professor David Dewar, the head of UCT's department of Urban and Regional Planning, warned that the government had the prime responsibility to provide low-cost housing. This did not mean that efforts by the private sector should be discouraged

Professor Dewar described the Western Cape as a "Catch 22" situation. There was a desperate housing shortage, but any group providing housing there would face a "severe credibility problem" in the black community

Meanwhile, Dr Koornhof's statement has been welcomed by the Urban Foundation and employer bodies, but civil rights groups and trade unions say they are waiting to see the envisaged legislation

Rikhoto Ruling

Rikhoto Appeal Court finding

WCAB takes strict line on migrants

Cape Times 24/6/83 206

Labour Reporter

THE Western Cape Administration Board (WCAB) is to grant permanent residence rights only to those migrant workers whose circumstances are strictly the same as Mr Tom Rikhoto who won the landmark Rikhoto Appeal Court judgment.

This could mean that far fewer than the estimated 12 000 workers in the area who have worked for one employer for 10 years or more will qualify for their Section 10(1)(b) rights

Mr J Gunter, Chief Director of the WCAB, said yesterday that workers who had long absences from work during their 10 years in

employment would not qualify on the same basis as Mr Rikhoto

This is in spite of a Cape Supreme Court ruling in April granting permanent residence rights to a City contract worker, Mr Mdandweni Mthiya, who had had three absences from work of up to eight months

The WCAB did not ap-

peal against the judgment, on which basis, lawyers believe, almost all of the long-serving 12 000 contract workers in the Western Cape could be granted permanent residence rights

Mr Justice Pat Tebbut said in his judgment that being absent from his place of employment periodically could not disqualify a migrant worker from gaining his rights

"A man cannot be expected to work day in and day out for 10 years without a break of any kind. If he left the area for a lengthy period and his employer agreed to his absence, he could not be said to have abandoned his employment"

Criteria

Mr Gunter, who attended the meeting between heads of Administration Boards and Dr Piet Koornhof, the Minister of Co-operation and Development, on Wednesday, said he would spell out the criteria for qualification once he had discussed them with his staff

Meanwhile, not a single contract worker in the Western Cape has been granted permanent residence rights following the judgment, though the WCAB announced three weeks ago that they would uphold the ruling

Parliament and Politics



Migrant Labour



Dr Piet Koornhof

UF urges govt not to block families

Own Correspondent

JOHANNESBURG — In a rare public statement, the Urban Foundation has urged the government not to introduce a law to hamper attempts by workers who qualify for city rights in terms of the Rikhoto judgment to have their families in the cities

The UF welcomed Dr Piet Koornhof's statement that the government would implement the Rikhoto judgment.

But it said new legislation linking the right of families to come to the cities to possessing "approved accommodation" could "create an unnecessarily negative impression if enacted at this time"

"We are convinced the government does not wish to give recognition to the separation of husband, wife and family or to strengthen the migrant labour system," the UF said

"After all, workers affected by the Rikhoto judgment have shown by length of service that they are a stable and loyal component of the free market system"

Thousands could be denied rights

Fears over Govt view on Rikhoto

By STEVEN FRIEDMAN
Labour Correspondent

FEARS are mounting that the Government plans to interpret the Rikhoto judgment on migrant worker rights extremely strictly.

This would jeopardise the prospect of city rights for thousands of workers who qualify in terms of the ruling.

The fears were fuelled when the West Cape Administration Board said yesterday it would only grant rights to some of those who qualified — in apparent defiance of a court order.

But civil rights groups yesterday warned of fresh legal action if officials attempted to deny rights to workers who qualified and urged these workers to continue applying for their city rights.

And legal sources said administration boards had no legal right to grant rights to only some of the estimated 143 000 workers who qualify.

In other developments, the Federated Chamber of Industries, the Association of Chambers of Commerce, and the Urban Foundation have welcomed the Government's announcement that it will honour the judgment.

But the foundation urged the Government not to introduce a Bill preventing families of workers who qualified from living legally in the cities unless they had "approved accommodation".

And all three organisations said this stipulation would increase the challenge to employers to provide housing for their workers.

Assocom's executive director, Mr. Raymond Parsons, said from Paris where he is, at the conference of the International Chamber of Commerce that overseas businesses with a stake in South Africa had welcomed the decision.

But he said they warned that renewed efforts to solve the black housing problem was "an indispensable part of the successful implementation of the decision".

Fears that the Government has told boards to interpret Rikhoto strictly were fuelled on Wednesday when the Minister of Co-operation and Development, Dr Piet Koornhof, said that if the Government's view of the judgment held sway, as few as 5 000 of the 143 000 workers who qualify might be granted rights.

These fears intensified yesterday when the chief director of the West Cape board, Mr J Gunter, told the Rand Daily Mail's Cape Town correspondent the board would only grant rights to workers with the same work histories as Mr Mehlolo Tom Rikhoto, whose court victory opened up the prospect of city rights to thousands of workers.

He said migrants who took leave during their contracts would not qualify.

A board official in the Transvaal said yesterday each application for rights would be "gone through with a fine-tooth comb".

He said Dr Koornhof's announcement that the Government was honouring the judgment would not mean applications would be processed more speedily.

Mrs Sheenā Duncan, national president of the Black Sash, said she feared this meant "that we face a tortuous six months of official delaying tactics and obstructionism in which we will have to test numerous cases in court".

● See Pages 3, 4,
and 6

'Let city blacks 206 ~~78~~ ~~200~~ keep families'

By STEVEN FRIEDMAN
Labour Correspondent

THE Urban Foundation has urged the Government not to introduce a law to hamper attempts by workers who qualify for city rights in terms of the Rikhoto judgment to have their families in the cities.

The foundation welcomed Dr Piet Koornhof's statement that the Government would implement the Rikhoto judgment.

But it said new legislation linking the right of families to come to the cities with the possession of "approved accommodation" could "create an unnecessarily negative impression if enacted at this time."

"We are convinced the Government does not wish to give recognition to the separation of husband and wife and family or to strengthen the migrant labour system," the foundation said, adding that the Government's new housing policy had "shown (its) bona fides in this regard."

It also urged employers to redouble efforts to provide housing for workers.

It said the decision to link families' city rights to the availability of "suitable" accommodation would pose "a special challenge to the private sector to actively expand its role in the provision and financing of housing."

"After all, workers affect-

ed by the Rikhoto judgment have shown by length of service that they are a stable and loyal component of the free market system."

On the Government's decision to accept the judgment, the foundation said this represents a clear sign that South Africa is abandoning the idea that urbanisation can be wished away or controlled purely by punitive measures.

It hoped this "may be the starting point for a positive urbanisation strategy which together with an economically viable decentralisation effort, will direct us into a more rational and stable future."

The foundation said workers who qualified in terms of Rikhoto "have shown to a high degree that they can adapt to an urban environment."

They were all employed, had housing and "had also loyally complied with an extremely difficult process of legal prescriptions." The 1968 regulation denying them city rights was "an error which has now been corrected."

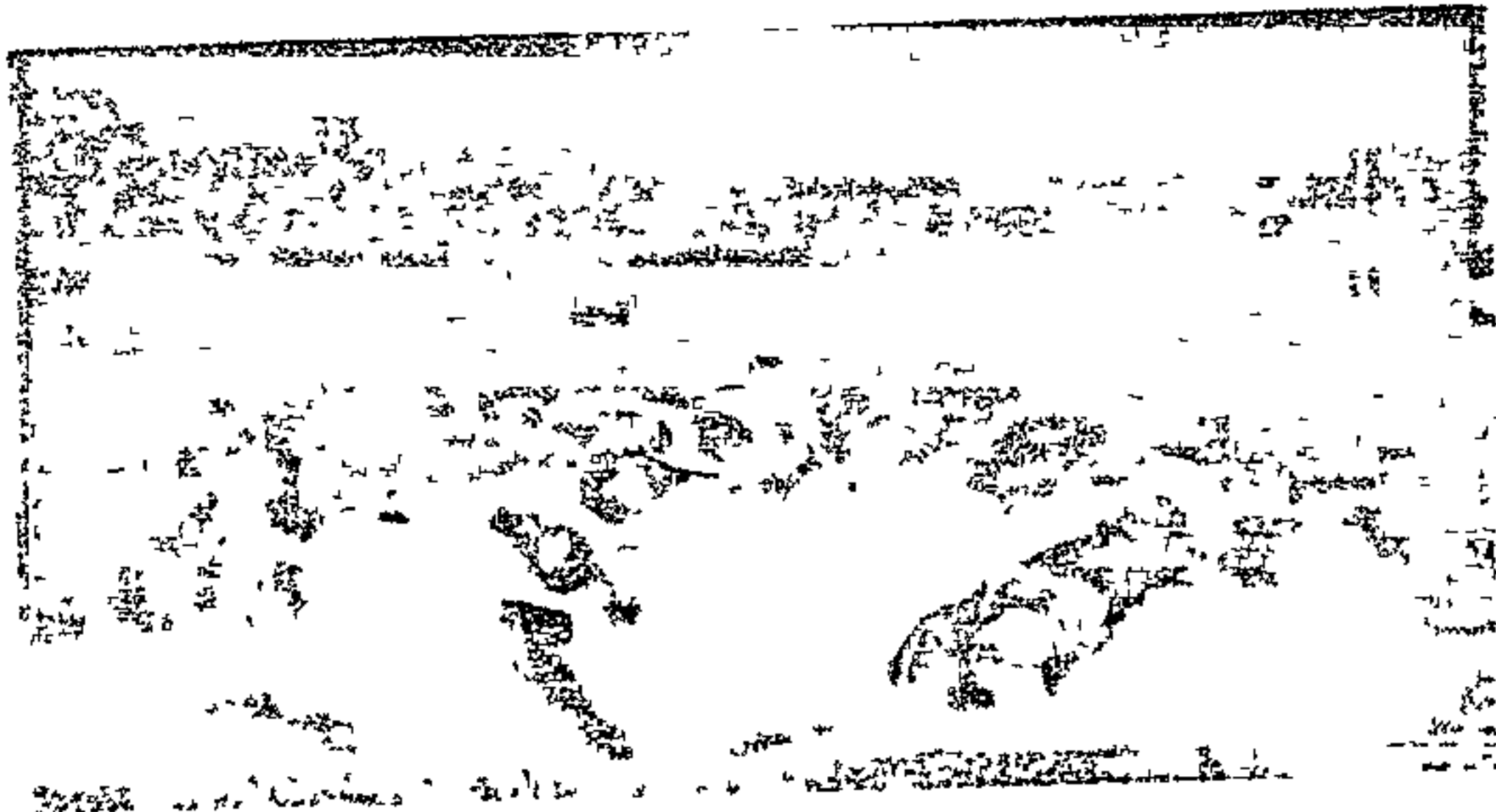
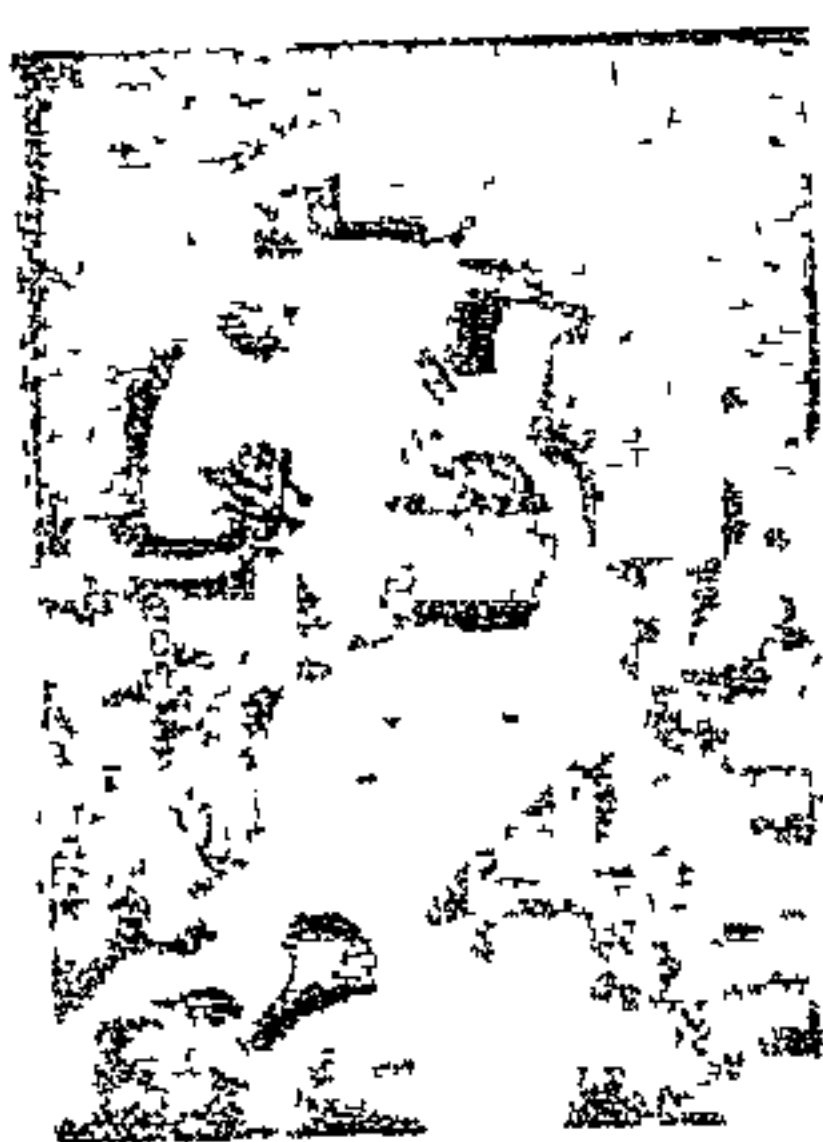
The foundation also commended the Legal Resources Centre, which argued the Rikhoto case before the Supreme and Appeal Courts "for showing so effectively that the system can be used to beat the system."

● See Page 6

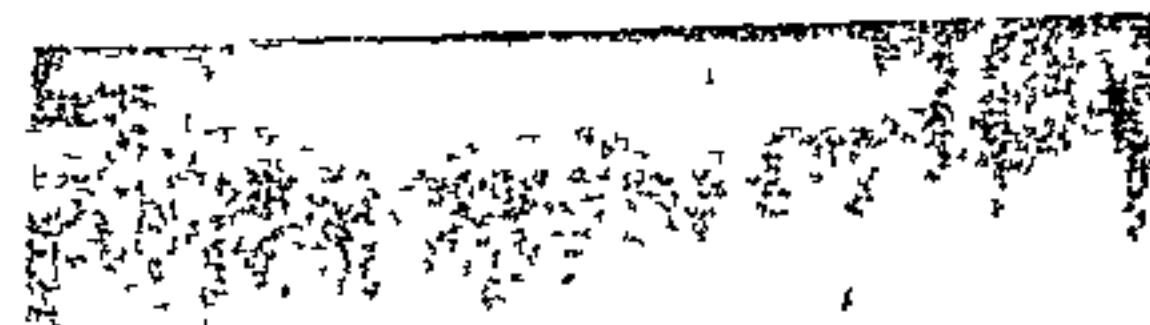


51 years She is one of the many Springs pensioners who are to be evicted from on-rand parking garage and shopping complex in the city centre

New York, USA



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3m (206)

hurt by race rules

24/6/83

By SOPHIE TEMA

INFLUX CONTROL and the relocation of blacks have affected the lives of 3 000 000 people, Mr Mark Orkin, a sociologist at the University of Witwatersrand, said yesterday.

Mr Orkin was speaking at Khotso House, Johannesburg, as part of the Black Sash vigil on forced removals.

He said influx control and relocation had wrecked black homes, separated families, withdrawn their livelihood, shattered personal identities, plunged families into shock and abject poverty, and inflicted on them the degradations of disease, starvation and consequent death.

He said "Let us recall that the initial Land Act was passed just three years after Union, when Britain had signed typical duplicity and powerless majority black population to the mercies of the white settlers."

"In terms of that Act, blacks were prohibited from hiring, leasing or owning any further land except in the scheduled reserves, which comprised some 10-million morgen."

He said that until the latter half of the nineteenth century, Africans were still fairly successful subsistence farmers, whether on their own land or as tenants on white-owned farms.

"So they were reluctant to work for poor wages and in dangerous conditions in the new diamond and gold mines. They were forced to do spells in the cash economy, by taxes on each man's head and huts."

Mr Orkin said mines co-operated to organise labour in rural areas, so as to bid black wages up in competition with each other.

And they used imported labour, first Chinese and then Africans from elsewhere in Southern Africa, to undercut any pressure from local black workers for more pay.

Later, with the onset of part-skilled and settled workers in the towns, came the possibilities of a new consumer market.

The solution was to confine blacks to 'locations' in the towns, to introduce the beginnings of systematic influx control, recruiting of more foreign labour to ensure a continuing flow of labour to the poorly paid mines and farms, Mr Orkin said.

He detailed the impact of later legislation, including that leading up to the recent landmark Rikhotso judgment

CAL Times 25/6/83

New opposition look at Rikhoto

Political Staff

THE official opposition was yesterday reviewing its qualified support for the government decision on the Rikhoto Appeal Court ruling in spite of a United States endorsement of the government's response

The Reagan administration has come out in support of the government's decision to honour the historic judgment granting legal permanency to certain migrant workers while at the same time severely limiting urban rights to their wives and families by amending the law

But there were growing fears in political circles yesterday that an unduly strict interpretation of the judgment by the government and bureaucratic obstruction by administration board officials, who will have to implement the government decision, could severely frustrate the effect of the judgment.



In the House

Silence on bonds till decision

Political Staff

HOUSE OF ASSEMBLY — The government said yesterday that it would refuse to make any further statements on the future of defence bonus bonds until it had decided on its course of action

This was stated in Parliament by the Deputy Minister of Finance, Mr Eli Louw, in reply to questions from Mr Harry Schwarz, chief opposition spokesman on finance

Mr Louw said churches and other parties had at various times made representations to the government for the abolition of the scheme

He disclosed that the gross investment in defence bonus bonds on May 31, 1983, was R877 009 360, of which R539 643 505 was still outstanding

Last week the Prime Minister, Mr P W Botha, put the future of the bonus bond scheme into question when he said the government was not committed to it and would drop it if alternative financing for State activities could be found

This followed the disclosure that the money invested in defence bonus bonds was not used exclusively for defence

Both Mr Schwarz and Mr Philip Myburgh, chief opposition spokesman on defence, attempted to extract further information from Mr Louw but he refused, saying nothing more would be said until a decision was made on whether or not to abolish the scheme



Migrant labour

Mr Nic Olivier, head of the PFP's research department and an acknowledged expert on laws affecting blacks, said closer study of the implications of the government decision had revealed administrative procedures which could be used to frustrate the granting of legal permanency rights to workers who were still in the process of qualifying

He said that in terms of government proclamations and Section 10 of the Black (Urban Areas) Consolidation Act of 1945 almost total discretion was given to labour bureaux to attest employer contracts entered into by migrant workers

"One can only hope that the tremendous administrative powers at the disposal of the labour bureaux will not be used to frustrate the Rikhoto judgment in this way," Mr Olivier said

Slabbert in renewed call for TV debate

Political Staff

A TELEVISION programme on constitutional change featuring the Minister of Constitutional Development and Planning, Mr Chris Heunis, and the leaders of the three main white opposition parties should not be seen as a substitute for a live TV debate on the issue, the Leader of the Opposition, Dr Van Zyl Slabbert, said yesterday

Dr Slabbert was reacting to an announcement by the SABC that "Verslag" on Monday night would examine the constitutional question

The programme will feature interviews with Mr Heunis, Dr Slabbert, Dr Andries Treurnicht (CP), Mr Vause Raw (NRP), the Rev Allan Hendrikse, and the executive chairman of the South African Indian Council, Mr Amichand Rajbansi. It has apparently been compiled from separate interviews with participants and is not the live debate Dr Slabbert has repeatedly called for

Dr Slabbert said yesterday the format would obviously exclude the cut and thrust of a live debate and renewed his call for one

Migrant decision hailed

25/6/87

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SOUTH AFRICA's top industrialists met in Port Elizabeth this week and hailed the Government's decision to accept the Appeal Court's ruling on migrant workers

Referring to the "Rikhoto case", in which the court upheld a migrant worker's claims to permanent rights in an urban area, the executive committee of the SA Federated Chamber of Industries said in a statement

"It can be assumed that the process of urbanisation can now occur in an orderly manner, which is essential to the development of a stable and productive industrial workforce"

The statement was released following the excom meeting on Wednesday and Thursday

The chamber was also currently preparing a further submission to the Select Committee on the Constitution Bill, said the statement, which aimed at ensuring that in time progress on the constitutional front will be in step with the development of the black urban community

"The chamber sees this as essential to meet the rising aspirations of the black urban workforce in South Africa, on which the economic future of South

Africa heavily depends"

The impact of the crippling drought on the economy was debated at length during the meeting, and the chamber said it believed that the full effects of the drought "are yet to work through the economy and are likely to hamper the recovery process in 1984

"Excom also reviewed the emergency and contingency measures which have been introduced in various areas to conserve water and sustain the critical electrical power generating capability"

According to the statement, the Chamber of Industries "fully supports all necessary water conservation measures to maintain water and electricity supplies which already are critical in some parts of the country

"Delegates to the FCI Excom meeting believe that the situation can be contained provided that the necessary conservation measures are accepted and strictly applied

The Regional Chambers of Industry have undertaken to continue to urge their member companies to apply the necessary conservation measures and to cooperate with local authorities in this national effort

Black women still battle to join husbands in cities

BY ARLENE GUY

MANY BLACK women are still finding it difficult to obtain official permission to live with their husbands in urban areas — despite the historic 1980 Komani judgment in which the Appellate Division ruled that they had the right to do so.

And women who hoped they would qualify in the future had their hopes dashed this week

when the Government warned it would prevent the families of men affected by the Rikhoto decision from living in the cities if they did not have suitable accommodation.

According to Black Sash president Mrs Sheena Duncan, many women are still forced to obtain a letter from a lawyer before they are finally granted their rights in terms of Section 10(1)(c) of the Black (Urban Areas) Consolida-

tion Act of 1945. This Act — the cornerstone of the Government's influx control edifice — strictly governs the moves of every black South African who goes to a 'white' urban area.

In terms of Section 10(1) of the Act, blacks may not remain in an urban area longer than 72 hours without proof that they have either 'legally' lived there since birth, 'legally' worked for more than 15 years, or worked continu-

ously for one employer for 10 years.

It was in terms of the second clause of this Act that contract worker Mr Meholo Tom Rikhoto was last month granted the right to stay on the East Rand in another historic ruling by the Appellate Division.

The wifes, unmarried daughters or sons under the age of 18 who live with a man who qualifies for Section 10 rights are also al-

lowed to live with them in the cities.

However, until the Komani decision of August, 1980 — it followed an appeal by Mr Vell Willie Komani against a Supreme Court dismissal that his wife was legally entitled to live with him in Cape Town — these dependants only receive the rights if they had their own lodger's permit from the township superintendent.

In terms of the Appeal Court ruling, separate permits for families are not necessary.

"But some administration boards are still being obstructive about implementing the decision," Mrs Duncan said in an interview.

Although the situation had improved since Mr Justice Richard Goldstone criticised the West Rand Administration Board (Wrab) for refusing to obey the law, the Black Sash was still helping "a steady trickle" of women

"We find we are seeing a weekly average of five women who are still being refused the necessary endorsement in their reference books," said Mrs Duncan.

In some instances officials demanded birth certificates, affidavits and school records before they would endorse women's passes to allow them to stay with their husbands.

None of these documents was necessary in the case of wives and unmarried daughters whose husband or father had a right to be in the city, but, said Mrs Duncan, the officials still demanded them.

A lawyer for the Johannesburg Legal Resources Centre, which assists many who fall foul of the influx control laws, confirmed difficulties still existed.

However, Wrab chairman Mr John Knoetze this week denied board officials were trying to hinder the application of the Komani ruling. "The Komani and Rikhoto judgements are law, and they are respected and carried out."

RIKHOTO BLACKLASH WARNING

(206)
city

26/6/83

JO'BURG — The Black Sash has warned that any attempt to prevent families from living together "will be bitterly resented" following the Government's decision this week to honour the Rikhoto judgment, a move received with mixed feelings.

Although welcoming the move, Black Sash president Sheena Duncan said they condemned any attempt to change the law to pre-

By **LEN KALANE**

vent families from living together

The Minister of Co-Operation and Development, Dr Piet Koomhof, announced this week that the Rikhoto judgment had been accepted, but said the Government would introduce legislation to prevent the wives and children of migrant workers from coming to the cities unless they have "approved accommodation".

The counter-legislation is expected to

come up before the end of the parliamentary session.

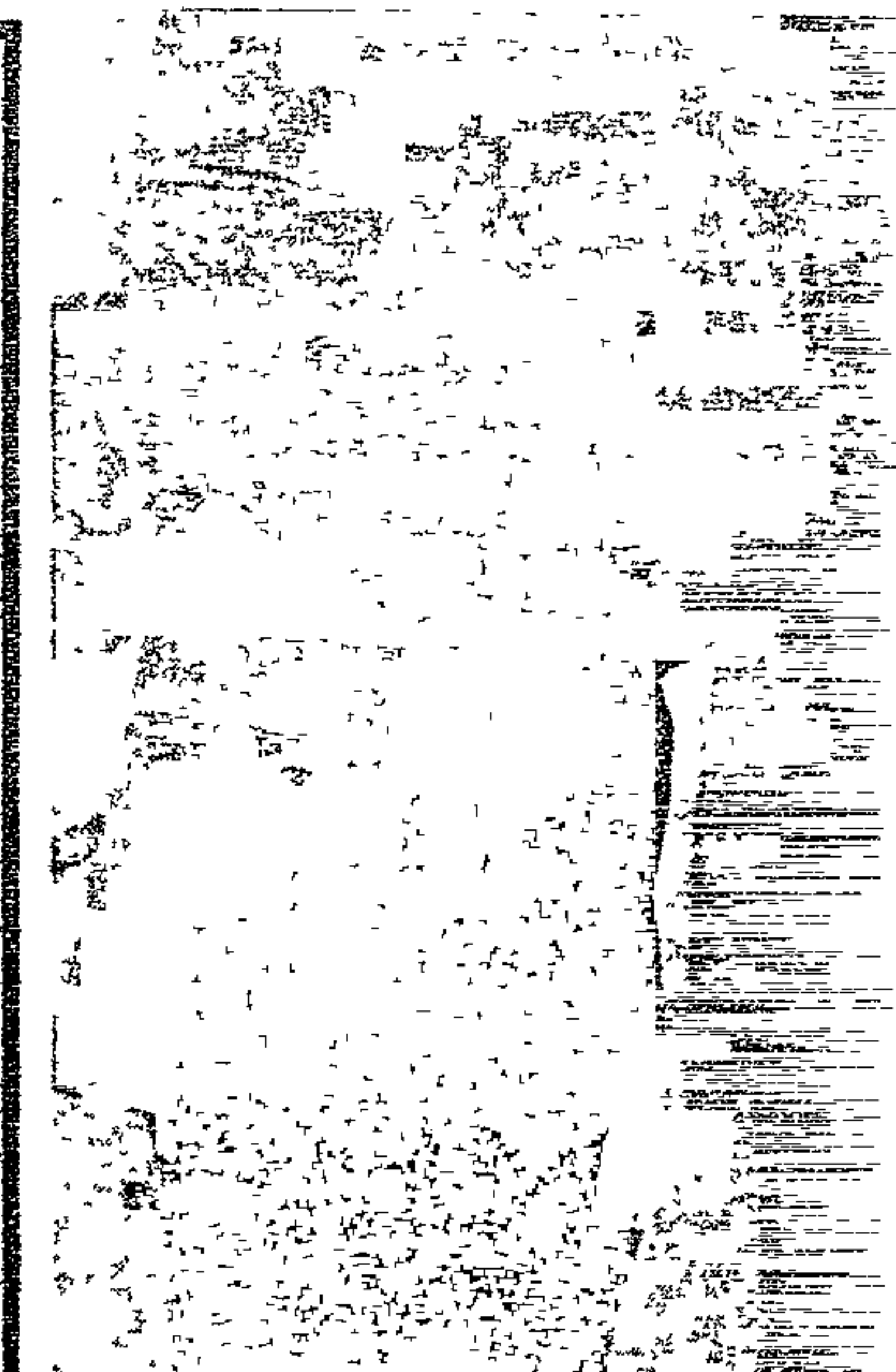
Mr Duncan said the decision to accept the Rikhoto judgment was "a great thing".

"But we are extremely perturbed by the rest of Dr Koomhof's statement. We do not understand the reference about only 5 000 people benefiting"

Dr Koomhof told a Press conference that from the 800 000 migrant workers, only 143 000 stood to qualify for legal permanency in the cities, but if the Government succeeded "in its approach to implement the judgment" only 5 000 workers could benefit.

He said though, "every case will be judged on its merit and will be strictly tested against the guidelines laid in the judgment".

But the Minister added in his speech that people who were presently living illegally in the cities would not be legalised.



Peace on the campus

PRETORIA — Classes at the Medical University of Southern Africa (Medunsa) near Pretoria resumed on Thursday with most students back on campus after a boycott of lectures over the past two weeks.

A spokesman for the university said most of the students had returned by Wednesday — the deadline set by the acting rector, Prof Thomas Dunstan. "Things are back to normal again and classes began without any problems," the spokesman said.

The entire student body was suspended and the university temporarily closed on June 9 when students boycotted classes over the suspension of two senior members of the university's Student Council, Mr Paul Sefularo and Mr Confidence

Moloko.

They were reinstated on Tuesday after being cleared of misconduct by a disciplinary committee.

They were suspended for allegedly threatening students wishing to attend a performance at the State Theatre.

Electi-

SOWETO — Soweto's controversial Community Council election has again been postponed.

It was due in September but has

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MARQUEE

'NO JUSTICE IN COURT'

206 City Press
26/6/83

CP Correspondent

CAPE TOWN — The pass laws and the commissioners courts undermine the general standards of criminal justice in South Africa, a study published by Wits University's Centre for Applied Legal Studies has found.

The study — entitled: "Is this justice?" — was conducted at the Johannesburg Commissioner's Courts by a researcher at the centre, Mr Ramarumo Monoma.

Its publication follows closely a recent

row which arose after Mr Ken Andrew, the PFP MP for Gardens, told Parliament that the Langa Commissioner's Courts were "disgraceful instruments of oppression where black people could not expect a fair trial".

During the period in which Mr Monoma observed the pass courts only five of the 2 380 accused were legally represented.

He found that the accused are not informed that they can be released on bail and that bail is usually fixed so high that most cannot afford it.

The accused are often not informed of the charges against them, and certain major elements of the crime are never mentioned or proved.

The commissioner nor the prosecutor never address the accused as Mr, Mrs or Miss.

In conclusion, Mr Monoma says: "The findings compel us to ask the question: 'Is it possible to introduce fair-trial procedures into these courts?'"

The answer is probably no.

R2 000m Tolam for National States

[Handwritten scribble]

206 D. Anjath

States

Thousands of new

jobs for Transkei

JOHANNESBURG — The government will launch a R2 000 million investment programme in the national states in an effort to curb the flow of people to urban areas, according to the Minister of Co-operation and Development, Dr Piet Koornhof.

Interviewed last night, Dr Koornhof said 777 local and foreign industrialists had pledged R2 064 million for the project.

At the same time, the government was working on a programme to create jobs in the national states using manual labour rather than mechanisation, the minister said.

21/6/83

Dr Koornhof said the new scheme was the best effort to aid "deconcentrated development" in 50 years.

Apart from its drought aid scheme, which would provide 20 000 jobs in the national states, Dr Koornhof said, the government had agreed to a job creation and resettlement of illegal workers' scheme with Transkei.

In terms of the agreement, the government had pledged to create 4 000 new jobs in Transkei for every 1 000 illegal Transkeians resettled. Accommodation for the 4 000 workers would also be provided, Dr Koornhof said.

On the Rikhotso migrant labour case, Dr Koornhof said the Appeal Court's finding would be applied "stric- tly but fairly."

"I think it is fair and in the interests of the people concerned. But what is the point of all the dependants (of migrant labourers) coming to the urban areas if there is no accommoda- tion?"

The government would enact legislation provid- ing for migrant labour- ers qualified to stay in urban areas to bring their dependants with them providing they had access to family accom- modation.

Dr Koornhof said mig- rant labourers would have to own a building site, have authority to build a house under the 99-year leasehold scheme, own a house under the 30-year house ownership scheme or possess a rent contract for a family house.

"If they can't get fam- ily housing, there is no point in bringing the de- pendants out," the minister said — SAPA

"This is the first de- velopment programme to curb the flow to the four highly concentrated urban centres in South Africa and it is be- coming a very big suc- cess story," Dr Koornhof said.

The government had further earmarked R142 million in the current book year for the estab- lishment and develop- ment of towns in the national states.

he argued, be legally entitled to stop work in protest

It was also argued that the employer's right to fire workers without giving reasons fell away when a company had a set disciplinary procedure — as many do

The employer would then be bound to stick to the procedure if faced with a stoppage. If, as most procedures do, it provided for a hearing for workers accused of an offence, the company would have to give each alleged striker a hearing before firing him

These issues may not be tested in the court's judgment on this case.

Much of the argument concerned the facts of the case, with The Star denying that it had breached its agreement with MWASA

So the ruling could simply give the court's view of these facts, rather than of the broader issues

But the judgment should give at least some idea of the court's stance on these issues

206

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RDH 27/6/83

It was, perhaps, not surprising that Dr Piet Koornhof would seek to introduce legislation watering down the Rikhotso judgment on migrant worker rights

What is surprising is that the American government and influential employer bodies like the FCI and Assocom have welcomed the Government's decision to introduce a Bill curbing the rights of migrants who qualify in terms of Rikhotso to live with their families

The only key business body to warn against this aspect of Dr Koornhof's announcement was the Urban Foundation.

Worker and emerging union concern about tougher influx control is growing, and much of it is centred around opposition to Dr Koornhof's planned Orderly Movement of Black Persons Bill

The proposal to link families' city rights to "approved accommodation" duplicates a key measure in the Bill

If workers and unions decide that employers approve of this measure, it could become a labour relations issue



At the community councils meeting in East London yesterday were Mr D D Makatala, of Duncan Village, Mr P. J Time, of Algoa and chairman and Mr V V Hoyana, of the Department of Foreign Affairs and Information

D. Disputch 27/6/83

Councils to fight for woman's rights

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~~208~~

EAST LONDON — Delegates at the community council meeting unanimously agreed yesterday to take up the case of a 70-year-old woman who has been refused permission to be in an urban area. The meeting was told that Mrs E Tonjem of Mossel Bay had applied to the East Cape Administration Board in 1981 to have her 70-year-old mother, Mrs L N Tobashe, a pensioner,

stay with her as she was old.

The application was rejected by the board because she was from Keiskammahoek.

The Duncan Village council chairman, Mr D D Makatala, said the matter should be taken up with the director of administration services.

Mr Makatala also disclosed that people who were born in urban

areas had been asked to make applications to the national states to which they were attached when they applied for reference books.

He said in most cases these people had been urbanised and had no homeland background.

The matter would also be taken up with the government department concerned.

In matters affecting various community councils a letter would be written to the director general of the Department of Co-operation and Development explaining urban areas' residents' grievances.

The delegates were told that there were a lot of problems in the Karoo townships, especially with people and councilors in hinterland towns — DDR

Koornhof launches new plan to curb black urban influx

The Government is launching a R2 000 million programme to curb black migration to urban areas, the Minister of Co-operation and Development, Dr Piet Koornhof, said last night

The Minister said the money would come from 777 local and foreign private companies and would be used to create job opportunities in the homelands

Speaking on SABC-TV, Dr Koornhof said the Government was trying to create more jobs in the homelands by discouraging mechanisation in favour of manual labour

In Cape town today the Opposition spokesman on black affairs, Mrs Helen Suzman, said the plan had only limited possibilities. She described Dr Koornhof's remarks on not separating black families as hypocritical.

"If Dr Koornhof was sincere in his desire not to separate families, his first

step should be a massive housing building programme and the provision of serviced land on which workers could provide their own housing in the urban areas

"His alternative to plough money into the homelands has, I believe, only very limited possibilities. There is just no way that the poverty-stricken homelands, national states or bantustans, call them what you may, can compete with the established industrial areas"

Dr Koornhof said during the programme that the scheme to create jobs in the national states to curb the flow of people to the four highly concentrated urban centres in South Africa "is becoming a very big success story"

The Government had also earmarked R142 million in the current book year for the establishment and development of towns in the national states

Apart from its drought aid scheme, which provides 20 000 jobs in the national states, Dr Koornhof said, the Government had agreed with Transkei on a scheme for job creation and resettlement of illegal workers

In terms of the agreement the Government had pledged to create 4 000 new jobs in the homeland for every 1 000 illegal Transkeians resettled

Accommodation for the 4 000 workers would also be provided, Dr Koornhof added

● Mr Harry Oppenheimer told the Financial Mail Investment Conference in Johannesburg in November 1982

"To what extent, if we free our minds of political preconceptions, is a general policy of decentralisation of industry really a top priority in South Africa?"

AUTHORITY

"I am afraid that there are many people in positions of influence and authority who press for the dispersal of industry because it appeals to them as a Verwoerdian plan for slowing up or even bringing to an end developments in the major centres with the object of transferring economic growth to the borders of the homelands

"On what serious economic and social investigation has the high priority accorded to this policy been based? By world standards even Johannesburg is not a major metropolis, and Cape Town, Port Elizabeth and Durban are, in world terms, no more than medium-sized towns

'LUXURIES'

"What imperative is there to stop or even slow down significant developments in these areas — particularly in a time of recession when such luxuries are difficult to afford

"The top priority for economic growth and social improvement surely lies in and around our existing metropolitan areas"

X (206) *Hansard*
 Influx control/identity documents
 28/6/83 Q. Col. 1716
 1030 Mr P/G SOAL asked the Minister
 of Co-operation and Development.

- (1) How many persons were (a) tried for and (b) convicted of offences relating to influx control and identity documents in the commissioners' courts falling under the jurisdiction of the Northern Transvaal Administration Board in the 1982 calendar year
- (2) (a) what was the average daily number of cases heard in these courts in that year and (b) what amount accrued to the State in 1982 from fines imposed for these offences?

1717

TUESDAY 28

The MINISTER OF CO-OPERATION
AND DEVELOPMENT

	(1)		(2)	
	(a)	(b)	(a)	(b)
Louis Trichardt	144	140	4	R
Potgietersrus	605	600	5	Nil
Pietersburg	1 068	1 045	6	3 220
Tzaneen	42	42	2	10 244
Phalaborwa	78	69	2	270
				187

206 Hansard
 Influx control/identity document
 28/6/83 Q.61. 1721
 1042 Mr P G SOAL asked the Minister
 of Co-operation and Development

(1) How many persons were (a) tried for and (b) convicted of offences relating to influx control and identity documents in the commissioners courts falling under the jurisdiction of the

Western Transvaal Administration Board in the 1982 calendar year

(2) (a) what was the average daily number of cases heard in these courts in that year and (b) what amount accrued to the State in 1982 from fines imposed for these offences?

The MINISTER OF CO-OPERATION AND DEVELOPMENT

1723

TUESDAY, 28 JUNE 1983

1724

	(1)		(2)	
	(a)	(b)	(a)	(b)
Carletonville	1 616	1 544	18	R13 440
Klerksdorp	2 919	2 481	10	R 4 250
Lichtenburg	376	316	7	R 1 230
Potchefstroom	436	385	6	R 358
Zeerust	123	98	1	R 230

to influx control and identity documents at the commissioners courts falling under the jurisdiction of the Central Transvaal Administration Board in the 1982 calendar year

- (2) (a) what was the average daily number of cases of this nature heard in these courts in that year and (b) what amount accrued to the State in 1982 from fines imposed for these offences?

The MINISTER OF CO OPERATION AND DEVELOPMENT

~~206~~ (206) Hansard 28/6/83
influx control/identity documents
Q. Col. 1701

973 Mr P G SOAL asked the Minister of Co-operation and Development

- (1) How many persons were (a) tried for and (b) convicted of offences relating

	(1)		(2)	
	(a)	(b)	(a)	(b)
Brits	1 436	1 320	6	R4 109
Pretoria	10 879	7 666	43	R4 780
Rustenburg	318	308	5	R2 694

~~207~~ ~~207~~ 206 Howard
 Influx control/identity documents
 20/6/83 U 61, 1714
 1018 Mr P G SOAI asked the Minister
 of Co-operation and Development

- (1) How many persons were (a) tried for and (b) convicted of offences relating to influx control and identity documents in the commissioners courts falling under the jurisdiction of the Orange Vaal Administration Board in the 1982 calendar year.
- (2) (a) what was the average daily number of cases heard in these courts in that year and (b) what amount accrued to the State in 1982 from fines imposed for these offences?

The MINISTER OF CO-OPERATION AND DEVELOPMENT

	(1)		(2)	
	(a)	(b)	(a)	(b)
Vaal Triangle	7 383	6 974	37	R11 589
Kroonstad	360	360	0	R1 050

206 Hansard
Influx control/identity documents
28/6/83 Q. No. 1709
991 Mr P G SOAL asked the Minister
of Co-operation and Development

- (1) How many persons were (a) tried for and (b) convicted of offences relating to influx control and identity documents in the commissioners' courts falling under the jurisdiction of the Eastern Transvaal Administration Board in the 1982 calendar year.
- (2) (a) what was the average daily number of cases heard in these courts in that year and (b) what amount accrued to the State in 1982 from fines imposed for these offences?

The MINISTER OF CO-OPERATION
AND DEVELOPMENT

	(1)		(2)	
	(a)	(b)	(a)	(b)
Barberton	127	124	1	R787
Nelspruit	125	97	1	R830

235 *Hansen* Population *28/6/83*
 976 Mr P G SOAL asked the Minister of Co-operation and Development

What was the (a) adult male, (b) adult female and (c) child population of (i) the Black township of Witbank, (ii) Mhluzi, Middelburg, (iii) Syathemba, Balfour, (iv) Syathuthuka, Belfast, (v) Mfuleni, Leandra, (vi) Thula, Ogies, (vii) Nthorwane, (viii) Greylingstad, (viii) the Black

township of Perdekop, (ix) Vukuzakhe, Volksrust, (x) Sakhile, Standerton, (xi) the Black township of Hendrina, (xii) Emzimonu, Bethal, (xiii) Mbalenhle, Secunda, (xiv) the Black township of Dullstroom, (xv) the Black township of Lydenburg and (xvi) the Black township of Machadodorp as at 31 December 1982?

THE MINISTER OF CO-OPERATION AND DEVELOPMENT

	(a) Adult male	(b) Adult female	(c) Children
(i) Witbank	18 119	7 078	10 419
(ii) Middelburg	10 537	5 685	11 986
(iii) Balfour	1 958	1 759	3 705
(iv) Belfast	1 164	983	1 667
(v) Leandra	3 882	2 866	3 027
(vi) Ogies	1 773	1 411	2 727
(vii) Greylingstad	438	529	841
(viii) Perdekop	407	288	692
(ix) Volksrust	2 640	3 022	5 001
(x) Standerton	4 011	3 591	9 955
(xi) Hendrina	666	460	878
(xii) Bethal	5 513	2 831	7 690
(xiii) Secunda	6 342	2 907	5 963
(xiv) Dullstroom	206	214	317
(xv) Lydenburg	2 478	1 325	1 574
(xvi) Machadodorp	370	401	677

28/6/83
 977 Mr P G SOAL asked the Minister of Co-operation and Development

(1) Whether any housing schemes are being developed at present in (a) the Black township of Witbank, (b) Mhluzi, Middelburg, (c) Syathemba, Balfour, (d) Syathuthuka, Belfast, (e) Mfuleni, Leandra, (f) Thula, Ogies, (g) Nthorwane, Greylingstad, (h) the Black township of Perdekop, (i) Vukuzakhe, Volksrust, (j) Sakhile, Standerton, (k) the Black township of Hendrina, (l) Emzimonu, Bethal, (m) Mbalenhle, Secunda, (n) the Black township of Dullstroom, (o) the Black township of Lydenburg and (p) the Black township of Ma-

chadodorp by the (i) Highveld Administration Board and (ii) private sector, if so,
 (2) (a) how many in each case, (b) when was each of these schemes initiated, (c) when is it envisaged that each of them will be completed and (d) how many housing units are involved in each case,
 (3) whether any housing for lower-income groups is under construction in these townships, if so, (a) in which townships and (b) how many housing units are involved in each case?

THE MINISTER OF CO-OPERATION AND DEVELOPMENT

	(i)	(ii)
(a) Witbank	One (177 stands site and service)	One (2 houses)
(b) Middelburg	0	0
(c) Balfour	One (380 bed hostel)	0
(d) Belfast	0	0
(e) Leandra	Two (352 bed hostel and 712 houses)	0
(f) Ogies	0	0
(g) Greylingstad	0	0
(h) Perdekop	0	0
(i) Volksrust	One (30 houses)	One (44 houses)
(j) Standerton	0	0
(k) Hendrina	0	0
(l) Bethal	Two (178 bed hostel and 435 stands site and service)	0
(m) Secunda	Two (640 bed hostel and 105 stands site and service)	0
(n) Dullstroom	0	0
(o) Lydenburg	0	0
(p) Machadodorp	0	0

(2) (a) Indicated under paragraph (1)(i) above
 (b) Between 1980 and 1983
 (c) Between 1983 and 1984
 (d) Indicated under paragraph (1)(i) above

(3) Yes

28/6/83
 979 Mr P G SOAL asked the Minister of Co-operation and Development

(1) How many persons were (a) tried for and (b) convicted of offences relating to influx control and identity documents?

(2) (a) what was the average daily number of cases of this nature heard in these courts in that year and (b) what amount accrued to the State in 1982 from fines imposed for these offences?
THE MINISTER OF CO-OPERATION AND DEVELOPMENT

	(1) (a)	(1) (b)	(2) (a)	(2) (b)
Groblersdal	592	434	4	921
Lydenburg	1 743	1 357	8	1 590
Middelburg	689	640	3	5 460
Witbank	2 528	1 856	10	7 037

Witbank

WCAB 'thinks it's above law'

Cape Times 28/6/83

By PHILLIP VAN NIEKERK
Labour Reporter

THE Western Cape Administration Board (WCAB) has been accused of "thinking themselves above the law" for refusing to apply a Cape Supreme Court ruling similar to the landmark Rikhoto judgment.

In April Mr Justice Pat Tebbutt granted permanent city residence rights to a contract worker Mr Mdwandweni Mthiya, who had worked for one employer for longer than 10 years, though he had three long absences from work.

The Chief Director of the Western Cape Administration Board (WCAB), Mr J Gunter, said yesterday that he recognized the Mthiya case was the law, but

said the WCAB would not be applying it yet.

He said the WCAB's lawyers were considering the matter and, if they believed they had a case, would be appealing against it.

Mr Gunter said the Rikhoto verdict, granting permanent residence to long-serving migrant workers, would be "respected" but only those who qualified on exactly the same basis as Mr Tom Rikhoto

would be granted residence rights.

This would mean far less than the estimated 12 000 long-serving migrants in the Western Cape, many of whom have had lengthy periods of unpaid leave, would qualify.

And it would be "some years" before those workers who do qualify would be able to bring their families.

This was because of Dr Koornhof's proposed legislation only allowing those workers who have "approved accommodation" to bring their families to the city, coupled with the housing shortage of about 6 000 units in the black areas of the Peninsula.

Mr Gunter's statement was yesterday criticised by several city lawyers and Mrs Sheena Duncan, the national president of the Black Sash, said administration board officials did not have the right to make up their minds whether or not they should apply the law.

"Bureaucrats in this country increasingly think themselves above the law," she said.

Law Examination (17 years)
 Mr A P Rossouw—B Iuris (4 years)
 Mr J J Claasen—B Iuris (3 years)
 Mr G S du Preez—B Iuris, LL B (8 years)
 Mr J P du P Botha—B Iuris (4 years)
 Mr J A C Swanepoel—B Iuris (5 years)

- (2) These presiding officers are appointed by the Chief Commissioner Eastern Cape under delegated powers in terms of sections 2(2) and 2(6) of the Black Administration Act, 1927 (Act 38 of 1927).

Port Elizabeth Commissioners' Courts

*29 Mr D J N MALCOMESS asked the Minister of Co-operation and Development.

- (a) For what total number of hours were the courts at the Port Elizabeth Commissioners' Courts in session during the latest specified period of 12 months for which figures are available and (b) what total number of persons appeared before these courts during that period?

The DEPUTY MINISTER OF CO-OPERATION

- (a) 589 hours for the period 1 June 1982 to 31 May 1983

- (b) 2 789 persons

X (3) Falls away
 206 3070 Hours and X
 Port Elizabeth Commissioners' Courts
 Q. Col. 1744 29/6/83
 *28. Mr D J N MALCOMESS asked the Minister of Co-operation and Development:

- (1) (a) Which persons have served as presiding officers at the Port Elizabeth Commissioners' Courts in a (i) permanent and (ii) temporary capacity in 1982 and 1983, respectively, and (b) what (i) are the legal qualifications and (ii) is the legal experience of each of these presiding officers,
 (2) by whom are these presiding officers appointed?

†The DEPUTY MINISTER OF CO-OPERATION

- (1) (a) (i) Officers appointed as presiding officers on a permanent basis in 1982 and 1983 —
 Mr F J. Fourie
 Mr. A. P. Rossouw
 Mr J. J. Claasen
 Mr. G. S. du Preez
 Mr. J. P. du P. Botha
 Mr J. A. C. Swanepoel
 (ii) No officers were appointed as presiding officers on a temporary basis for the period 1982–1983 (June)
 (b) (i) and (ii) The legal qualifications and experience of the above-mentioned officers are as follows —
 Mr F J Fourie—Public Service

- (4) whether any provision is made to accommodate Indian and Coloured persons reserving accommodation in separate compartments, if not, why not; if so, (a) what provision and (b) what guarantee is given in this connection,
- (5) how many of the trains operating (a) on each day of the week and (b) during peak holiday periods are provided with (i) dining-cars and (ii) lounge-cars;
- (6) whether any provision is made for dining-car and lounge-car service for Indian and Coloured persons, if not, why not, if so, what provision;
- (7) whether any provision is made for selling food and refreshments on those trains which do not have a dining-car service, if not, why not, if so, what provision;
- (8) whether the above-mentioned service is available to all classes of passengers, if not, (a) why not and (b) for which classes of persons is it provided;
- (9) whether the South African Transport Services provide an international-class service on this route, if not, why not, if so, what facilities are provided for Indian and Coloured persons in terms of this service;
- (10) whether any provision is made for Indian and Coloured persons in terms of the train-hotel plan, if not, why not; if so, what provision?

THE MINISTER OF TRANSPORT AFFAIRS.

- (1) (a) (i) The required information is readily available in the South African Railways Train Time-table
- (ii) According to demand
- (b) Two coaches on scheduled trains and according to demand on special trains



to the latest specified date for which figures are available?

†THE PRIME MINISTER

For the period until 31 March 1983 the costs totalled R7 678 629

For the financial years 1981-'82 and 1982-'83 respectively, the amounts actually expended were 0,024% and 0,022% of the total Main Budget

Ministers *Heurand*

206 Rikhoto judgment 29/6/83

*1 Mrs H SUZMAN asked the Minister of Co-operation and Development:

Whether any Black persons qualifying for rights under section 10(1)(b) of the Blacks (Urban Areas) Consolidation Act, No 25 of 1945, have had their reference books endorsed in accordance with the Rikhoto judgment since his reply to Question No. 15 on 10 June 1983, if so, how many as at the latest specified date for which figures are available?

THE MINISTER OF CO-OPERATION AND DEVELOPMENT

Yes 83 Persons since 10 June 1983 to 24 June 1983

Positioning of roads: correspondence

*2 Mr P R C. ROGERS asked the Minister of Constitutional Development and Planning:

- (1) Whether he has made or will make the correspondence referred to in his reply to Question No 9 on 17 June 1983 available to interested parties, if not, why not; if so, when;
- (2) whether he will make known to the House the contents of this correspondence; if not, why not; if so, what is the purport thereof?

THE MINISTER OF CONSTITUTIONAL DEVELOPMENT AND PLANNING.

(1) and (2) The powers for the proclamation of provincial roads in the Cape are

vested in the Administrator-in-Executive Committee. In cases of this nature it is customary for comment to be obtained from various government and other institutions before arriving at a decision. Accordingly the Provincial Administration also approached the Department for an opinion in this matter. However, it is not practice to divulge the contents of official correspondence.

South African Medical and Dental Council: complaints

*3 Mr G B D McINTOSH asked the Minister of Health and Welfare:

- (1) Whether the South African Medical and Dental Council has received any complaints relating to the medical treatment received by a male person on or about 25 June 1982 at a nursing home in Alberton the name of which has been furnished to the Minister's department for the purpose of his reply; if so
- (2) whether this person subsequently died,
- (3) whether the said Council has instituted an inquiry in terms of section 41 of the Medical, Dental and Supplementary Health Service Professions Act, No 56 of 1974 if so, what were the findings, if not why not,
- (4) whether it will institute such an inquiry, if not, why not, if so, when?

†THE MINISTER OF HEALTH AND WELFARE

(1) No.

(2), (3) and (4) fall away

Heurand *Q.61, 1730*

*4. Mr E K MOORCROFT asked the Minister of Agriculture

- (1) Whether a consignment of barley for stock-feeding purposes has been or is to be imported, if so, (a) at what

†Indicates translated version

For oral reply *Heurand Q.61.*

SAFA President's Council *1728*

Mr. J J R. VAN ZYL asked the Prime Minister:†

What was the total cost in respect of the President's Council since its inception up



29 JUNE 1983

1746

~~443 090~~ 206 Howard
Johannesburg Commissioners' Courts
29/6/83 @ 61 1746
*30 Mr P G SOAL asked the Minister
of Co-operation and Development

Whether any persons appearing before the Johannesburg Commissioners Courts in 1982 were legally represented in court if so, how many persons (a) were and (b) were not so represented?

†The DEPUTY MINISTER OF CO OP ERATION

Yes

(a) Number of persons legally represented in the Johannesburg Commissioners' Courts (Criminal) in 1982
33

(b) Number of persons not legally represented in the Johannesburg Commissioners' Courts (Criminal) in 1982
56 011.

ARG 95 29/6/83 (200) (201) (206) (339)

Many apply for residence

Staff Reporter

MORE than 1 000 people have applied for permanent residential rights in the Western Cape since the announcement last week by the Government that it would follow the Rikhoto judgment

During the two weeks after the Appeal Court judgment the Western Cape Administration Board had only 239 applicants

The trickle of applicants to the board's labour offices during the doubtful period has been attributed to the fact it was widely speculated in trade union and civil rights circles that the Government would introduce legislation to neutralise the judgment

Dr Piet Koornhof, the Minister of Co-operation and Development, however, announced last week that the judgment, which gives permanent

residential rights to contract workers who have worked for the same employer for 10 years or for a different one in the same area for 15 years, would be implemented

The liaison officer of the Administration Board Mr G T du Preez,

said to date about 2 500 applications for 10 (1) b rights had been received.

About 1 000 were received before the judgment, 250 in the two weeks after the judgment and 1 250 since the Government made the announcement last week

Opposition to Clause 4

Political Staff

ANY attempt by the Government to circumvent the Appeal Court's ruling in the Rikhoto case would be opposed Mrs Helen Suzman, Opposition spokesman on black affairs, said today

Reacting to the Laws on Co-Operation and Development Amendment Bill, Mrs Suzman said the PFP would oppose Clause 4

This is the section that puts an accommodation requirement into law forcing contract workers to provide suitable accommodation if they want their families to get permanent city dweller rights

"It is an attempt to circumvent the Rikhoto ruling and therefore we will oppose it," she said today

"There is no reason why those people who are newly qualified should be put in a different position from the others who qualified under the old sections"

29/6/83 224
Judge
slams
Act
over
'idle
woman
Mercury
Pietermaritzburg
Bureau

AN ORDER declaring a 32-year-old woman to be an 'idle person' and consigning her to a suspended term of one year's labour was set aside by a Full Bench of the Supreme Court in Pietermaritzburg yesterday

Mrs Beauty Duma was arrested and brought before a commissioner in Port Shepstone who declared her to be an idle person in terms of Section 29 of the Black Consolidation Act.

The order had the effect of consigning her to a term of one year's labour at a place to be determined by the Prisons Department

Case

The term of labour was suspended on the condition that she took up registered employment in the Sea Park or South Coast areas within 30 days for a period of 12 months or she left the area for a period of three years

When the case reached the Supreme Court on automatic review the judge responsible for the review referred it to a Full Bench for a decision

The Legal Resources Centre in Durban was asked to appear for Mrs Duma and the Attorney-General asked to appear for the state

Mr Chris Nicholson appeared for Mrs Duma and Mr M Imber SC for the State

Support

In his judgment Mr Justice Didcott said he agreed with what had been said in argument that Mrs Duma was one of 'life's casualties'

Her husband was dead and she had not any relatives. She had two children to support and lived in a shanty in the bush

She had taken work as a domestic servant with holidaymakers whenever she could and sold fruit and vegetables in between

The judge said the commissioner had shown all the sympathy he could within the bounds of the legislation

The provisions of Section 29 left him with no choice but to brand her an idle person

Distaste

A number of Supreme Court decisions have called Section 29 drastic in its effect. One only has to read this to feel this

'Its harshness is foreign to the idea cherished by lawyers everywhere that the law's business is first and foremost to protect the liberties of the individual and the safety of the public rests largely on the law's success in doing so

'There is little our Courts can do about legislation of this kind. They can make their distaste for it known for what that may be worth

'It is not a great deal Parliament seldom takes notice once some policy it considers important is involved'

The Judge said what he had to decide was whether Mrs Duma was an idle person in the ordinary and true sense of the word

'I am quiet satisfied she is not Idle means lazy, indolent, a shirker, a slacker and one not eager to obtain work

'Her lack of employment was not what she had chosen. Throughout she strove for better. She did her best

The Judge ordered that the order declaring her an idle person be set aside and the consequent order consigning her to a year's prison labour also be set aside —

Reasons	% Boys	% Girls
Maladjustment with other pupils	1,8	0,5
Serious illness or death of member of family	1,8	0,5
School work too difficult	1,3	0,3
Being ill-treated by leaders in hostel	1,3	—
Receive no communication from home	1,0	0,3
Lawsuit pending against pupil	1,0	—
Want to attend school in hometown	1,0	—
Lost train ticket during holidays	0,8	0,8
Maladjustment with specific teacher	0,5	—
Pupils smoke dagga at the school	0,5	—
Transferred to another school unwilling to go	0,5	—
To seek help for a marriage problem	0,3	0,8
Abscond just for the adventure thereof	0,3	0,5
Wish to care for his/her illegitimate child	0,3	0,3
Experience language problem (cannot follow Afrikaans)	0,3	—
Wanted to give evidence in court case	0,3	—
Social Worker granted permission that he may stay away from school	0,3	—
Abscond to boyfriend/Want to get married	—	6,8
Real or suspected pregnancy	—	3,3
Accused of Lesbian inclinations	—	2,0
Discord at home and abscond from home	—	1,5
Married during holidays	—	1,5
Mentally disturbed (and abscond from hospital)	—	0,8
Got off at wrong station	—	0,5
Release on licence not approved	—	0,3
Commissioner of Child Welfare promised her release after six months	—	0,3
Nobody to meet her at station after holidays	—	0,3
Feel unsafe at school because of its proximity to Lesotho	—	0,3
Became ill during school holidays	—	0,3
School refuses consent for smoking	—	0,3

Reasons	% Boys	% Girls
No absconder's enquiry held	2,0	—
Pupil not readmitted or discharged as untraceable absconder	8,8	24,1
	100%	100%

(4) Yes The Department is continually giving guidance to principals and staff of the schools concerned to motivate and assist the pupils to make the best use of the educational opportunities they are offered. Furthermore, a relaxed atmosphere is being created in the schools and hostels with a view to assisting the pupils during their rehabilitation.

Howard 20/6/83
 Dary products 20/6/83
 1078. Mr E K MOORCROFT asked the Minister of Agriculture

Whether there have recently been any price increases in respect of dairy products; if so, (a) in respect of which dairy products and (b) what was the percentage increase in each case?

THE MINISTER OF AGRICULTURE

No (a) and (b) fall away

However, the Dairy Board announced that dairy prices would be adjusted as follows with effect from 1 July 1983

- (a) The gross producer price of fresh milk will increase by 11 per cent in the Cape Peninsula and by an average of approximately 8,3 per cent in other controlled areas;
- (b) Control over the consumer price of fresh milk is to be abolished;
- (c) The gross producer price of industrial milk will increase by 9,4 per cent; and
- (d) The consumer price of butter and

cheese will increase by 10,87 per cent and 10,8 per cent respectively

Howard 20/6/83
 Johannesburg Commissioners' Courts 20/6/83
 1082 Mr P G SOAL asked the Minister of Co-operation and Development

- (1) (a) Which persons have served as presiding officers at the Johannesburg Commissioners' Courts in a (i) permanent and (ii) temporary capacity in 1980, 1981, 1982 and 1983 respectively, and (b) what (i) are the legal qualifications and (ii) is the legal experience of each of these presiding officers;
- (2) by whom are these presiding officers appointed?

THE MINISTER OF CO-OPERATION AND DEVELOPMENT.

(1) (a) (i) Officers appointed as presiding officers permanent—

- 1980 Messrs D W M Paulsen, R R Rheeder, P J Warner, J J Joubert, G van Eyssen, C P W Schutte, H Werdorn, J O'Conner
- 1981 Messrs C H Swanepoel, P J Warner, R R Rheeder, J J Joubert, C. P W Schutte, G van Eyssen, D Lubbe, P Vermaak and J F Reyneke

QUESTIONS UNDER NAME OF MEMBER

1982: Messrs. C. H. Swanepoel, A. J. Becker, W. J. Scheepers, R. R. Rheeder, P. J. Warner, J. Boshoff, J. J. Joubert, L. J. Moorcroft, S. P. van Rensburg, C. J. Nel, M. Serfontein, D. Lubbe, J. F. Reyneke, and P. Vermaak

1983: Messrs. A. J. Becker, J. Boshoff, J. J. Joubert, L. J. Reyneke, P. Vermaak, J. Preiss, J. J. Muller, J. J. Swart, W. Faul, C. Maree, M. J. Roux, H. F. Hannon, T. Freysen and W. J. Scheepers.

(ii) Officers appointed as presiding officers temporarily—

1980: Messrs. G. M. S. Rossouw, A. C. Wilken and H. Druyman.

1981: Messrs. G. M. S. Rossouw, A. C. Wilken, and H. Druyman.

1982: Messrs. A. C. Wilken and H. Druyman

1983: Messrs. A. C. Wilken, H. Druyman and D. P. Kleyn.

(b) (i) and (ii) The legal qualifications and experience of the above mentioned officers are as follows:—

- D. W. M. Paulsen—Civil Service
- Vice Lower Law (20 years)
- R. R. Rheeder—Civil Service
- Higher Law (23 years)
- P. J. Warner—Civil Service
- Higher Law (23 years)
- J. J. Joubert—B. Juris (13 years)
- G. van Eysen—Civil Service
- Lower Law (3 years)

C. P. W. Schutte—B. Proc (38 years)

H. Wenhedlborn—German Legal Qualification (4 years)

J. O'Connor—BA LLB (1 year and 6 months)

C. H. Swanepoel—Civil Service

Lower Law (22 years)

D. Lubbe—B. Juris (1 year 6 months)

P. Vermaak—B. Proc (21 years)

J. F. Reyneke—B. Juris (6 years)

A. J. J. Becker—Civil Service

Lower Law (20 years)

W. J. Scheepers—BA, Civil Service

Vice Lower Law (22 years)

J. Boshoff—BA, Dip. Juris (15 years)

L. J. Moorcroft—B. Juris (3 years and 6 months)

S. P. van Rensburg—B. Proc (2 years)

C. J. Nel—B. Juris (6 years)

M. Serfontein—B. Juris (1 year and 6 months)

D. Lubbe—B. Juris (1 year and 6 months)

J. Preiss—BA, LLB (6 months)

J. J. Muller—BA, LLB (6 months)

J. J. Swart—BA, LLB (6 months)

W. Faul—BA, LLB (6 months)

C. Maree—B. Juris (1 month)

M. J. Roux—BA, LLB (6 months)

H. F. Hannon—Civil Service

Lower Law (22 years)

T. Freysen—B. Juris (3 months)

G. M. S. Rossouw—Civil Service

Vice Lower Law (41 years)

A. C. Wilkens—BA, Civil Service

Vice Lower Law (20 years)

H. Druyman—Attorney's admission (45 years)

(2)

These presiding officers are appointed by the Chief Commissioner, with waterstrand, under delegated powers in terms of Section 2(2) and 2(6) of the Black Administration Act, 1927 (Act 38 of 1927).

Andrew, Mr. K. M. S.—

Community Development, 379, 768, 777, 781, 1605.

Constitutional Development and Planning, 1348, 1500.

Co-operation and Development, 96, 105, 203, 273, 274, 488, 578, 579, 602, 603, 643, 688, 690, 691, 728, 729, 731, 773 (1417), 803, 823, 833, 834, 835, 854, 855, 886, 888, 956, 959, 983, 984, 1026, 1121, 1194, 1255, 1269, 1270, 1296, 1367, 1387, 1389, 1391, 1412, 1457, 1481, 1521, 1522, 1523, 1551, 1561, 1608, 1610, 1611, 1612, 1613, 1614, 1615, 1616, 1617, 1623, 1640, 1693.

Defence, 602, 1258

Education and Training, 101, 155, 156, 195, 196, 479, 772, 800, 925, 1267, 1344, 1413, 1439, 1465, 1597, 1678, 1694, 1809, 1821

Environment Affairs and Fisheries, 1443, 1472, 1473, 1475, 1644

Finance, 1618.

Foreign Affairs and Information, 63, 890, 957, 1066, 1067.

Health and Welfare, 575, 1501

Industries, Commerce and Tourism, 995

Internal Affairs, 276, 427, 512, 513, 951, 1202, 1204, 1349, 1394, 1395, 1537, 1676, 1718, 1719, 1724

Justice, 1456, 1464.

Law and Order, 496, 798, 1025, 1027, 1193, 1194, 1256, 1258, 1333, 1371, 1387, 1405, 1578.

Manpower, 629.

Mineral and Energy Affairs, 1442.

National Education, 1167, 1206, 1211, 1229, 1322, 1323, 1324, 1690.

Posts and Telecommunications, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 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1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1077, 1078, 1079, 1080, 1081, 1082, 1083, 1084, 1085, 1086, 1087, 1088, 1089, 1090, 1091, 1092, 1093, 1094, 1095, 1096, 1097, 1098, 1099, 1100, 1101, 1102, 1103, 1104, 1105, 1106, 1107, 1108, 1109, 1110, 1111, 1112, 1113, 1114, 1115, 1116, 1117, 1118, 1119, 1120, 1121, 1122, 1123, 1124, 1125, 1126, 1127, 1128, 1129, 1130, 1131, 1132, 1133, 1134, 1135, 1136, 1137, 1138, 1139, 1140, 1141, 1142, 1143, 1144, 1145, 1146, 1147, 1148, 1149, 1150, 1151, 1152, 1153, 1154, 1155, 1156, 1157, 1158, 1159, 1160, 1161, 1162, 1163, 1164, 1165, 1166, 1167, 1168, 1169, 1170, 1171, 1172, 1173, 1174, 1175, 1176, 1177, 1178, 1179, 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1844, 1845, 1846, 1847, 1848, 1849, 1850, 1851, 1852, 1853, 1854, 1855, 1856, 1857, 1858, 1859, 1860, 1861, 1862, 1863, 1864, 1865, 1866, 1867, 1868, 1869, 1870, 1871, 1872, 1873, 1874, 1875, 1876, 1877, 1878, 1879, 1880, 1881, 1882, 1883, 1884, 1885, 1886, 1887, 1888, 1889, 1890, 1891, 1892, 1893, 1894, 1895, 1896, 1897, 1898, 1899, 1900, 1901, 1902, 1903, 1904, 1905, 1906, 1907, 1908, 1909, 1910, 1911, 1912, 1913, 1914, 1915, 1916, 1917, 1918, 1919, 1920, 1921, 1922, 1923, 1924, 1925, 1926, 1927, 1928, 1929, 1930, 1931, 1932, 1933, 1934, 1935, 1936, 1937, 1938, 1939, 1940, 1941, 1942, 1943, 1944, 1945, 1946, 1947, 1948, 1949, 1950, 1951, 1952, 1953, 1954, 1955, 1956, 1957, 1958, 1959, 1960, 1961, 1962, 1963, 1964, 1965, 1966, 1967, 1968, 1969, 1970, 1971, 1972, 1973, 1974, 1975, 1976, 1977, 1978, 1979, 1980, 1981, 1982, 1983, 1984, 1985, 1986, 1987, 1988, 1989, 1990, 1991, 1992, 1993, 1994, 1995, 1996, 1997, 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 20

PE's presiding officers are better qualified

2. Post
20/6/83
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Political Correspondent

CAPE TOWN — The presiding officers at the Port Elizabeth Commissioner's Courts are generally much better qualified than those in Cape Town, says the Deputy Minister of Co-operation and Development, Dr George Morrison

In reply to questions from Mr John Malcomess (PFP, Port Elizabeth Central) he said the qualifications and experience of the six presiding officers in Port Elizabeth appointed on a permanent basis in 1982/83 were Mr F J Fourie — Public Service Law Examination (17 years experience), Mr A P Rossouw — B Juris (four years), Mr J J Claasen — B Juris (three years), Mr G S du Preez — B Juris, LIB (eight years), Mr J P Du P Botha — B Juris (four years), and Mr J A C Swanepoel — B Juris (five years)

In reply to a similar question earlier this month, Mr Morrison said one of the permanent presiding officers at the Langa Commissioner's Courts in Cape Town had no legal qualifications whatsoever

In reply to another question from Mr Malcomess yesterday, Dr Morrison said the Port Elizabeth Commissioner's Courts were in session for a total of 589 hours last year, during which a total of 2 789 accused appeared before them

He said only 33 of the 56 011 persons who appeared before the Johannesburg Commissioner's Courts last year were legally represented in court

A similar question in Parliament earlier this month disclosed a much better position in the case of the Langa courts, where just more than 1% of the 9 500 accused were represented

150 ~~340~~
apply ~~201~~
for ~~206~~
rights
D. Aspath
30/6/83

PORT ELIZABETH —
The chief director of the East Cape Administration Board (Ecab), Mr Louis Koch, said yesterday his department had so far received about 150 applications from black migrant workers wanting permanent residence in Port Elizabeth's urban areas

"All 150 applications have been approved and we certainly expect many more from now on from migrant workers who would normally have returned to their homelands once a year or once their work contracts had expired," said Mr Koch

Mr Koch said there was sometimes not enough supporting evidence that a worker had remained with one employer for ten years or had worked in the urban area for various employers for 15 years, and a decision could therefore not always be reached immediately

He said Ecab was "definitely not" blocking aspirant applicants and adhered to the Rhikoto Appeal Court judgement

Referring to the case of Mr B J Mnguni, Mr Koch said Mr Mnguni had applied for Section 10 rights while the Rhikoto appeal court case had not yet been finalised

"Mr Mnguni was refused his Section 10 residential rights because the legal position had not been clarified in the meantime, he asked the Supreme Court for an urgent interdict while we responded by asking for a deferralment of the case," said Mr Koch

"Once we knew the outcome of the Rhikoto case and received clarification of its legal implications, we informed the court we were withdrawing our request for a deferrment"

Mr Mnguni came to Port Elizabeth from Alice in 1969 and worked under contract for the same cement factory for 14 years, until the factory closed in March this year, which threatened his permit to remain in the city Ecab granted him a two-month permit pending the Rhikoto ruling

Mr Mnguni can now bring his wife and children to live with him in Port Elizabeth — DDC

'Demand aid', squatters told

Cape Times 30/6/83

Staff Reporter

A WYNBERG magistrate, sentencing seven men yesterday for illegal squatting at KTC on May 17, said the "outstanding characteristic of the cases was that "no-one confronted the Transkei Government with demands as they do here"

Goodman Paka Mesi, 31, Shadrack Tobile, 31, Agripper Maqana, 28, Wakuani Ntloko, 30, Lennox Bacai, 29, Gladwell Mtsike Wane, 62, and Mazwi Lucas Mpetstleni, 35, who had all pleaded guilty, were each fined a total of R100 (or 100 days) on illegal squatting charges and for remaining in the Peninsula for over 72 hours

The sentences were suspended for two years on condition that they are not again convicted of squatting and that they leave the Peninsula by July 15

Miss I Broodryk, for all the men, said they had come to look for work to avoid starving

The magistrate, Mr A P Kotze, said the court always took the personal circumstances of the accused into account

"The court is aware that many of you have no family in Transkei

"The court finds it interesting that many of you have been back to Transkei, and it appears that if you cannot find work you return to the Peninsula. No-one blames you for looking for deliverance but you must not break a country's laws in the process

"None of you have approached the Transkei authorities for assistance and the court must urge you to try that way before you break the law"

Mr A C Venter appeared for the State

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'Idle' woman ruling hailed

Mercury Reporter

THE Government is under renewed pressure to scrap Section 29 of the Black Consolidation Act, which empowers commissioners to banish people to prison farms on the grounds that they are 'idle and undesirable'

The mounting public pressure follows a judgment in the Supreme Court in Pietermaritzburg this week which is likely to affect thousands of urban blacks throughout the country

A spokesman for the Legal Resources Centre in Durban yesterday confirmed that about 5 000 people were charged under this Section of the Act in Durban last year and described the Pietermaritzburg ruling as a 'landmark judgment'

The judgment, handed down by the Full Bench of the Court, set aside an order declaring a 32-year-old woman to be an 'idle person' and consigning her to a suspended term of one year's labour

Step

It arose from the case of a part-time domestic worker, Mrs Beauty Duma, who was sentenced to a term on a prison farm after she was arrested and brought before a commissioner in Port Shepstone who declared her to be an idle person in terms of Section 29 of the Act.

Mr Peter Gastrow, PFP MP for Durban Central and secretary of the PFP's justice group, said Section 29 of the Act ought to be scrapped and it appeared that the Government had already taken the first step towards such a move

He said the Black Communities Development Bill, tabled in Parliament last year and referred to the Select Committee on Constitution, specifically repealed Section 29

Foreigners

'Although the committee has not as yet reported I assume that the Bill as amended will still provide for the repeal of Section 29,' he said

Supporting calls for the immediate repeal of the Section, Mr Paddy Kearney, of Diakonia, said such legislation made blacks foreigners in the country of their birth and where they had lived all their lives

'When people are desperate for employment and struggling to survive it is despicable that they can be declared "idle and undesirable" and sent back to the homelands

'We should rather spend all the money wasted on cases of this kind by creating employment opportunities for people,' he said

Hailing the Pietermaritzburg judgment, Mrs Jillian Nicholson of the Black Sash in Durban, said they were delighted with the ruling because the relevant Section of the Act affected hundreds of people

'The State has been using Section 29 as a method of influx control. The Black Sash monitors the Commissioners Courts and we see the devastating effect of Section 29 on the public

'In the past we have been particularly concerned with these people who have been ordered to return to their townships in terms of Section 29 and not to look for work in the prescribed area

'The irony of this is it is forcing people into a state of idleness because no work is available in the townships and they are prevented from looking for work in the city,' she added

Test

A legal expert said every decision by the Full Court was binding, as long as it stood, on all inferior courts in Natal, on a single judge and obviously on commissioners' courts

He said what was binding was the particular test applied to the ordinary meaning of the word rather than the highly artificial definition of idleness as laid down by Section 29 of the Act.

He said the Act's definition laid down the guidelines for the arrest of a person 'It kicks the ball into play, but it is not the final whistle'

Judgments given in Natal were only binding on the province but could have persuasive power elsewhere. He said that in passing down judgment on Mrs Duma, the Court had followed a decision made in the Eastern Cape

He said only an Appellate Division decision was binding nationwide

Atlantic rents figure MULT

Rikhoto finding: Chamber warns on possible labour wrangles

THE lack of homes for families of black workers who now qualify for permanent residence in the Western Cape may cause problems in the field of labour relations, the Cape Town Chamber of Commerce warns

In the current issue of its newsletter it advises city firms to check the position of employees who might be affected by the Rikhoto case, which gives the right of permanent residence to workers who have had the same employer for 10 years or more

Firms should help such employees to apply for permanent residence and look into the possibility of finding accommodation for families

But the newsletter also suggests they should advise such employees not to bring their families to town until such accommodation is available

An estimated 12 000 workers in the Western Cape now qualify for permanent residence, according to a statement made in Parliament by the Minister of Co-operation and Development, Dr P G J Koornhof

The chamber of commerce newsletter says that Assocom's policy is that influx control should be phased out

The only criteria for permanent residence should be employment and housing

"The problems of finding accommodation for the families of the employees concerned will be a major issue in many cases

"If this is not available the disappointment caused might give rise to problems in the labour relations field"

Crude steel output rises

BRUSSELS — Crude steel output in the United States Argentina and Brazil has risen since April last year against trends in most other countries

US production rose 7.3 percent to 6.8-million tons the International Iron and Steel Institute says Brazil's was up 18.9 percent to 1.2-million tons and Argentina's 22.8 percent to 253 000 tons

By contrast, the European Community's steel output fell 14.8 percent to 9-million tons, while Japan's dropped 9.3 percent to 8-million tons — Sapa-Reuter

Drive free r

Major decision on 'idle' blacks

MARITZBURG — A landmark ruling that will affect thousands of urban blacks was handed down in the Supreme Court here this week.

A Full Bench of the Natal Provincial Division ruled that the legal definition of the term "idle and undesirable" as applied for 60 years since the Urban Areas Act was passed, was incorrect.

Mr Justice D L L Shearer, Mr Justice J M Didcott and Mr Justice D B Friedman also called on the government to scrap the section of the Act which empowers commissioners to banish people to prison farms for up to two years.

Section 10 rights

Another consequence of being found "idle" is that the accused automatically loses his or her Section 10 rights, which entitle black people to live and work

in urban areas.

The judges' ruling has overturned four previous Supreme Court decisions.

The judgment arose from the case of a part-time domestic worker, Ms Beauty Duma, who was declared "idle and undesirable" by a commissioner and sentenced to a term on a prison farm.

Set aside

Following argument by Mr Chris Nicholson of the Legal Resources Centre, the three judges set aside the declaration of Ms Duma as an idle person and her prison farm term.

They ruled that the commissioners involved in previous cases had applied incorrect criteria to decide whether the person was idle. The commissioners should have used the ordinary dictionary meaning of the word idle — not the highly technical defini-

tion they had been using, the judges said.

Mr Justice Friedman described the legislation as "undesirable".

Mr Justice Didcott commented "A number of judgments delivered by the Supreme Court have called Section 29 drastic. That seems the least that can be said of it. No counterpart, nothing at all similar can be found in any system of jurisprudence with which we would like ours to be compared".

Under Section 29 of the Urban Areas Act there are technical definitions of the terms "idle and undesirable".

Ruling hailed

Mr Peter Gastrow of the Progressive Federal Party's justice group hailed the ruling as a landmark and said it meant black urban residents would have a more secure hold on their Section 10 rights.

Mr Chris Nicholson of the Legal Resources Centre said in Durban last year that more than 5 000 people had been investigated for being "idle and undesirable".

Durban Black Sash Advice Office supervisor Mrs Jillian Nicholson said much would depend on the decision being generally known by those implementing the Act and those likely to be charged under it — Sapa.

35 kisses a night at camp

Staff Reporter

EIGHTEEN teenagers are having a tough initiation into "motherhood" after giving up a week of their holiday to brush hair, make beds and give about 35 goodnight kisses before their day's work is done.

The girls, who are on holiday from school or university, are spending this week as "camp mothers" at the Cape Times Fresh Air Camp at Froggy Pond.

Their day starts early — they must wake before the children — who then have to be washed, dressed, helped with tidying their bungalow, and hustled through to breakfast.

Each of them is directly responsible for six or seven girls aged between six and nine. This demands constant vigilance and the girls have two hours off a day, when other workers look after their group.

Why should 18 young women choose to be "maternal drudges" in their vacation?

"We all love children," they said.

They agreed the experience also forced them to re-examine their own situations and home lives.

They feel rewarded by the reactions of the children, who cluster around them, draw them pictures and bring them small treasures from the beach. Many workers attend camps regularly.



Leonore Co holiday to Dian

HENSHILWOODS
Established 1894

STORM OF A SALE

IF THE RAIN KEPT YOU AT HOME ON MONDAY — DON'T WORRY — WE STILL HAVE MASSES OF BARGAINS!

NOW ONE!

DUVET COVER SETS
with pillowcases
From **R16,95** set

Drip Dry **WHITE SHEETS**
From **R19,55** pair

Fitted **BOTTOM SHEETS**
From 91 cm **R9,55** each

Acrylic **BABY BLANKETS**
90 x 125 cm **R7,95** each

PILLOWCASES

WHOLESALE MEAT

TO THE PUBLIC!

Topside, Silverside and Tenderised Steak **per kg R3,29**

1st Grade Hindquarter **per kg R2,39**

Prime Hindquarter **per kg R2,49**

A From came back with shots when he them badly.

It really was the "nice guys" apologized to African on tions when points with sn. at the net, an responded by ing when his beat him with super returns.

Mayotte said like Kevin I deserved a, please he got to be congrat doing so well. He is a credit in the game".

This cliffhanger match was play.

MIGRANT LABOUR, S.A. —
PASS LAWS — GENERAL.
1983

JULY — DEC.

Koornhof answers questions on Rikhot

App Times 1/6/83
17/83
206 330

Political Staff

THE Minister of Co-operation and Development, Dr Piet Koornhof, yesterday answered 10 questions on the Rikhot case put to him in writing by our political staff on Thursday last week.

Dr Koornhof was speaking at a press conference in Cape Town. Here are the questions and the verbal replies given yesterday.

(1) If a maximum of 143 000 migrant workers stand to benefit from the Appeal Court judgment on Mr Tom Rikhot, how does the government propose to limit the number to as few as 5 000 people (a figure you stated as a minimum that could benefit)?

Dr Koornhof: "It is not possible to arrive at a figure really and we will implement it in a strict but very fair way and we will keep statistics and inform you as to how many qualify."

(2) What criteria will be used by the administration boards for the granting of Section 10(1)(b) rights? The criteria set out in the appeal court judgment.

(3) Does the government intend the judgment to apply to those people who had completed 15 years' continuous legal residence by May 29, 1983?

Dr Koornhof: "The judgment in the Rikhot case dealt with a person who had worked for one employer for a period of 10 years. That is the criteria which was applied in the Rikhot case, but we have stated, because of the Act, that a person who has worked for 15 years will also qualify."

(Dr Koornhof pointed out that the government's legal advisers had said it would be better to have the "cut-off date" set at the time the amending legislation introduced in the Assembly this week becomes law, and not the date of the Rikhot judgment as announced by him at a press conference last week. The government had accepted this advice.)

(4) If the number of people who qualify in terms of the judgment is kept well below the potential 143 000 — and even as low as 5 000 — how do you respond to the proposition that the government would then be in contempt of the Appeal Court ruling?

Dr Koornhof: "It is absolute sheer nonsense. We have accepted the Appeal Court judgment and it will be implemented in the way that I have indicated."

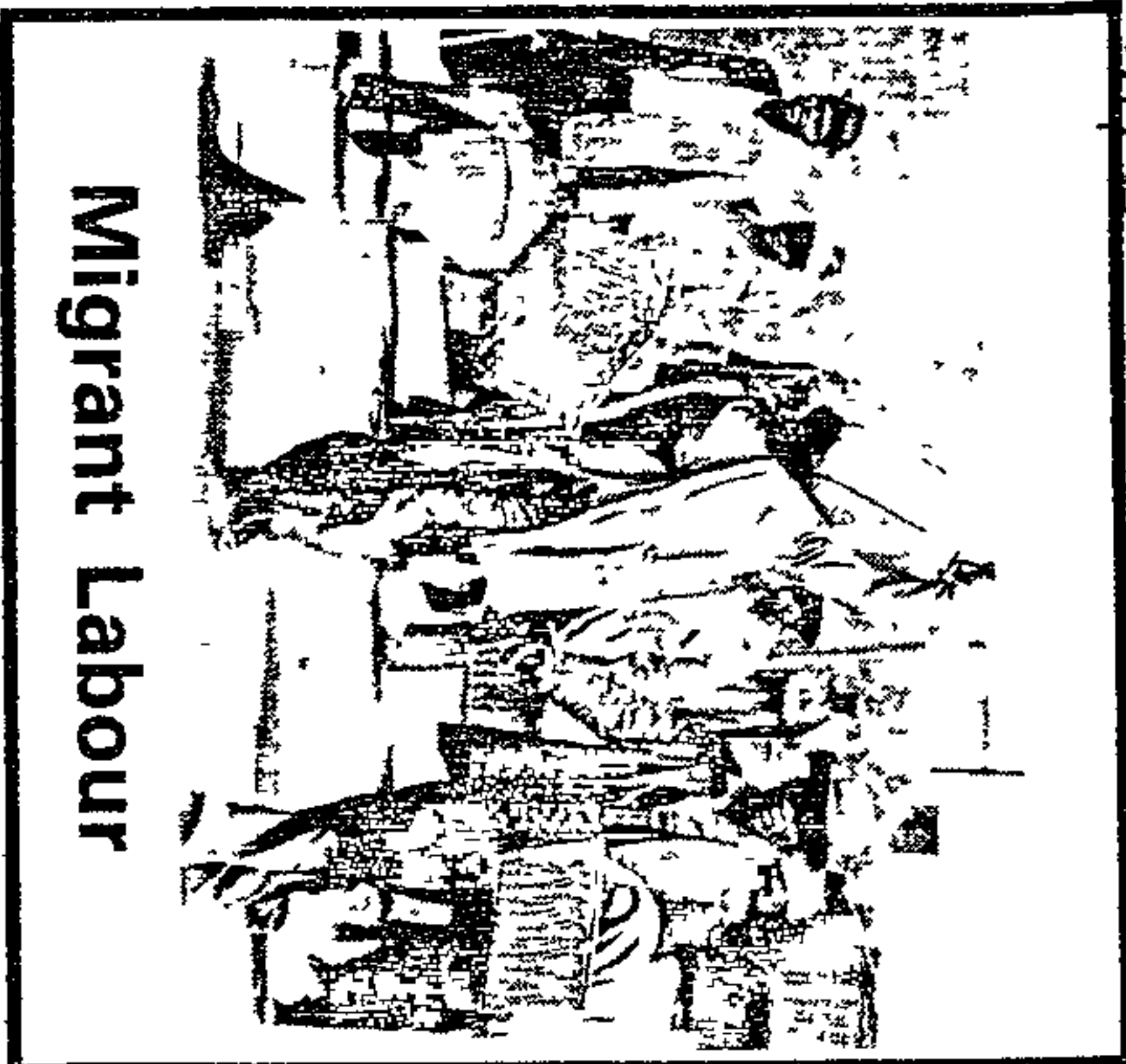
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Dr Koornhof: "Obviously the department cannot administratively legalize the presence of a person whose presence is, in terms of the Act, illegal. Those that have been legally here, we will not tamper with."

Asked yesterday if families of men who now qualified for Section 10(1)(b) rights who were in the urban areas at present could become illegal in terms of the amendment, Dr Koorn-

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When asked what would become of families of Section 10(1)(b) men who were living in "unapproved" housing at the moment after the proposed amendment became law, Dr Koornhof said the Administration



Migrant Labour

(6) How many migrant workers who will now qualify for Section 10(1)(b) rights previously had their families with them in the cities?

Dr Koornhof: "We do not know."

(7) Under what circumstances (other than being in possession of approved housing as defined by you) will the families of legal contract workers be allowed to come to the cities?

Dr Koornhof: "The wife and the children of a person who qualifies in terms of Section 10(1)(b) of the Act will be allowed to join him in a prescribed area if a home in such area has been acquired by him for that purpose."

(8) Will contract workers who are in the process of completing their 10 years with one employer (or 15 years' continuous legal residence in the urban area) still be able to qualify for Section 10(1)(b) rights in the future in terms of the government's acceptance of the Rikhot judgment?

Dr Koornhof: "Yes. It is neither retrospective

nor blocking in the future."

(9) Are you, in the interests of clarity and in the public interest, prepared to publish the amending legislation in the Government Gazette for general information?

Dr Koornhof: "It has already been published."

(10) In the four types of approved housing that you listed (at a press conference last week) one was a lodger's permit. But in a radio interview, Mr John Knoetze of the West Rand Administration Board (WRAB) omitted the lodger's permit category. Will the government recognize a lodger's permit as approved accommodation?

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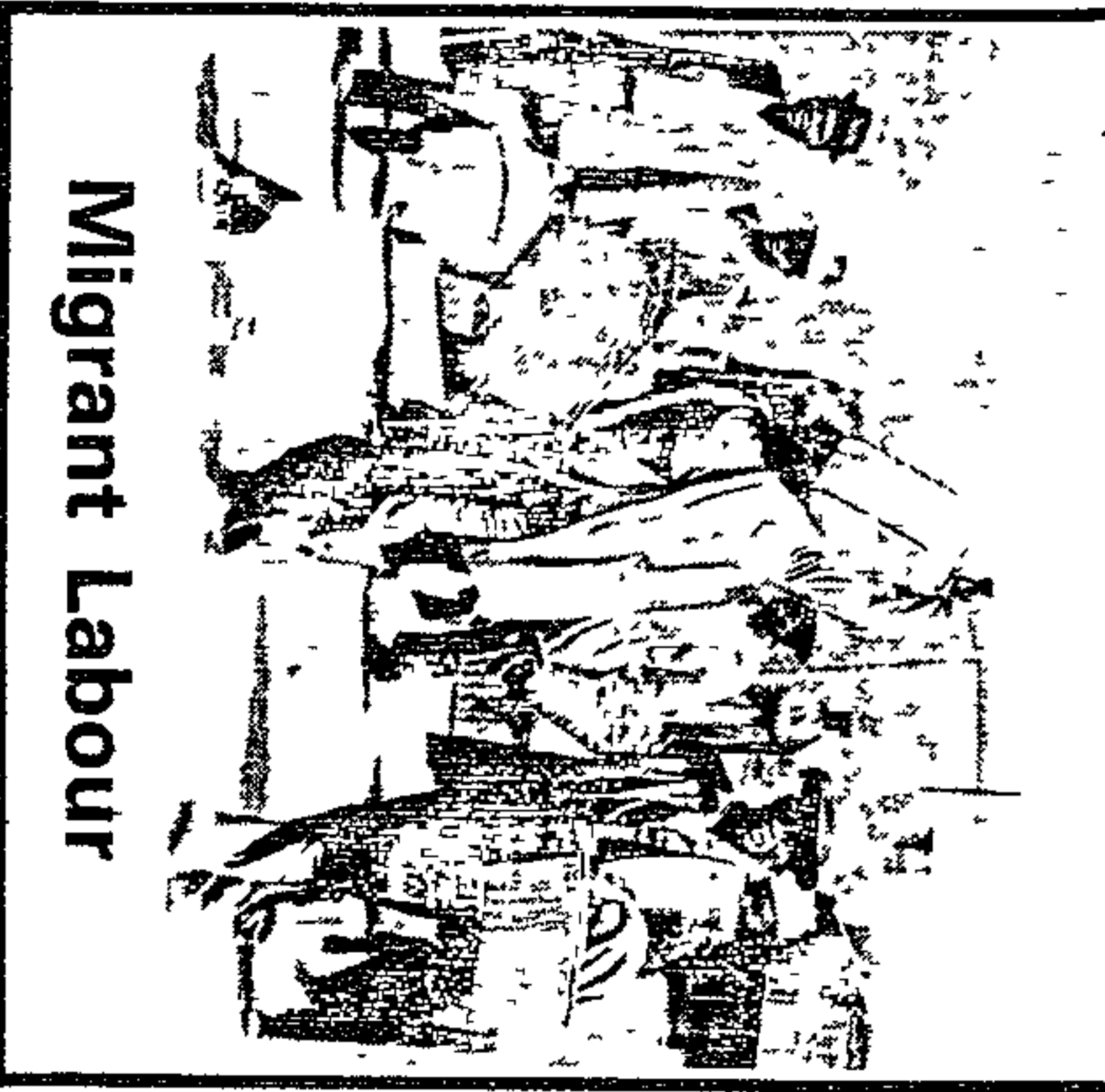
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'Idle'

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be
11/7/83
found

Mercury Reporter

A PORT Shepstone woman, who had an order declaring her 'idle' or undesirable set aside by the Full Bench of the Supreme Court, Pietermaritzburg, has since disappeared from her tiny homestead in a remote location near the South Coast town.

According to Mrs A Bhegwani, wife of the induna of the location — situated on a picturesque hillside to the west of Port Shepstone — Mrs Beauty Duma had given up her battle to continue working as a domestic at Sea Park, near the town

She worked part-time for visitors to Port Shepstone

Mrs Bhegwani told the Mercury yesterday that Mrs Duma had moved out of the area, dejected by the local Commissioner's Court decision declaring her 'idle' or undesirable

She was still not aware that the order had been set aside by the Supreme Court after the matter was taken on review by the Legal Resources Centre on her behalf

Hut

According to evidence, she was arrested after she was found staying in the bush in a shelter made from canvas and plastic bags. She was unregistered but had applied for a reference book.

When the Mercury visited her small, grass-roofed hut in the remote countryside where ancient methods of living were still the order of the day, the place was abandoned

Not many people in the neighbourhood were aware of the circumstances which forced Mrs Duma and her two young sons out of the area

But some of her friends recalled the hardship the woman encountered after the death of her husband

'As there are no job opportunities in the location she was forced to go out to town to look for work to provide the bare necessities for her two sons, aged 10 and 12,' said Mrs Mary Isaacs

Mrs Duma was later arrested and brought before the Black Affairs Commissioner in Port Shepstone who declared her 'idle' in terms of Section 29 of the Black (Urban Areas) Consolidation Act of 1945, and committed her to one year at a work colony, suspended on certain conditions.

Khayelitsha 1/7/83

'sound planning'

CAPE TOWN 1/7/83 (207) (206) (200)
Political Correspondent

THERE was no need for any confusion or uncertainty about the establishment of Khayelitsha and its effect on existing black townships in the Peninsula, the Minister of Co-operation and Development, Dr Piet Koornhof, said yesterday. He declined to spell out the implications of the move, however, until he had had discussions with the local community council.

Dr Koornhof told a press conference these talks would take place as soon as possible. He also said a railway line to Khayelitsha was not excluded, but the Department of Transport was investigating whether a bus or train service would best serve the needs of the community.

Asked about uncertainty in the black community over the "long-term" move of Langa, Nyanga and Guguletu residents to Khayelitsha,



'No squatters in the rain'

Dr Koornhof said it was sound planning to have all the Peninsula's black people housed in Khayelitsha.

"We are dealing with a planning situation. It is completely unnecessary to have it fogged with all these other things," he stated.

"We don't want to cause uncertainty. We don't want to harm anybody. Our intention is only to do good in the interests of the people."

Dr Koornhof pointed out that during the recent five or six days of incessant rain over the Peninsula, there had been no black squatters out in the open.

The Deputy Minister of Co-operation, Dr George Morrison, said the eventual move to Khayelitsha did not mean people in Langa, Nyanga and Guguletu should stop improving their existing houses.

"They will be paid out at the stage when they have to give up their houses."

Dr Morrison said it was not only blacks who were subject to uncertainties about giving up their homes. White farmers were also subject to resettlement.

The Rikhoto case: Koornhof answers Mail's 10 questions

MAIL If a maximum of 143 000 migrant workers stand to benefit from the Appeal Court judgment on Mr Tom Rikhoto, how does the Government propose to limit the number to as few as 5 000 people (a figure you stated as a minimum that could benefit)?

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Officials 'violate influx control law'

206 900 739 RDM 1/7/83

By STEVEN FRIEDMAN
Labour Correspondent

THIS week's ruling by the Natal Supreme Court on a law which enables officials to deport city blacks to prison farms, and strip them of their rights in cities, is the fifth court ruling in three years to find against Government influx control rules

Three of these rulings have occurred this year

Mrs Sheena Duncan, national president of the Black Sash, said yesterday this meant that "officials have obviously been allowed to get away with implementing influx control in violation of the law for a long time because the people affected have not had the legal help to challenge them in court"

And Professor John Dugard, director of the Centre for Applied Legal Studies at the University of the Witwatersrand, said the courts were "taking a new inter-

est in monitoring the bureaucracy which controls the lives of millions of city blacks"

Other judgments overturning Government influx control practice this year have been

● The Appeal Court's landmark 1980 Komani decision, upholding the rights of the families of blacks with city rights to live with them

● The Appeal Court's 1983 confirmation of a 1982 Rand Supreme Court judgment in the Rikhoto case, establishing the right of long-service migrant workers to claim city rights

● The Cape Supreme Court's 1982 Boo! decision, which established the same principle

● The same court's Mthiya decision which established the right of such a migrant to city rights even though he had enjoyed three periods of long leave

Mrs Duncan said yesterday groups such as the Black Sash had questioned the legality of the regulations in these

cases for nearly two decades

"But neither we nor the people affected by them had the resources to challenge these rules in the courts with the emergence of bodies like the Legal Resources Centre, this has now become possible.

"What has become clear is that officials have operated outside the law and got away with it because they were not challenged in court," she said

Mrs Duncan said there had been "positive" court judgments on influx control in the past — such as a ruling by the courts that blacks did not have to show their passes on demand

"But it requires constant monitoring to enforce these and only the help of a concerned legal profession can make this possible"

Prof Dugard said that, while it may be "premature", "there does seem to be a trend towards the courts handing down decisions which improve the rights of urban blacks"

BELOVED HOMESTAYERS

ESQ

July 1 1983

**Financial
Mail**

URBANISATION

The real challenge

3/29

206

3/24

case anyone thought government had abandoned its desire to regulate our lives from the cradle to the grave, a closer look at its reaction to the Rikhotso judgment should serve as a corrective

For a start, the muddled pronouncements of Minister of Cooperation and Development Piet Koornhof are anything but an acceptance of the Appeal Court's finding that long-term migrants qualify for urban rights. To make these rights contingent on "approved accommodation," which is largely within Pretoria's patronage, as he has now done, is to say there will be as much or little urbanisation as the National Party deems fit. This is a radical distortion of free market principles as they apply to labour.

All Koornhof said was, in effect, "We will obey the law as it stands, but make a new one that suits us better."

The depredations of the pass laws continue unabated. For example, a hearing in the Langa Commissioner's courts lasts, on average, three minutes. However, probably unconscious that world opinion will not stand for a lock-out policy in perpetuity, government is again beating the decentralisation drum. Jobs are to be created in the home-lands to stem black migration.

Speaking on SABC-TV last Sunday, Koornhof blandly announced that a "R2 000m programme" was to be launched for this purpose. This is an amazing figure. The minister said that 777 private companies would be involved but which ones, and how, was not specified. Does anyone really know who all these companies are and how they are to raise R2 billion — and at what rates of interest?

Government might just as well pass a law making it compulsory to attend rugby matches and then impose a gate tax for development purposes. It makes as much economic sense. Frankly, the Minister appears to be trying to bluff everyone with numbers.

Businessmen make decisions on whether, and where, to decentralise on rational grounds. Obviously, if you pay them enough to relocate in QwaQwa, or wherever, they will do so. But wouldn't it be simpler — and less inflationary — to accept that by world standards SA's cities are small, and should be allowed to grow through natural urbanisation?

If it's a question of available land, why doesn't Pretoria expropriate unproductive farms near urban centres for black townships? If Koornhof can happily talk of the availability of R2 000m, finance can hardly be a constraint. Housing could be provided to suit the occupants' pockets. The private sector would want to be involved and would be reasonably assured of a fair return on its capital.

Black urbanisation is likely to be a major labour challenge facing SA for the foreseeable future. A tolerance of it, along the lines sketched above, should help it come about without unnecessary disruptions, it would help ensure stability.

So too would employer interest in the housing needs of black workers who gain urban rights. In terms of the law, they will have rendered long service to their companies. The "perk" of housing assistance for black employees is likely to become an increasingly important issue in collective bargaining.

INFLUX CONTROL

Koornhof keeps a promise

Due to his word, Piet Koornhof's amendment to Section 10 of the Blacks (Urban Areas) Consolidation Act does not overturn the Komani and Rikhoto Appellate Division judgments. It merely sterilises them.

The amendment is part of the Compendium Laws on Co-operation and Development Amendment Bill which was taken through all its stages shortly before Parliament adjourned this week.

Section 4 amends Section 10 by the insertion of a new subsection (1a) which defines the term "resides" so far as it relates to "the wife, the unmarried daughter, or son under the age of 18 years" of any black who has obtained Section 10(1)(b) residential rights. Meaning mainly those who are qualified for rights under the Rikhoto and Komani judgments.

"Resides," as it will now apply to the family of such a worker, will mean to live in a prescribed area.

"In any building erected on any site in respect of which a right of leasehold for residential purposes has been granted or proposed to that black in terms of Section 9(2)(f) or in any dwelling erected, for the purposes of occupation by himself and his dependants, by that black on any residential site allocated to that black for such purposes of occupation in terms of the provisions of this Act or any regulation, or in any dwelling on any such site let to that black for such purposes in terms of such provisions, or in any dwelling allocated or let as a home to that black for the purposes of occupation by himself and his dependants in terms of such provisions, or in any married quarters referred to in section 9(2)(f) made available by his employer to that black for purposes of occupation by himself and his dependants."

restrictive

If Section 10(1)(b) was highly restrictive, the new (1a) provision will be even more so. The right to family life will hinge on the availability of approved accommodation, and the decision of officialdom to make such accommodation available.

At best it places a heavy premium on the good disposition of employers who may find it less difficult to cut through the tangle of red tape that normally confronts blacks seeking such accommodation.

However, it does not appear to raise additional obstacles for the thousands of blacks now demanding the rights denied them since April 1 1978, when many completed the 10 years' qualification period which began when the 1968 regulations on migrant labour contracts were introduced.

It certainly places additional obstacles in the way of their families.

As Sheena Duncan of the Black Sash points out, "these tens of thousands of workers are not a new influx into the cities. They have all been in town working legally and productively for a minimum of 10

years. It is unlikely that the Rikhoto/Komani judgments would have unleashed a heavy influx of people into the cities (very many of whom are there already). The amendment to Section 10, which will soon pass into law, gives *de jure* force to the most effective means of curbing the number of blacks gaining "legal" residential qualifications — control of the supply of accommodation.



Koornhof ... redefining the meaning of 'resides'

years. They all have accommodation somewhere."

The effect of Rikhoto is such that workers can now apply to rent or buy a home, but have no legal right to demand a house. As Duncan says, control of accommodation remains in the hands of the authorities and is the most important weapon in the armoury of influx control.

The new measure does not tamper with the principles established in the Komani Appellate Division judgment that the families of people with 10(1)(b) rights also have a right to remain in town once they have taken up residence with the qualified husband. But in terms of (1a) that would depend whether or not they had been living "illegally" with their husbands in approved accommodation of the four categories mentioned above. That seems most unlikely.

Given the critical shortage of accom-

Parliament and Politics

Parliament and Politics

Matanzima: 'Development, no alternative'

CAPE TIMES 1/7/83 #4183 261

Political Staff

CHURCHMAN efforts to step up the economic development of the independent homelands should not be seen as an alternative to the employment of many blacks in South Africa, the Prime Minister of Transkei, Chief George Matanzima, said yesterday at the City launching of the Development Bank of Southern Africa.

enning of inflax control measures

Addressing the South African Prime Minister, Mr P W Botha, and other top government officials at the ceremony at the Civic Centre, Chief Matanzima warned that economic progress could easily be undone if reform in South Africa "neglects to accommodate the legitimate aspirations of all its people, including those blacks who are permanently resident in the urban areas."

Signing of the articles of agreement of the Development Bank of Southern Africa was a logical and essential step

at this stage of the evolution of development co-operation in Southern Africa, Mr Botha said.

November 1979, when the idea of establishing a development bank was first broached at government level by himself and others.

"It also represents the start of a new phase in co-operation on economic development between Southern African States. He said that in preparing the ground for the Development Bank much was learned from the experience with development banks elsewhere in the world.

respects the uniqueness of Southern Africa had to be taken specifically into account, and this meant that models developed elsewhere could not simply be taken over without substantial adjustments

"In particular, the close historical, geographic and functional interdependence between the States which are to participate in the development of Southern Africa, had to be reflected in the structure and procedures designed for this institution." The bank will be a

multilateral institution with the Republics of South Africa, Transkei, Bophuthatswana, Venda and Ciskei as original members.

Other independent States in Southern Africa might also become members, while the self-governing non-independent national States would participate as constituent parts of the South African Republic, according to a press statement issued at the signing ceremony by the participating heads of government of the

bank's articles of agreement.

The bank would support economic development mainly by granting loans and providing technical assistance and training. The bank was a challenge and a promising experiment towards furthering the economic development of Southern Africa, said the Minister of Finance, Mr Owen Horwood, who was unanimously elected president of the council of governors of the bank. Speaking at the press

conference signing ce

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1/7/83

Development 'no alternative' to jobs in SA

1/7/83

of the artist... the Bank of... the evolu-... ment co-... Southern... the said.

November 1979, when the idea of establishing a development bank was first broached at government level by himself and others.

It was also hoped that it would have been seen by the world as an "unqualified and genuine" commitment of the South African Government to a constructive programme of development in all the developing States in the region.

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While the bank might still fulfil this purpose and achieve these objectives, a golden opportunity had been lost through not sitting its headquarters in an independent State — Political Staff and Sapa

However, in several

The bank will be a

speaking at the press

speaking at the official

CARL TIMIS 2/7/83
201 206 210
Officials 'ignore court judgments'

Education Reporter

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1 Numerous control
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2 Stripping them of
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3 The government was
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Urban blacks would
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"Self-recruitment",
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people were forced to
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formal agencies with
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their ability to find
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The housing supply
was another mechanism
for control which was
being manipulated, said
Mrs Burton

The announcement that
the government had ap-
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It was essential for
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Neither of these con-
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Khayelitsha scheme
which also had "none of
the basic support sys-
tems" for a successful
self-help housing
scheme, she said

Outlook for blacks 'brighter'

Mercury Reporter

NOBODY should be found idle or undesirable again if arrested under Section 29 of the Black Consolidation Act following the Supreme Court decision in Pietermaritzburg this week according to a spokesman for the Legal Resources Centre

The future 'looks a lot brighter' for urban blacks who could be banished to prison farms if declared 'idle and undesirable' by commissioners in terms of the Act

The judgment, handed down by a Full Bench of the Court set aside an or-

der declaring 32-year-old Mrs Beauty Duma to be an 'idle person' and consigning her to a suspended term of one year's labour

'The legal definition is narrow — without work for 122 days — and is only for the purposes of arrest,' the spokesman said

Criminal

Last year 5 000 inquiries were held in Durban under Section 29 of the Act

'Now they've actually got to show the idleness by the ordinary meaning of the word. It should be a very strict test,' he explained

The spokesman said cases to date showed that idleness had to lead to crime

'In order to be found undesirable the commissioner must be satisfied that not only has the person not satisfactorily explained his previous lifestyle but also that he is likely to lapse into a criminal career again,' he said

Regarding the possibility of modifying the section of the Act the spokesman said this would be impossible — unless the section was changed and made 'horribly vicious'

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CARL TIMIS 2/7/83
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Officials 'ignore court judgments'

Education Reporter

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'Black idlers' law to be scrapped

(206) S. Times 3/7/83

By BRIAN POTTINGER
ONE of South Africa's most notorious pieces of legislation is to be scrapped

Clause 29 of the Black Urban Areas Act, which allows for "idle and undesirable" black people to be banished to work colonies for up to two years has been condemned by the judiciary as "unjust" and branded by opposition groups as one of the worst instruments in the Government's armoury of control measures

Thousands of black people have been declared either undesirable or idle in the embracing terms of the 60-year-old provision and condemned to labour in work colonies

Endorsed

Plans to scrap the provision began last year when the Black Communities Development Bill and the Orderly Movement and Settlement of Black Persons Bill expressly repealed Section 29 in their schedules of redundant legislation

The Communities Development Bill has this year been the subject of a parliamentary select committee investigation and it can be accepted the proposed dump-

ing of the measure has been endorsed by the committee

The Bill is due to be presented to Parliament in the short session beginning in early August

Welcomed

This week the controversial section suffered another major blow when three judges of the Natal Supreme Court ruled the definition used in applying the section had been incorrect and called for a scrapping of the provision

Mrs Helen Suzman, the PFP's chief spokesman on black affairs, has welcomed the findings of the Natal Bench and branded the section "an awful piece of legislation"

And the Black Sash's Mrs Sheena Duncan said it was time the section was dumped

The provisions of the section date back to 1923 and establish a rigid set of criteria whereby a black person can be declared undesirable if he is a drunkard, drug ad-



MRS HELEN SUZMAN
Welcomed the findings

dict or lives beyond his means

He can be declared idle if he remains unemployed for a certain period of time or refuses to accept work offers on three separate occasions

Slammed

Onus to prove innocence rests on the accused, and if his account to a commissioner is inadequate he can be detained in a number of institutions, including prison farms, or banished from the

area in which he was found
Conviction results in a person losing the treasured Section 10 rights which ensures their residency in urban areas

Decisions by the commissioners in terms of the provisions are subject to Supreme Court review, and it is here where some of the strongest criticism of the section has been heard

In a 1979 judgment, Mr Justice Didcott and Mr Justice Milne of the Natal Bench slammed the provisions of the section after a commissioner had declared an epileptic man "idle"

Mr Justice Didcott in his judgment observed that judges were being called upon to certify that what happened to people in terms of this provision was in accordance with justice

"The trouble is that it was not it may have been in accordance with legislation and because what appears in legislation is law, in accordance with that too, but it can hardly be said to have been in accordance with justice

"Parliament has the power to pass the statutes it likes and there is nothing the court can do about it. The result is law, but that is not always the same as justice

"The only way that Parliament can ever make legislation just is by making just legislation".

Incorrect

This week, Mr Justice D L Shearer, Mr Justice J M Didcott and Mr Justice D B Friedman of the Natal Bench ruled in a review of a declaration of an "idle" person that the definition of "idle" used by the courts was incorrect and they should have used the dictionary definition and not a highly technical one

Judge Didcott said that no counterpart for the section could be found in any system of jurisprudence "with which we would like ours to be compared"

The milestone Riekert Commission report of 1980 recommended the abolition of the section and advocated the provisions of the Drugs and Dependency Producing Substances Act should be used instead

A Government White Paper in response to the report gave qualified support to the proposal subject to in-depth investigations by the departments concerned

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WCAB is to appeal against Mthiya ruling

By PHILLIP VAN NIEKERK
Labour Reporter

ANOTHER important case testing the rights of thousands of long-serving migrant workers to permanent city residence is looming following the decision of the Western Cape Administration Board (WCAB) to appeal against the Mthiya case ruling in the Cape Supreme Court.

In April, Mr Justice Pat Tebbutt granted Section 10 (i) (b) rights, or permanent city residence, to a City contract worker, Mr Mdandweni Mthiya, who had worked for one employer "continuously" for 10 years even though he had three long absences from work.

Same basis

He won the case on the same basis as Mr Tom Rikhoto, the Germiston former contract worker, who was granted permanent residence rights by the Appeal Court in Bloemfontein a few weeks later.

However, unlike Mr Mthiya, Mr Rikhoto had only taken the mandatory three weeks' annual leave between

contracts

Mr Gert du Preez, chief liaison officer of the WCAB, said yesterday that the WCAB had decided to lodge an appeal against the decision. It is understood that their application will be heard in the next few weeks.

If the application to appeal succeeds it could become an important test case.

The WCAB is applying the Rikhoto ruling strictly and numerous applications are being rejected because, according to Mr Du Preez, they "do not meet the criteria as laid down by Rikhoto".

The applications of workers such as Mr Mthiya, who have had breaks from work, are not being accepted.

The WCAB has so far endorsed the pass books of 25 long-serving contract workers with Section 10 (i) (b) stamps following the Rikhoto judgment, but the applications of another 55 have been rejected.

Mr Du Preez said the WCAB had received 2 672 formal applications for Section 10 (i) (b) rights in the wake of the Rikhoto judgment.

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TV2

- 6 32 Umakho (Cuore Di Mama)
- 7 00 Izindaba/Iindaba (News)
- 7 10 Jikelele (Magazine Programme) including — Ubutyebi Obufumaneka Elwandle (Cashing in on the Ocean)
- 9 00 Iindaba/Izindaba (News)
- 9 27 Imozulu/Isibiketzelo Sezulu (Weather)
- 9 29 Ezenkolo (Epilogue)

Last night's TV

TV1

THE only entertainment of the evening was the well-acted Bret Maverick — a Western's western.

To the hero's dismay a wanted outlaw (who turns out to be much maligned) lands up at the ranch wounded and helpless. With the law close on his heels Bret and friends do the right thing and help him escape.

Verslag pulled no punches in "Terror The Church in the Community" with horrifying pictures of terror victims and starving children in South Africa and other African countries.

The threat of communism and the ANC was rammed home again. Not surprisingly, black and white church leaders said violence was not the answer to the country's problems. A pity SA-TV could not have given us something new to chew over.

JANE ARBOUS

TV2

AN interesting discussion between a medical sister and a witchdoctor on the tricky subject of people suffering from mental disturbances was perhaps the most appealing item screened in Jikelele for a long time.

The discussion centred around schizophrenics who according to strongly held African beliefs are the victims of the evil work of sorcery.

The condition is better known as "amafunfunyana". The only way it can be cured according to superstitious people, is through a concoction of wild herbs and the magic of the witchdoctor's bones.

However, Sister Mabanga gave viewers her account of the causes of mental disturbances and how they may be cured with the help of psychiatrists and psychologists.

Although Mrs Majola was in her full regalia, I did not find her too convincing as a genuine "raqeba".

JOE GUWA

It's Tyre-time again.



BEFORE THE WINTER SETS IN, BEFORE THE RAIN COMES DOWN IN BUCKETS AND ROADS GET WET AND SLIPPERY BEFORE YOUR WHEELS SLIDE AND YOU LOSE CONTROL POP IN FOR A NEW SET OF RETREADS OR NEW TYRES OUR REPUTATION GUARANTEES RESULTS



CAPL Times 5/7/83
201 206 307-104

Squatters starve in Transkei

Staff Reporter

SEVEN squatters came to the Peninsula to seek work because they faced starvation in Transkei and had nowhere else to go, a Wynberg magistrate heard yesterday.

This was claimed in the trial of Zolile Khupiso, 20, Alice Manyebese, 31, Mankazana Ngatolo, 46, Nomabliana Nana, 27, Grace Frans, 24, Monica Nlangala, 27, and Eveline Nele, 28, who all pleaded guilty to a charge of illegal squatting.

They were fined R50 (or 50 days) each, but the magistrate suspended the sentences conditionally for two years.

Five of the accused were also fined R50 (or 50 days) each on an additional charge of remaining in the Peninsula for longer than 72 hours. The sentence was suspended for two years on condition

that they leave by July 21.

The remaining two women, Alice Manyebese and Monica Nlangala, were acquitted on a similar charge.

Passing sentence, the magistrate, Mr. A P Kotze, said the court was aware of the very poor conditions in Transkei.

"But there has been evidence that the Administration Board cannot cope with supplying legal residents with houses and it is common knowledge that by coming to the Peninsula you are jeopardizing their chances," he said.

"It became clear in past cases that none of the people approached the Transkei Government for help."

Mr A C Venter appeared for the State and Mrs M Kursten for all the accused

ANOTHER

PASS

TEST

CASE

Sowetan

6/7/83 (206) ~~207~~

ANOTHER IMPORTANT case testing the rights of thousands of long-serving migrant workers to permanent city residence is looming, following the decision of the Western Cape Administration Board (WCAB) to appeal against the Mthiya case ruling in the Cape Supreme Court.

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However, unlike Mr Mthiya, Mr Rikhoto had only taken the mandatory three weeks' annual leave between contracts.

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If the application to appeal succeeds, it could become an important test case.

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The applications of workers such as Mr Mthiya, who have had breaks from work, are not being accepted.

The WCAB has so far endorsed the pass books of 25 long-serving contract workers with Section 10(1)(B) (residence) stamps following the Rikhoto judgment, but the applications of another 55 have been rejected.

Mr du Preez said the WCAB had received 2 672 formal applications for Section 10(1)(B) rights following Rikhoto judgment — Sapa.

Wrab leaves 'illegals' homeless

By Jo-Anne Collinge

A Soweto doctor and a leading Rand churchman have claimed that the West Rand Administration Board has left homeless six "illegal" families, most of whom could qualify for urban rights

The families moved into tents when Wrab demolished their shacks two months ago — during the last week officials from Wrab's Pimville office removed the families' tents at Chicken Farm near Klipspruit after warning them they were "illegal"

But the doctor, who may not be named for professional reasons, and the vice-president of the Witwatersrand Council of Churches, the Rev Cecil Begbie, claimed today.

● The tents were confiscated and some of the families sleep on the doctor's surgery floor at night. But Pimville's senior township manager, Mr T F Bronkhorst, said yesterday the tents were not confiscated, but were taken down after the families "disappeared"

● Most of the families qualify for urban residence rights, but do not have the correct stamps in their passbooks — and Wrab officials did not tell them how to rectify this

● When other tent-dwellers were rehoused a month ago in an emergency camp at the Fred Clarke Centre, the six families were excluded because there were not enough huts. When more huts were built they were not rehoused — but other families were

Processing of urban rights requests soon

206
E. Post 7/7/83

By CLAIRES
PICKARD-CAMBRIDGE
THE 159 remaining applications received by the East Cape Administration Board for the endorsement of Section 10(1)(b) rights for contract workers will all be processed within the next month — if employers respond promptly, the board's Chief Director, Mr Louis Koch, said today

This follows the announcement that Ecab would not contest any of the approximately 1 200 applications that could be received from contract workers for permanent residence in their area.

Section 10(1)(b) gives residential rights to any migrant who has worked in one centre continuously for one employer for 10 years or for several for 15 years

Mr Koch said some cases required correspondence with previous employers to ensure facts in applications were correct

"We don't always get in-

stant replies, so a lot also depends on co-operation from employers," he said

He assured the Evening Post that Ecab did not want to delay processing of applications and would follow up correspondence employers had not replied to

"The reason why we've not dealt with these applications immediately is because we are training key staff to deal with them," he said

Staff would submit their evaluations to top management to ensure decisions were made in the "spirit of the Rikhoto Appeal Court ruling" and to ensure applications weren't turned down by overlooking certain criteria

He emphasised that delays were "purely of academic importance" and did not affect the presence of applicants who were legally in the area

Ecab's initial opposition to Mr James Mnguni's application was because

courts had not indicated what they regarded as satisfactory qualifications for the granting of Section 10(1)(b) rights

Mr Koch said opposition to Mr Mnguni's application had been withdrawn after the Rikhoto court ruling and Mr Mnguni's wife and family had also qualified for permanent residence in Port Elizabeth

"Families of workers receiving Section 10(1)(b) rights, who are already in the area, automatically qualify for Section 10(1)(c) rights," he said.

"After promulgation of the new amendment to Section 10 of Act 25 of 1945, a man qualifying for Section 10(1)(b) rights will be entitled to bring his family into the urban areas providing he had accommodation for them"

He said people obtaining section 10(1)(c) rights would always retain the right to remain in urban areas

206 ~~123~~ J. Dishatch
7/7/83

Rikhoto could assist in workers' housing

JOHANNESBURG — One of the government's aims in responding to the Rikhoto judgment was to put pressure on employers to provide housing for their workers

This was clearly implied yesterday by the Minister of Co-operation and Development, Dr Piet Koornhof, at a press conference in Pretoria

He said to newsmen "I hope you have the message" that the govern-

ment's decision on Rikhoto gave employers a "good opportunity" to help their workers

Employers who looked after the interests of their employees could make an important contribution to black housing needs

He called on employers in this regard to "show their interest" It was important for the country that all groups lived and worked in as stable a situation as

possible, he said

In terms of the Rikhoto judgment, migrant workers who have worked continuously for one employer for at least 10 years are entitled to section 10 (1) (b) rights

But in terms of proposed legislation their families will only be allowed to join them in the "white" urban areas if certain types of accommodation are available — one of which is family housing provided by employers — DDC



st entrants for the Miss Bellville competi-
-dog Snoop for a run. Wendy, a Standard
r Miss Tierenus and recently started part-
ll A Junior Miss Bellville, for girls between
ll also be chosen
Picture Pierre Oosthuysen

Jean Barnard appeals again

Own Correspondent
JOHANNESBURG —
Champion racing
trainer Mrs Jean Bar-
nard will appeal in the
Rand Supreme Court
tomorrow against the
suspension of her li-
cence

This was confirmed
yesterday by her attor-
ney, Mr Isak Malamed

Carfinder

- Carfinder appears
with today's Cape
Times
- Read Funfinder to-
morrow.



Nafcoc 800 ^{CAPE} ^{Times} run ^{7/7/83} a risk ²⁰⁶

By PHILLIP
VAN NIEKERK

ABOUT 800 black busi-
nessmen attending the
annual conference of
the National African
Federated Chamber of
Commerce (Nafcoc) are
liable to be arrested un-
der the pass laws as
they have been in Cape
Town for longer than 72
hours without permits

But the Western Cape
Administration Board
(WCAB), known for its
zealous application of
the pass laws, appears
to be turning a blind
eye

Dr Gert du Preez,
chief liaison officer for
the WCAB, said yester-
day "As we don't know
who and from where the
delegates are, we don't
know whether those
who should have per-
mits are in fact in
possession of such per-
mits"

He declined to com-
ment further

'International'

Mr P G Gumede, depu-
ty president of Nafcoc,
denied that the dele-
gates needed permits
He said they would
need permits if they
were staying in the
townships, but they
were all at international
hotels which were "not
within the orbit of the
Administration Board"

However, several ex-
perts on influx control
said there was no law
exempting people from
the 72-hour provision of
the Black Urban Areas
Act because they stayed
at international hotels

Mrs Sheena Duncan,
national president of
the Black Sash, said in
the proposed Orderly
Movement and Settle-
ment of Black Persons
Bill, out-of-town blacks
staying in hotels needed
no permits to stay in
"white" areas for longer
than 72 hours But the
bill was not yet law

She said homelands
residents as well as
those with permanent
residence in other
"white" areas had to ac-
quire a permit to stay
longer than 72 hours in
a "white" urban area

'Ridiculous'

Mr Gumede said it
was a "ridiculous" situ-
ation

"Nafcoc has over the
years repeatedly con-
demned this sort of leg-

Colour of TV1 man upsets 37

By COLIN HOWELL
SOUTH Africa's first
"coloured" continuity
presenter appeared on
TV1 last night — and
SATV headquarters at
Auckland Park was in-
undated with a flurry of
complaints from Trans-
vaal viewers

However, an SABC
spokesman in Cape
Town reported that nei-
ther complaints nor con-
gratulatory calls had
been received in the
City

An SATV spokesman
in Johannesburg said a
total of 40 viewers had
registered their opin-
ions on the suitability of
continuity presenter Mr
Vivian Solomons

'Infringing'

The "positive re-
sponse" measured a me-
agre 7,5 percent — three
calls in all, he said The
remaining 37 calls had
been "adverse".

"A lot of people com-
plained that 'non-
whites' were infringing
on the white service,"
the spokesman said
"Two or three said they
were prepared to pay
higher licence fees to
enable coloured people
and Asians to have their
own service"

The spokesman said
some viewers had asked
why Mr Solomons had

not rather been selected
to appear on TV2/3

"We tried to explain
that coloured people
were part of the white
service and that langu-
age problems prevented
them from working on
TV2/3," he said

One caller had criti-
cized Mr Solomons' ac-
cent but the complaints
had not concerned the
standard of the Afri-
kaans spoken by the
continuity presenter be-
tween the evening's pro-
grammes

While the most fre-
quently-asked question
had been "What is a
coloured doing on the
white service", three
viewers had "congratu-
lated" the SABC on the
move

Mr Solomons, 29, is a
qualified physical edu-
cation teacher and last
year became South Afri-
ca's youngest-ever
schools inspector He is
known principally as a
successful stage actor
after playing in Athol
Fugard's "Statements
After an Arrest Under
the Immorality Act" and
Adam Small's "Kanna
Hy kó Huistoe"

Next week, Judie Ally
will become the first
Indian continuity pre-
senter to appear on
TV1

Worker dies in wood-slicer

CAPE TOWN 7/7/83 Own Correspondent 131

EAST LONDON — A timber factory employee, Mr
Zamani Ndlebe, 45, died after falling into a log-
slicing machine yesterday

The personnel officer of Kei Timbers, Mr T T
Kentane, said Mr Ndlebe was leaning over a log-
slicing machine when his blanket, which was
wrapped around his shoulders, got caught in the
machine Mr Ndlebe was pulled into the machine

One of the employees switched off the slicer, but
by this time Mr Ndlebe was already dead

Grand

CARMEL ISRAELI
NECTARINES
CLASS I

ABOUT 800 black businessmen attending the annual conference of the National African Federated Chamber of Commerce (Nafcoc) are liable to be arrested under the pass laws as they have been in Cape Town for longer than 72 hours without permits.

But the Western Cape Administration Board (WCAB), known for its zealous application of the pass laws, appears to be turning a blind eye.

Dr Gert du Preez, chief liaison officer for the WCAB, said yesterday "As we don't know who and from where the delegates are, we don't know whether those who should have permits are in fact in possession of such permits."

He declined to comment further.

'International'

Mr P G Gumede, deputy president of Nafcoc, denied that the delegates needed permits. He said they would need permits if they were staying in the townships, but they were all at international hotels which were "not within the orbit of the Administration Board".

However, several experts on-influx control said there was no law exempting people from the 72-hour provision of the Black Urban Areas Act because they stayed at international hotels.

Mrs Sheena Duncan, national president of the Black Sash, said in the proposed Orderly Movement and Settlement of Black Persons Bill, out-of-town blacks staying in hotels needed no permits to stay in "white" areas for longer than 72 hours. But the bill was not yet law.

She said homelands residents as well as those with permanent residence in other "white" areas had to acquire a permit to stay longer than 72 hours in a "white" urban area.

'Ridiculous'

Mr Gumede said it was a "ridiculous" situation.

"Nafcoc has over the years repeatedly condemned this sort of legislation because for the free enterprise system to work in this country, freedom of movement is one of the prerequisites."

It was ironic that when he went to conferences overseas, he experienced greater freedom of movement than in his own country, he said.

● More Nafcoc reports, pages 11 and 12

By COLIN HOWELL

SOUTH Africa's first "coloured" continuity presenter appeared on TV1 last night — and SATV headquarters at Auckland Park was inundated with a flurry of complaints from Transvaal viewers.

However, an SABC spokesman in Cape Town reported that neither complaints nor congratulatory calls had been received in the City.

An SATV spokesman in Johannesburg said a total of 40 viewers had registered their opinions on the suitability of continuity presenter Mr Vivian Solomons.

'Infringing'

The "positive response" measured a meagre 7.5 percent — three calls in all, he said. The remaining 37 calls had been "adverse".

"A lot of people complained that 'non-whites' were infringing on the white service," the spokesman said. "Two or three said they were prepared to pay higher licence fees to enable coloured people and Asians to have their own service."

The spokesman said some viewers had asked why Mr Solomons had

not rather been selected to appear on TV2/3.

"We tried to explain that coloured people were part of the white service and that language problems prevented them from working on TV2/3," he said.

One caller had criticized Mr Solomons' accent but the complaints had not concerned the standard of the Afrikaans spoken by the continuity presenter between the evening's programmes.

While the most frequently-asked question had been "What is a coloured doing on the white service", three viewers had "congratulated" the SABC on the move.

Mr Solomons, 29, is a qualified physical education teacher and last year became South Africa's youngest-ever schools inspector. He is known principally as a successful stage actor after playing in Athol Fugard's "Statements After an Arrest Under the Immorality Act" and Adam Small's "Kanna Hy kô Huistoe".

Next week, Judie Ally will become the first Indian continuity presenter to appear on TV1.

Worker dies in wood-slicer

Own Correspondent

EAST LONDON. — A timber factory employee, Mr Zaman Ndlebe, 45, died after falling into a log-slicing machine yesterday.

The personnel officer of Kei Timbers, Mr T T Kentane, said Mr Ndlebe was leaning over a log-slicing machine when his blanket, which was wrapped around his shoulders, got caught in the machine. Mr Ndlebe was pulled into the machine.

One of the employees switched off the slicer, but by this time Mr Ndlebe was already dead.

Carmel

CARMEL ISRAELI NECTARINES CLASS I

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By Anthony Duigan

Further confusion has arisen over the interpretation of the Rikhoto judgment

The judgment, handed down by the Appeal Court in May, granted black migrant workers who have worked for one employer for 10 continuous years, or for more than one employer for 15 years, the right to qualify for permanent residence in urban areas

But Mr John Knoetze, chairman of the West Rand Administration Board, said today that his board distinguished between two types of migrant workers — those from independent homelands (Transkei, Bophuthatswana, Venda and Ciskei) and those from other rural areas.

Wrab's interpretation of the Rikhoto judgment was that to qualify for permanent urban rights, workers from independent homelands had to have completed their 10 or 15 years

New confusion on Rikhoto urban rights judgment

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Star 8/7/83

employment before those territories became independent, Mr Knoetze said

If they completed their term of service after independence they were not granted urban rights and their cases were referred to Pretoria

"We prefer to be cautious rather than grant people urban rights and have to take them away later," he said

Wrab was waiting for a ruling from Pretoria, he added

A spokesman from the Department of Co-operation and Development said early today

that the department was looking into the matter

If this interpretation of the Rikhoto ruling is confirmed by the Government it could exclude many thousands of workers from obtaining rights which they believed were granted them by the Appeal Court ruling

Last month the Minister of Co-operation and Development, Dr Piet Koornhof, said the Government would abide by the Rikhoto judgment

INFLUX CONTROL 1 Board to appeal

The Western Cape Administration Board (WCAB) is to appeal against a Cape Town Supreme Court ruling that a black contract worker is entitled to Section 10 (1)(b) rights even though his period of service in the city had been interrupted three times by lengthy sojourns in Transkei.

And although the board is adhering to Appellate Division findings in the Rikhoto

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case, it is refusing to award rights to applicants whose circumstances deviate from the facts of Rikhoto.

Mdandweni Mthiya applied for Section 10 rights on the basis that he had worked for one employer for 10 years "continuously" and that he had "lawfully resided" in a prescribed area for 15 years. WCAB rejected his application on the grounds that he had broken employment and residence through being on annual contracts with Chick's Scrap Metals — and because on three occasions he had spent extended periods in Transkei. Mthiya sought and obtained a Supreme Court order declaring his qualification for permanent urban residence.

Mr Justice Pat Tebbut, in rejecting WCAB's grounds for refusal, said the wording of the Blacks (Urban Areas) Consolidation Act did not support the contention that an employment contract is broken by the annual "call-in" requirement. "If that were so," he found, "it would render the exemption (from the 72-hour curfew requirement) nugatory and meaningless and could not have been within the contemplation of the legislature." This is in accordance with the Appellate Division's decision in the Rikhoto case.

Even so, a number of boards, including WCAB, refuse to accept this principle and are applying their own reading of the law in dealing with applications for Section 10 rights. This could involve hundreds of applicants in costly Supreme Court action since the boards insist on treating each case "on its merits."

Long service

WCAB has so far granted 25 applications for permanent residence from long service migrant workers and rejected 55 because they deviate from the Rikhoto case findings. Altogether, 2 672 applications were received in the wake of the Appellate Division judgment.

Previous Supreme Court cases have established the principle that a migrant worker does not break his service if he returns to a homeland to renew his annual contract (Tom Rikhoto, unlike Mthiya, took the mandatory three weeks' leave between contracts). In Mthiya's case, however, there were three breaks from work, one of eight months.

Judge Tebbut said, however, that employment should be regarded as continuous even if a migrant's absence from the workplace was for an extended period — which would depend on arrangements between worker and employer. He added "But if he and his employer have a common and continuing intention that when he does absent himself in this way he nonetheless remain in his employment and will return theret after his break, I cannot see how it can be said that, in such circumstances, he does not work continuously for his employer."

It is this principle that will now be tested in a higher court.

Financial Mail July 8 1983

Homelands urban workers may not get Rikhoto rights

By Anthony Dugan

The futures of thousands of migrant workers who believed the Rikhoto judgment had secured their right to permanent urban residence are now in the balance

Yesterday Government officials in Pretoria accepted that migrant workers from independent homelands might be ineligible for permanent urban rights in terms of Section 13 of the Urban Areas Act, which controls the residential rights of blacks in white South Africa

A clarification of the positions of these people will probably be given early next week, a Government spokesman said

This shock, which follows the Government acceptance of the May Appeal Court judgment in the Rikhoto case, could have widespread repercussions leading to further court cases to clarify the urban rights ruling

The Rikhoto ruling gave migrant workers who have worked for one employer for 10 continual years, or for more than one employer for 15 continual years, the right to qualify for permanent residence in the urban areas of South Africa

The judgment was hailed as a breakthrough leading to greater security for migrant workers. It was estimated that as many as 145 000 of those workers who immediately qualified would apply for their urban rights this year

Doubts over the Government's willingness to accept these implications of the Rikhoto judgment was partly allayed last month when the Minister of Co-operation and Development, Dr Piet Koornhof, said the Government would apply the judgment strictly and fairly

This week it emerged that the West Rand Administration

Board was not granting urban rights to people from independent homelands who completed their 10 or 15 years service after these homelands gained independence

There are about eight million blacks who, by legislation, are citizens of Transkei, Bophuthatswana, Ciskei or Venda

Mr John Knoetze, chairman of the West Rand Board, said applications from these people were being referred to Pretoria because Wrab's interpretation was that they did not qualify for urban rights

Last night a spokesman for the Department of Co-operation and Development said it had been agreed that there was a basis for this interpretation

"The Department is looking into the matter urgently and will give clarification as soon as possible," he said

ABOUT 800 business tycoons attending the annual conference of the National African Federated Chamber of Commerce (NAFCOC), are liable to be arrested under the pass laws as they have been in Cape Town longer than 72 hours without permits.

But the Western Cape Administration Board (WCAB), known for its zealous application of the pass laws, appears to be turning a blind eye.

Mr Gert du Preez, Chief Liaison Officer for the WCAB, said this week. "As we don't know who, and from where the delegates are, we don't know whether those who should have permits are in fact in possession of such per-

'72-hour limit not for us'

TYCOONS DEFY DOMPAS

CP Correspondent

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City Press

10/7/83

mits." He declined to comment further.

Mr P G Gumede, deputy president of Nafcoc, denied that the delegates needed permits. He said they would need permits if they were staying in the townships, but they were all at international

hotels which were "not within the orbit of the administration board."

However, several experts on Influx Control said there was no law exempting people from the 72-hour provision of the Black Urban Areas Act because they stayed at international hotels.

Mr Gumede said it was a "ridiculous" situation.

"Nafcoc has over the years repeatedly condemned this sort of legislation, because for the free enterprise system to work in this country, freedom of movement is one of the prerequisites"

YOU have a key black employee, but he has not been with you long enough to qualify for urban rights? What can you do about it?

The legal provision is there for you to help him. It is now possible for white employers to register a right of 99-year leasehold in a black township.

Employers have to apply for right of recognition as a "qualified person" in terms of Act 25 of 1945 through the Administration Board for the area where they wish to house their employees. The Minister of Co-operation and Development grants the right, although the authority is actually delegated to the Commissioner.

Once he has that right, the employer should register 99-year leasehold over the property. He is then free to sell, transfer or even demolish the property — with one major restriction to prevent speculation, such a white may not keep title to that property for more than 30 years.

This means he may rent the house he has bought or built on that stand to his employee until the man qualifies for urban rights. He can then transfer the property to the man when he becomes legal.

It is worth noting that, in terms of proposed legislation, migrant workers who qualify for Section 10(1)(b) urban rights in terms of the Rikhotso judgment can only be joined by their families in white urban areas if certain types of accommodation are available — one of which is family housing provided by an employer.

Employers or developers who merely wish to build, and immediately sell off houses to qualified employees, can also apply for a leasehold right which they may retain for two years from the date of allocation of the stand.

● Employers who wish to build and sell, or build and rent, housing to their workers in coloured and Indian Group Areas can do so by applying for a Group Areas permit from the Department of Community Development.

● When it comes to the Big Sale of houses, employers will not be allowed to buy the

How ~~can~~
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you can
MUM 11/7/83
help a
worker

**HOMEFRONT
NEEDS YOU!**



**HOME
FRONT**

houses for their employees in terms of the procedures referred to above. Mr Johan Kruger, co-ordinator of the sale of houses in the Department of Community Development, said only the tenant of the house will be allowed to obtain the 99-year leasehold or freehold tenure over the property.

However, if an employer wanted to lend a man the money to buy his house during the Big Sale, and was afraid the man would either fail to repay him or might change jobs before he'd repaid him, he could register a second bond over the property even though it was in a black, coloured or Indian group area.

● Watch Homefront for Wrab's House Sale prices this week. We will publish the full list but we will NOT give prices over the phone.

Urban rights: help offered to workers

By JIMMY MATYU

HUNDREDS of migrant workers are expected to assemble in the Centenary Great Hall in New Brighton tomorrow at 2pm for assistance to apply for Section 10 permanent urban rights in the area

They intend applying after the Rikhotu Appeal Court judgment had paved the way

The meeting is being organised by a New Brighton civic leader and Labour Attache of the Ciskei Government in the Eastern Cape, Mr A Z Lamani

He said several young people had volunteered to help him fill in applications

"Last week my first successful applicant was Mr Jackson Mndayi, 37," he said

"I have discovered that many workers do not know how to go about this and at this very moment I have 200 who have sought my help"

Mr Lamani said he was also receiving wonderful co-operation from the Chief Director of the East Cape Administration Board, Mr Louis Koch

"They have made it clear that they will not oppose the applications provided they complied with the requirements as set out in the Appeal Court ruling," he said

Mr Lamani said he was grateful to Mr Koch for the extra staff he had promised to put on to processing the applications and for the provision of office accommodation for him and his volunteers at the Labour Bureau

"I am appealing to all people who have worked for one employer for 10 continuous years or for various employers for more than 15 years in the area to come forward," he said

"It does not matter whether a person is no longer working as long as he had previously been with one employer for 10 years. These people must bring their reference books, marriage certificate, if married, and each person will be making his own personal application"

Mr Lamani said the meeting in the hall would continue until late at night to enable those knocking off at 5pm to attend

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Urban rights of migrant workers in the balance

By Anthony Duigan

The position of thousands of migrant workers who believed the Rikhotso judgment had secured their right to permanent residence in urban areas is now in the balance

A meeting of Government officials last week accepted that migrant workers from independent homelands might be ineligible for permanent urban rights in terms of section 13 of the Urban Areas Act, which controls the residence rights of blacks in "white" South Africa

A Government spokesman said clarification of the position of these people will probably be given this week

This shock which follows the

Government's acceptance of the Appeal Court's judgment in the Rikhotso case, could have wide spread repercussions leading to further court cases to clarify the urban rights ruling

The Rikhotso ruling gave migrant workers who have worked for one employer for 10 years continuously, or for more than one employer for 15 years continuously, the right to qualify for permanent residence in the urban areas

The judgment was hailed as a breakthrough leading to greater security for migrant workers. It was estimated that as many as 145 000 workers would apply for urban rights this year

INTERPRETATION

Doubts over the Government's willingness to accept the implications of the judgment were allayed partly last month when the Minister of Co-operation and Development, Dr Piet Koornhof, said the Government would apply the judgment strictly and fairly

Last week it emerged that the West Rand Administration Board was not granting urban rights to people from independent homelands who had completed 10 or 15 years' service

after their homelands had gained independence

There are about eight million blacks in South Africa who by legislation are citizens of Transkei, Bophuthatswana, Ciskei or Venda.

Mr John Knoetze, chairman of Wrab, said applications from these people were being referred to Pretoria because, according to the board's interpretation, they did not qualify for urban rights

Last night a Department of Co-operation and Development spokesman said there had been a meeting of Government and board officials in Pretoria, and it had been agreed that there was a definite basis for Wrab's interpretation

"The department is looking into the matter urgently and will give clarification as soon as possible," he said.

A lawyer who deals with influx control cases said that he could see how Wrab's interpretation was made on the basis of section 13 of the Urban Areas Act, but he still believed it was a totally wrong conclusion

Section 13 deals with the position of "foreign blacks", and he believes this does not apply to blacks from areas which at any stage were part of South Africa



Running of the bulls

A crowd of people press down the street and against the walls to avoid a herd of bulls, being driven on by a young man during the annual "running of the bulls" in the festival of San Permin in Pamplona, northern Spain, last Saturday

3 die in air crash

The Star Bureau

HARARE — Three people were killed in a light aircraft crash in Zimbabwe's Mazowe district last week.

They were Mr Tom Stanning, a leading farmer, his wife Pat and their son, John

Mr Stanning was well-known for his pioneering work in helping black peasant farmers in communal lands bordering the commercial farming area

Active bid to end 'heresy of apartheid'

By Carina le Grange, Religion Reporter

The Alliance of Black Reformed Churches in South Africa (Abresca) has become the first church grouping to convert into action the decision that the theological justification of apartheid is a heresy

The coloured Nederduitse Gereformeerde Kerk — the NG Sendingkerk (NGSK) — was the first church to declare a state of confession incorporating the essence of the controversial de-

cision taken by the World Alliance of Reformed Churches (WARC) in Ottawa in August last year

The newly-appointed Abresca secretary, the Rev Francois Bill, said representatives of the churches from which Abresca draws its membership met for a special consultation on July 5 and 6 to draw up a confessional statement after Ottawa

It was decided at Abresca's second annual conference in November last year that it should follow up the Ottawa decision with "something positive"

"The NGSK had already taken the lead with their *status confessionis*. The purpose of our meeting was to bring out a confessional statement which would say where we are now in the light of Ottawa and to have a version of this statement

Church alliance elects organiser

Religion Reporter

The all-black executive of the Alliance of Black Reformed Churches in South Africa (Abresca) last week unanimously appointed a white founder member of the alliance as its first organising secretary

WRAB SHOCK ON RIKHOTO JUDGMENT

11/7/83

Sowetan

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FURTHER confusion has arisen over the interpretation of the Rikhoto judgment which has opened the way for migrant workers to obtain per-

manent urban residence right.

The Rikhoto judgment, handed down by the Appeal Court in

OWN CORRESPONDENT

May, granted black migrant workers who have worked for one employer for 10 continuous years or for more than

one employer for 15 years the right to qualify for permanent residence in the urban areas

MIGRANTS

But Mr John Knoetze, chairman of

the West Rand Administration Board (Wrab), said his board distinguished between two types of migrant workers — those from independent homelands (Transkei, Bophuthatswana, Venda and Ciskei) and those from other rural areas.

Wrab's interpretation of the Rikhoto judgment was that in order to qualify for their permanent urban rights workers from independent homelands had to have completed their 10 or 15 years' continuous employment before these territories became independent, Mr Knoetze said.

CAUTIOUS

If they completed their term of service after independence then they were not granted their urban rights and their cases were referred to Pretoria.

"This is our interpretation of the judgment and we prefer to be cautious rather than grant people urban rights and have to take them away later," he said.

Wrab was waiting for a firm ruling from Pretoria on the matter, he added. A spokesman from the Department of Co-operation and Development said that the Department was looking into the matter.

If this interpretation of the Rikhoto ruling is confirmed by the Government it could exclude many thousands of workers from obtaining rights which they believed were granted them by the Appeal Court ruling.

Black Sash to take action against Wrab

By **LEN MASEKO**
and **MONO BADELA**

IN A move that could give more clarity on the historic Rikhoto ruling, the Black Sash is to take legal action against the West Rand Administration Board (Wrab) for refusing to grant permanent urban rights to migrant workers from independent homelands.

Black Sash national president Mrs Sheena Duncan told **THE SOWETAN** yesterday that her organisation was referring all cases in which migrants had been "illegally and unlawfully" turned away by Wrab to lawyers.

CONTROVERSY

This latest round of controversy surrounding the Rikhoto judgment follows Wrab's statement last week, distinguishing between two types of migrant workers — those from independent homelands and those from other rural areas. Migrants from independent homelands,

in order to get the Section 10 (1) b qualifications, had to have completed 10 to 15 years' continuous employment before these territories became independent, Wrab said.

If the migrants applying for the city rights only completed the term of service after independence then they could not claim their qualification under the Rikhoto ruling, according to Wrab's interpretations.

Meanwhile several workers on the East Rand have been granted the right to stay permanently in the cities by the local administration boards. The workers, whose applications were processed in Pretoria immediately after the Rikhoto judgment was handed down, can now bring their families to

stay with them in the urban areas.

Among the successful applicants are Tembisa Hostel inmates Samuel Mogaramedi and Reuben Sethoba, whose reference books were stamped on July 4.

Mrs Duncan said yesterday: "By turning away migrant workers from independent states, Wrab was acting quite illegally and unlawfully. We are handing all the cases to the lawyers, in a bid to press Wrab to grant these workers their urban rights."

She said one worker from Transkei applying for city rights was yesterday told at Wrab's offices in town to "bring a letter from Prime Minister Matanzima, giving him permission to seek the qualifications."

550

seek

'city
rights'
in PE

Post Reporter

ABOUT 550 migrant workers yesterday approached the Ciskei labour attache in Port Elizabeth, Mr A Z Lamani, for help with their applications for Section 10 rights

The applications were made in the wake of the historic Rikhotso Appeal Court judgment which ruled on rights for migrant workers

One of the successful applicants yesterday, Mr Xhonti Baadjie, said "This is the happiest moment of my life I am grateful to Mr Lamani and his team of assistants for all the help they have given me and others"

He added that the granting of "city rights" to migrant workers who had been in Port Elizabeth for many years would make a great deal of difference to improving their lives

Mr Baadjie, who lives at the Kwazakele Single Men's Quarters, has worked for a cement company for more than 10 years as an operator. He is also local chairman of the Makhambashe tribe of Chief Lennox Sebe, president of Ciskei

Mr Lamani said 350 people, the biggest number of applicants so far, turned up yesterday at the aid office provided for him at the Labour Bureau.

Mr Lamani said that by the time he arrived at the Centenary Great Hall at 2pm yesterday he found another 200 migrant workers who had come to claim "city rights".

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LEGAL RESOURCES

Meeting a need

The Legal Resources Centre (LRC) has scored a number of legal victories since its establishment four years ago. Some of these have affected the lives of thousands of people. Now, with the recent Rhikoto victory under its belt, the LRC plans to open in Cape Town

According to the LRC's Geoff Budlender "The Cape Town office will employ four full-time lawyers and an administrative staff and will also run a fellowship programme in due course. At present the Cape Town budget is set at R250 000 when fully operational — a good deal of which has already been raised.

"A significant proportion of LRC funds comes from US Foundations such as Ford and Carnegie Foundations, but 35% comes from SA private sector donations. The total budget of the three centres is R960 000.

"There is continual pressure on the centre's professional staff. At present, we're handling about 600 cases annually in Johannesburg alone. This is in addition to the huge case-load at our Hoek St clinic. There are enormous numbers of people who cannot afford legal fees"

The Hoek St clinic, which takes on a wider range of cases than the LRC and does not usually litigate, acts as a referral agency. It conducts about 50 interviews daily. To meet these needs, the Johannesburg LRC employs 11 qualified lawyers and four fellows, while the Durban office employs four lawyers. The centre's staff are committed to further expansion as the need arises — given the availability of funds and suitable staff.

According to Budlender, the LRC handles three kinds of cases — cases testing the law and cases whose outcome affects many people because they touch on community issues.

"However, the bulk of our work concerns

Financial Mail July 15 1983

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cases where the law is clear but people are being commercially exploited or are being harassed or obstructed by the administrative process, such as in unlawful hire-purchase repossessions. The big test cases are few and far between"

Nonetheless, the judgments in the Komani, Rhikoto and Dhuma test cases have all been watershed judgments with far reaching implications. For example, the Komani case in 1980 established the rights of Section 10(1)(a) or (b) qualified men to have their wives and children with them in towns.

The results of the recent Rhikoto victory, which established the rights of a person who had been in continuous employment with a single employer for 10 years (or more than one employer for 15 years) to remain in urban area, are still to be tested. Bureaucratic opposition to the Supreme Court decision means the ultimate effect of the judgment remains to be seen.

Another first for the centre was the reversal earlier this month of four previous decisions of the Natal Supreme Court in the case of Beauty Dhuma. The centre's credibility is so strong that after Dhuma had

been found to be "idle" and "undesirable," the Supreme Court judge asked the LRC to represent her when the case went on automatic review.

One of the major developments over the last 18 months has been the LRC's involvement with community advice offices. Budlender says "We now have an advocate and an attorney providing para-legal training, back-up and legal support to the advice offices. We are also publishing a manual for para-legals working in advice offices which is scheduled for completion later this year."

in my opinion

Black permit 'harassment'

By PHILLIP
VAN NIEKERK
Labour Reporter

THE conviction of six people in the Langa Commissioner's Court yesterday could mean black people are not legally entitled to stay with, or even visit at night, friends or relatives in other parts of a township

The six were convicted

of contravening a seldom-used government regulation preventing a black person from staying anywhere other than the place specified in his or her permit.

All "legal" residents of Cape Town, the six were arrested by officials of the Western Cape Administration Board (WCAB) at two houses in Langa early

yesterday morning

They were convicted of contravening paragraph 47 (i) (v) of a 1968 government regulation which makes it an offence for a "registered occupier" (anyone with a permit to stay in the township) to occupy a site, dwelling or accommodation other than that specified in the permit.

The six, who were not legally represented, all told the court they had been visiting friends or relatives when arrested. Five were fined R10 (or 10 days) and one was cautioned and discharged.

Mrs Sheena Duncan, national president of the Black Sash, who described the arrests as "ruthless harassment", called on the WCAB to clarify what its intentions were in applying the regulation.

She pointed out that the proposed Orderly Movement and Settlement of Black Persons Bill made it an offence for a black person to be in a dwelling between 10pm and 5am without a permit to be there.

In terms of the bill, a person could be fined R500 or imprisoned for six months for visiting his grandmother or spending the night with his girlfriend.

The WCAB's chief liaison officer, Dr Gert du Preez, said the arrests resulted from "normal, routine action".

People in the area had complained and "the housing department was compelled to attend to the matter".

CAPL TIMES 19/7/83

Hout Bay 'squatters' in court

Staff Reporter

THIRTY-TWO alleged squatters — most of them women with children — appeared briefly in the Wynberg Magistrate's Court after police had arrested them on a Disa River farm at Hout Bay earlier yesterday

The arrests were accompanied by large-scale demolition and burning of shacks at the camp

No evidence was led and the accused were remanded till tomorrow. None of the accused, who all face a main count under Section 1(A) of Act 52 of 1951, that of illegal squatting, and an alternative of trespassing, were represented

At least 21 children, many of them infants, accompanied the 33 adults at the hearing

Pollsmoor

According to the prosecutor, Mr R Metz, special arrangements were being made for accommodation of the children at Pollsmoor Prison

The magistrate, Mr D Visagie, told the women they would not be separated from their children. They were being remanded so that arrangements could be made for legal counsel

and bail. Police were still investigating the case, he said

Their addresses were given as Disa River Farm and no ages were specified. They are

Names

Mr William Ngalo, Mr Alfred Sekepe, Mr Mthantsane Zikayi, Mr Patrick Solizwe, Mr Elliot Badman, Mr Peter Mqobuka, Mr Isaac Dabula, Mr Gila Dumuzwini, Mr Albert Matyeleni, Mr Methula Majola, Mr Attwell Nhlaga, Mr Mantu Maquwaga, Ms Ziphili Boo, Ms Peswina Ntlantiso, Mr Themba Memani, Ms Evelyn Bless, Ms Prascilla Kwatshabe, Ms Ivy Boo, Ms Mavis Nanganene, Ms Agnes Siphon, Ms Theline Kowia, Ms Notyhine Msolo, Ms Arginetta Baartman, Ms Agnes Fonti, Ms Nodaphara Mbeti, Ms Deborah Mhlaga, Ms Silia Ngolo, Mr Nadenko Seyisane, Ms Sindiswa Hlanyane, Ms Lucy Jingxela, Ms Gloria Jingxela and Mr Michael Sutani

Mr Sutani and Ms Gloria Jingxela face an additional count of failing to appear in court on March 30 on charges of trespassing on the same farm

of-kin had been notified

Anybody who can be of assistance is requested to telephone the Railway Police at (012) 294-3003 or 294-2218

to death

that decision

The two groups have had papers drawn up and hope the application "will come up before the end of the week", said Prof Trevor Jenkins, the head of the Department of Human Genetics at the University of the Witwatersrand

Prof Jenkins, Prof Frances Ames the head of the Department of Neurology at Groote Schuur Hospital, and Prof Philip Tobias, the former dean of the Medical Faculty of the University of the Witwatersrand are members of one group — Sapa

settled

the two parties at the weekend.

In a statement the union says it was "hopeful that management's attitude will change when negotiations on a new agreement starts soon"

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Wrab to decide on rights of immigrants

Sowetan 19/7/83

By ZWELAKHE SISULU

THE WEST Rand Administration Board (Wrab) will decide this week on whether migrant workers from independent homelands qualify for permanent urban residence

Following the Rikhotso Appeal Court judgment Wrab said that only those migrant workers who fulfilled employment requirements before independence would be eligible for permanent urban residence

The chairman of Wrab, Mr John Knoetze, said a decision should be made early

this week on the matter

"There are no problems for people who qualified as 10A or B before independence, but after independence there are legal complications and the matter is being considered by very senior legal advisors, and we are treating it with urgency," he said

In the meantime, he said, they were accepting and holding applications in readiness until a decision was made

The president of the Black Sash, Mrs Sheena Duncan, yesterday warned that if Wrab did not make a decision this week, several applications would be made to the Supreme Court

"We hope that these delays and obstructions will cease during the course of the week, otherwise people will have to take applications to the Supreme Court in order to enforce their rights," she said

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Two women gunned down

A WOMAN was killed and her neighbour seriously wounded when shots were fired at them from a mysterious car while they were waiting for a bus in the quiet Wattville township in the East Rand yesterday morning.

The dead woman is Mrs Elizabeth Kau (52)

of 2369 Shobede Street and the other is Mrs Violet Mahlangu of 2367 Shobede Street They were both shot at about 6 20am while they were waiting for a bus to work, in the section called Tent Town Mrs Kau died on the spot and her neighbour was taken to the Benoni-Boksburg

Hospital from where she was later transferred to Baragwanath Hospital in a serious condition

Mrs Kau's son, Patrick, who is also a teacher at the local high school, said "My mother left home and went next door to fetch her friend

"While they were still

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YOU CAN'T GET A JOB IF YOU'RE NOT TRAINED FOR A JOB WE CAN TEACH SOMETHING IN 3rd Floor Aspen Braamfontein (Opp. M&S)

ACAD COMP COM- HELP CAN WE GET A JOB CAN'T

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TUESDAY, JULY 19, 1983

METMAN

CAPE TIMES 20/7/83
191 get
Rikhoto
rights

Labour Reporter

A TOTAL of 191 contract workers in the Western Cape had been granted their "Rikhoto rights" by the end of last week, according to Dr Gert du Preez, chief liaison officer of the Western Cape Administration Board (WCAB)

But a further 221 migrant workers — more than half — have had their applications for Section 10 (i) (b) or permanent residence rights turned down by the WCAB

Dr Du Preez said the WCAB had so far received 3 075 formal applications for these rights

The workers have applied for permanent residence on the basis that they have worked for one employer for more than 10 years. This right was established in the Appeal Court case of Mr Tom Rikhoto, a Germiston contract worker.

The WCAB has made it clear, however, that they are applying the ruling strictly.

Cape Times
21/7/83
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Mass arrests feared at Crossroads

Staff Reporter

ABOUT 1 000 Crossroads residents last night met to discuss alleged warnings by the Western Cape Administration Board yesterday that the presence of "illegal Transkeians and Ciskeians" in the camp would not be tolerated

Fears of further pass raids and mass arrests were aroused among the residents following an earlier meeting

between the Chief Director of WCAB, Mr J Gunter, and the Crossroads Committee

At the evening meeting held in a packed Noxolo School hall, an executive committee member, Mr Elliot Dyakopu, told residents Mr Gunter had indicated WCAB would "move in on thousands of 'illegal' Transkeians and Ciskeians" in the squatter camp

The meeting, was in-

terspersed with song, ululation and chanting. Hundreds gathered at windows outside to hear the speakers

Referring to apparent delays by WCAB in setting up a promised "appeals committee" to examine the cases of more than 6 000 Crossroads residents trying to establish their status in the Western Cape, Mr Dyakopu said

"There is no longer co-operation between

the board (WCAB) and the committee. We have been waiting to put our cases for months but he (Mr Gunter) told us it had nothing to do with him" Mr Dyakopu said

"We say that nothing must happen before people have been given the chance to go before the appeal committee"

The Minister of Co-operation and Development, Dr Piet Koornhof, had "on many occasions"

given the people of Crossroads the assurance that they would be given rights to stay with their children, he said.

Mr Timo Bezuidenhoud, Chief Commissioner for Co-operation and Development in the Western Cape, had also "promised" to form the appeals committee, but nothing had happened. Crossroads Committee members said residents feared that promises would 'not be kept'.



A section of the 1 000-strong singing, chanting crowd at last night's Crossroads meeting.

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New clouds hang over Rikhoto judgment

By Anthony Dugan
2/17/83

The Government's legal advisers are now re-examining certain aspects of influx control legislation.

This could jeopardise the position of many thousands of black migrant workers who believed the recent Rikhoto ruling had secured their right to permanent urban residence.

The Rikhoto ruling, handed down by the Appeal Court in May, grants black migrant workers who have worked for one employer continuously for 10 years, or more than one for 15 years, the right to qualify for permanent residence in urban areas.

Earlier this month the Department of Co-operation and Development accepted that migrant workers from independent homelands might be ineligible for permanent urban rights in terms of the section of the Urban Areas Act which controls the rights of blacks in "white" South Africa.

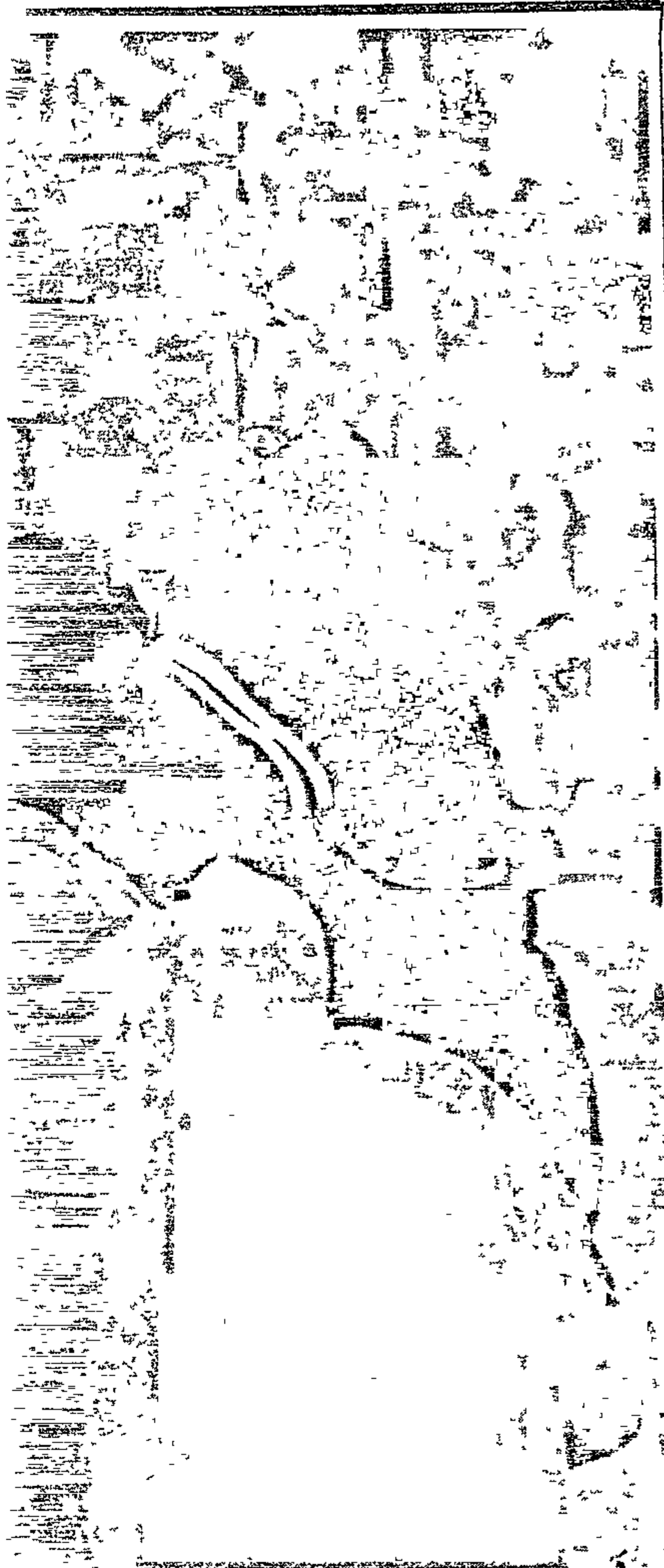
HOMELANDS

This followed the West Rand Administration Board's interpretation of the law which resulted in all cases of workers from Transkei, Ciskei, Bophuthatswana and Venda who qualified for urban rights after these territories became independent, being referred to Pretoria.

There are more than 500 000 migrant workers from these four homelands working in South Africa and it is expected that tens of thousands of these would qualify in terms of their tenure in urban areas for the Rikhoto rights.

A spokesman for the Department of Co-operation and Development said this week that the issue had now been referred to the department's legal advisers for clarification.

A lawyer dealing with influx control cases said it was possible to see how Wrab had come to the rigid interpretation of the influx law but he believed it was wrong and would be seen as such by the courts.



Smiles as six-year-old Gillian Levy gives him a big thumbs up yesterday at the annual Gan Israel Day Camp for Jewish children in Orchards, Johannesburg.

Picture GREG ENGLISH

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ROM 2/7/83

New court fight on urban rights for migrants

By CHRIS FREIMOND
Political Correspondent

A LONG court case — similar to the Rikhoto dispute — may be necessary to establish the validity of claims by migrant workers from independent homelands for rights to live permanently in "white" urban areas

A Government decision on the matter may take several weeks, a spokesman for the Department of Co-operation and Development said this week.

In that time, lawyers are likely to go ahead with court action on behalf of workers who are being denied "Rikhoto" rights

The latest dispute concerns thousands of migrant workers from independent homelands who are being denied rights under Section 10 (1)(b) of the Black Urban Areas Consolidation Act to live permanently in "white" urban areas

The Government pledged to honour the historic Rikhoto decision in the Appeal Court earlier this year after it was ruled that migrant workers who had been employed in one job continuously for 10 years were entitled to Section 10 (1)(b) rights.

The Minister of Co-operation and Development, Dr Piet Koornhof, said last

month the same rights would be given to workers who were in more than one job over a period of 15 years even though this category was not covered by the Rikhoto decision

Confusion arose earlier this month when the West Rand Administration Board denied "Rikhoto" rights to workers who had completed 10 years with one employer or 15 years with more than one employer after their homelands became independent

The matter was referred to Government legal advisers in Pretoria for a ruling which the chairman of Wrab Mr John Knoetze had hoped would come this week

But a spokesman for Dr Koornhof's department said it was unlikely to be finalised for several weeks

Wrab's policy was rejected as incorrect at the time by a lawyer specialising in influx control laws, and by the Black Sash's national president, Mrs Sheena Duncan, who said the decision was "totally unlawful"

Mrs Duncan said this week that Wrab's attitude towards workers in this category had to be seen in conjunction with the multitude of other ways people were being obstructed in their efforts to obtain their rights

A horse to mother a zebra!

Mail Correspondent

NEW YORK — American vets have successfully implanted the embryo of a zebra inside the womb of a horse

The experiment is intended to see whether horses can act as surrogate mothers for the zebras, to increase the

populations of endangered species

"Our biggest fear was tissue rejection," said Dr Bill Foster, a veterinarian at the Louisville Zoo, "but we implanted the embryo 60 days ago and it has taken hold. The heart is beating and I'm very encouraged that this is going to go all the way now"

ROM 2/7/83

Ready to a dispute

the meaning of the joint commitment.

Chamber officials said they would have to discuss the matter and the parties agreed to meet again this morning

A union official said they believed the chamber was attempting to introduce qualifications to their joint commitment and this was not acceptable

The union would definitely declare a dispute if the chamber continued to insist on the matter staying on the agen-

Mine raiders kill three

BULAWAYO — Zimbabwean dissidents in Matabeleland killed three people and wounded eight in a raid on a goldmine on Sunday, a mine spokesman said yesterday

Mining industry sources in Harare said it was the second attack by rebels in a month on a large goldmine in Matabeleland

"There have been a num-

AE didn't borrow R10m from Asseng

A REPORT in yesterday's Rand Daily Mail stated that Associated Engineering (SA) Limited — Asseng — had applied to the Rand Supreme court to take possession of all A E Motor Spares' (AEMS) stock in terms of a notarial bond which was registered over AEMS stock due to AEMS's failure to pay R1-million to Asseng

The report also said that AEMS had borrowed R10-million in terms of the bond. This was incorrect.

A notarial bond of R9-mil-

division (ie AEMS)

In fact, according to papers before the court, the only amounts which have been borrowed by AEMS from the Asseng Group are loans of R3 303 000 in the aggregate, payable as stock is reduced or within 13 months, and a further amount which has not been finally been determined but which may amount to not more than R500 000

AEMS has entered an appearance to defend the above-mentioned applica-

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Sash lashes Rikhoto 'delays'

By PATRICK LAURENCE
Political Editor

THE Government is deliberately trying to frustrate the Appeal Court ruling on the Rikhoto case, Mrs Sheena Duncan, national president of the Black Sash, says in a memorandum

The court found that contract workers who had worked in a prescribed urban area for one employer for 10 consecutive years, or for more than one employer for 15 successive years, qualified for permanent rights under section 10 1 (b) of the Urban Areas Act

The Government later agreed to accept the judgment rather than nul-

lify it with new legislation, but, Mrs Duncan says, the Government has actually embarked on a campaign to prevent contract workers from obtaining their rights administratively

In her memorandum, released to the Rand Daily Mail yesterday, Mrs Duncan lists several ways in which she contends rights are being denied administratively. Her list is based on reports received from the West Rand Administration Board area by the Sash advice office

People applying for Rikhoto rights have been told that their applications have to be referred to Pretoria and that they must await Pretoria's decision

Mrs Duncan comments "This is a quite unlawful instruction. The deci-

sion as to whether a person is entitled to a 10 1 (b) qualification must be decided by the labour officer in the area concerned"

People have been given lengthy forms for their employers to fill in, requiring the employer to record the dates of engagement and discharge for every contract and the dates of all paid and unpaid leave

Mrs Duncan says "This is an obstruction and quite unnecessary. The Labour Bureau record shows the dates of engagement and discharge of every worker. The periods of leave and whether it was paid or unpaid are irrelevant to section 10 1 (b)"

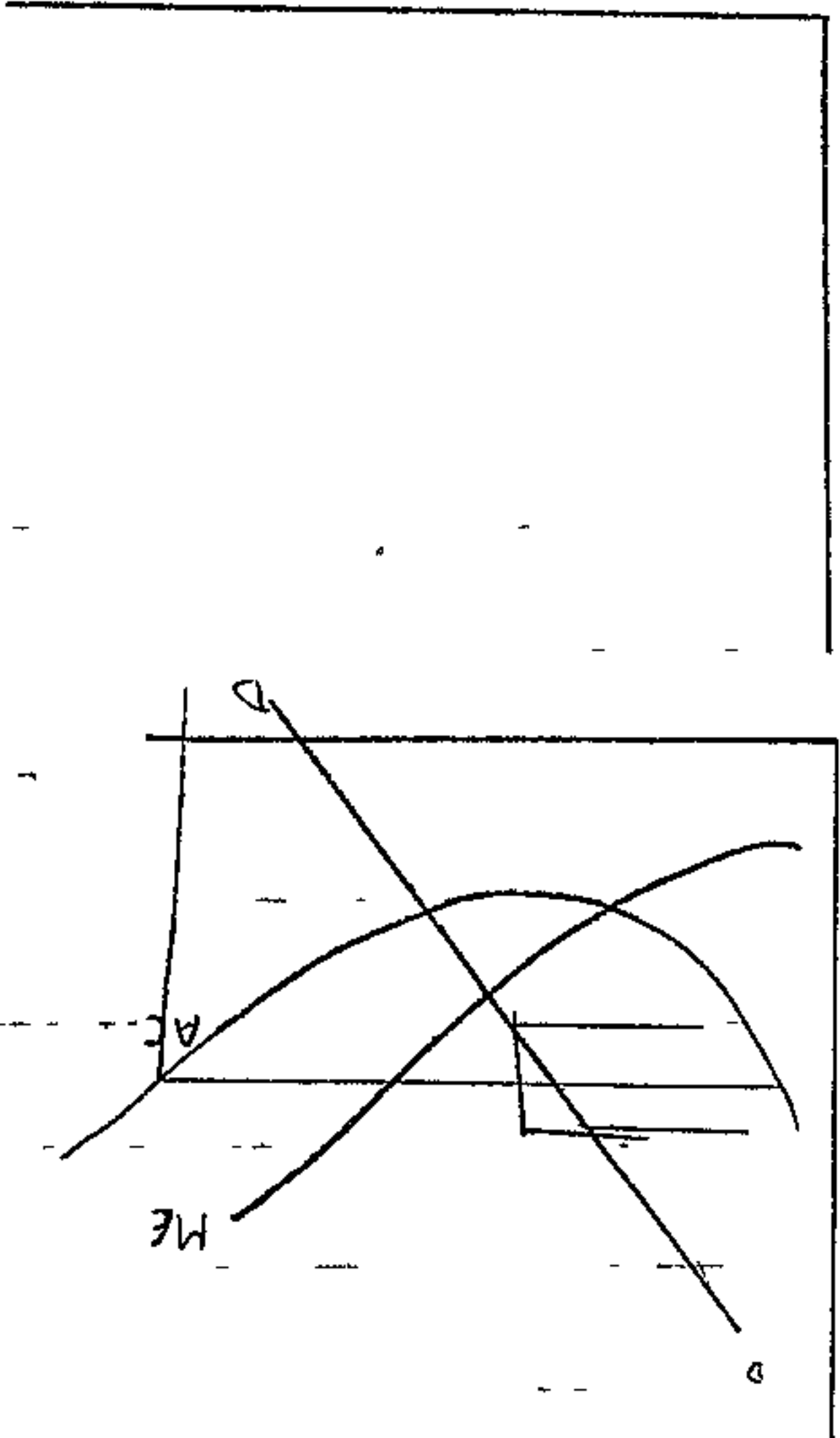
Mrs Duncan writes "It is impossible to understand why it should take days to establish whether a person

has a 10 1 (b) right. If he seeks registration for work, she notes, "his record card is produced within a few minutes and checked — and if it is not satisfactory it takes the labour officer a further 30 seconds to order (the person) to leave the prescribed area"

"Some people will now approach the Supreme Court with applications to establish the rights denied to them," Mrs Duncan says

"They will no doubt succeed one at a time after many months have passed"

Mrs Duncan concludes "Law in such circumstances has no meaning whatsoever and that is a most dangerous prospect for the future of this country"



Chambers Call for urgency slam new township on local housing

CAPE TIMES 22/7/85

~~207~~ ~~206~~ ~~124~~ ~~1240~~

Staff Reporter

THE Western Cape Chambers of Commerce yesterday urged the government to develop "a sense of urgency" over the housing crisis in the Peninsula

A unanimous resolution taken at their annual congress yesterday urged the Department of Community Development to make more land available for coloured housing.

A delegate from the Cape Town Chamber of Commerce which put forward the motion, Mr Harold Groom, said the interests of the community were inextricably bound with those of business

One prerequisite of productive labour was an adequately-housed workforce which preferably had a stake in it

Businessmen had accepted the challenge thrown out by the government that private enterprise had to help provide housing. However, since the announcement a year ago on the new State housing policy, no progress had been made with the provision of more land and serviced plots.

The guest speaker at the congress, Mr Chris Heunis, Minister of Constitutional Development and Planning, said the problem was more to do with the use of the limited land. Density would have to be increased and standards lowered.

He suggested to the chambers that they channel these problems through the newly-formed regional economic advisory committees

By JANE ARBOUS
THE Western Cape Chambers of Commerce yesterday condemned the construction of the new township Khayelitsha as a consolidated housing area for blacks in the Peninsula

In a resolution passed by a large majority of the chambers at their congress at The Strand yesterday, the government was urged — in the interests of the Western Cape economy — to let blacks legally occupying houses in the existing townships remain there.

Mr Robbie Stern, president of the Cape Town Chamber of Commerce, which introduced the motion, said two issues were involved — the resettlement of blacks in areas with inadequate facilities and the removal of people who already had homes in a consolidated housing area.

'Grim conditions'

Mr Stern said people had already been moved to Khayelitsha and because of an inadequate infrastructure, were living in grim conditions

Referring to confusion in government circles on the provision of transport and other facilities, he said "Infrastructure should be on a basis of planning and not emergency."

The chamber believed it was naive in the extreme to assume there would be a large-scale voluntary movement

from existing townships to Khayelitsha "without some form of compulsion direct or indirect"

Blacks there would be a considerable distance from their places of work, adding still further to transportation costs and travelling time

Also, blacks would be deprived of facilities to which they had contributed substantial funds over the years.

Large sums of money had been spent on renovating and improving their homes in the townships

The removals, the chamber said, should also be seen in the light of the fact that employers had erected housing for their migrant workers which would have to be rebuilt at Khayelitsha at considerable added cost.

There were at least 72 000 illegal blacks currently in the Peninsula, and their numbers were sure to grow. While it made sense to accept this influx and provide accommodation in Khayelitsha of varying standards, uprooting residents of Langa, Guguletu, and Nyanga would be unwise

● Asked to address the congress on the issue, Mr Timo Bezuidenhoud, Chief Commissioner of Co-operation and Development in the Western Cape, said a consolidated housing area was necessary for the "orderly development of Cape Town".

Untold hardship from pass laws

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E.P.

E. Post 23/7/83

SIR — I would like to recount the experiences of my young son, 18, who was recently arrested for a "pass" offence

He was arrested on Monday morning, June 20, at 9am on a charge of not having a reference book

He has only a receipt showing he is awaiting his reference book, and asked for permission to accompany the arresting officer to his home at the Walmer Location to produce the receipt

This permission was denied him and he was arrested and locked up

The following morning he was taken to court where he was charged with failing to produce his reference book. He was fined R10 or 20 days.

In the meanwhile, my wife and I were extremely anxious about him as he is in ill health

After numerous enquiries I was informed he was at St Albans Prison, and after hiring a taxi at a cost of R10, I was informed at the prison that he was not there

I was then sent backwards and forwards from the Commissioner's Court to the police station to the North End jail and back to St Albans (a further R20 taxi fare) and eventually I succeeded in locating him at about 4.30pm on Thursday, June 23, thus ending four days of anxiety about his health and whereabouts

The reason I am writing this letter is so that your readers should be aware of the situation — so that they can endeavour to understand a parent's anxiety for a child in ill-health who was arrested, locked up and incarcerated for four days for the shocking and heinous crime of having forgotten to carry his reference book receipt with him!

I could not help wondering as a parent how many other

similar cases occur, almost daily, and how much untold and unpublicised hardship and bitterness is caused through the so-called "pass law" offences

WORRIED PARENT

Port Elizabeth

● The Commissioner for the Department of Co-operation and Development in Port Elizabeth, Mr F J Fourie, said it was difficult to comment on an individual case. He said that up to 50 pass offence cases could be heard daily in the Commissioner's Court

"We prefer it if people can pay their fines instead of being sent to prison. They can ask the court orderly or the public prosecutor to contact their relatives," he said

Mr Fourie said people not in possession of a reference book were first taken to the Aid Centre at Ecab, where inquiries were made to see if there was any record of them. They were then brought before the Commissioner's Court if no record could be found of them

"But it is our policy that accused be given the opportunity to contact their relatives to bring the money for their fines," he said

But sometimes the relatives were not in telephone contact and it was not possible to send a messenger to Port Elizabeth's widespread townships to collect R10 fines from the relatives in each case

Mr Fourie said he could not say why the youth's parents were not contacted in this particular case because it was a policy that efforts be made to contact the relatives of the accused, particularly if they were youths

Wrab denies Rikhoto red tape obstruction

206 (74/3) (20/4) 23/7/83 ROM

By PATRICK LAURENCE
Political Editor

THE chairman of the West Rand Administration Board, Mr John Knoetze, yesterday emphatically rejected allegations that Wrab was deliberately preventing migrant workers from obtaining Rikhoto rights through administrative obstruction.

Mr Knoetze was reacting to allegations made by Mrs Sheena Duncan, national president of the Black Sash, in a memorandum on the Rikhoto Appeal Court judgment and its aftermath at the administrative level.

The Appeal Court found that migrant workers who served one employer in a

prescribed urban area for 10 successive years, or several employers for 15 continuous years, qualified for permanent residence rights in that area under section 10 1 (b) of the Urban Areas Act.

Citing cases of people who had applied for Rikhoto rights in the Wrab area of jurisdiction, Mrs Duncan charged Wrab with obstructing them administratively to reduce the number who qualified to an absolute minimum.

Wrab's policy, she contended, was part of an overall plan to cut back to 5 000 the 143 000 people thought to be eligible for Rikhoto rights, a target mentioned by the Minister of Co-operation and Development, Dr Piet Koornhof.

Mr Knoetze replied "I deny emphatically that there is any conspiracy to delay or frustrate attainment of these

rights. We respect the judgment of the court. Everyone who qualifies can come forward and be dealt with."

Applicants were granted rights except where their reference books were "delapidated, torn or obviously tampered with" — or where they were citizens of "independent states" who qualified after the State received independence from South Africa.

Where records in the reference book were illegible or in doubt, Wrab would check them first before conferring rights.

"Obviously we like to be certain before granting rights," Mr Knoetze said.

Where citizens of independent states qualified after independence, the case was referred to the Department of Co-operation and Development in Pretoria.

**59 arrested
at Crossroads**

CAPE TOWN 25/7/63
Staff Reporter 206

FIFTY-NINE Crossroads residents were arrested in a raid by Administration Board officials this morning

Dr Gert du Preez, liaison officer for the board, said the 16 men and 43 women arrested were being "screened" by the inspectorate. This meant not all of those arrested would appear in court immediately.

He said however, that he was sure the inspectors would not arbitrarily arrest people without being satisfied they had committed offences.

"Our officials executed the inspection in accordance with normal influx control measures — we do not raid," he said.

Divco members clash on unequal pay, squatters

ARGUS 26/7/83 (206)

Staff Reporter

LIBERALS and conservatives on the Cape Divisional Council clashed today on the issues of unequal pay for blacks and whites and on squatters

The liberal councillors, with Mr Neil Ross, national director of the Progressive Federal Party in the vanguard, won the unequal pay issue but lost the squatter issue

The first dispute occurred over the issue of

allowances for road construction staff

The recommendation before the council included camp allowances of 52c an hour for married whites and 49c an hour for unmarried whites. The corresponding allowance for other races was to be 30c an hour for married employees and 27c for unmarried

Mr Ross said this would mean that black and white people with the same qualifications

would be paid differently and proposed this aspect be discussed with the Cape Provincial Administration

Mr M J Aggenbach, deputy chairman of Divco, said he was not prepared to go to the province on the matter

The item was put to the vote and Mr Ross won narrowly by eight votes to seven

Mr Ross later raised the issue of Divco's demolition of squatter

shacks. He moved that the housing committee be directed to consider a squatter policy including the question of alternative accommodation and temporary site and service schemes

But Mr P J Grobbelaar said he felt strongly about the subject as farmers in the Boland complained that labourers left the roofs over their heads to go and squat in the cities

"We should not make it

so easy for them to lie in the bushes," he said

Mr D Lambert, chairman of the housing committee, said there must be some form of influx control, but he was taken to task by Mr P L Andrew who dissociated himself from the idea of influx control and said South Africa must accept the world trend to urbanise

Mr Ross's motion was defeated by nine votes to six

Sash: Residence rights withheld

Staff Reporter

THE Black Sash has accused the government of "side-stepping, evading, manipulating and ignoring" the court ruling in the Rikhoto case, which granted permanent urban residence rights to a contract labourer.

It also alleged that Administration Board officials around the country have been arbitrarily refusing to grant Section 10 (1) (b) rights to migrant workers who have applied for them in the wake of the Rikhoto judgment.

The judgment opened the way for contract workers to obtain permanent urban residence rights even if they had stayed in the homelands between contracts.

A Black Sash document quotes numerous examples of people who, it said, had "been prevented from obtaining their rights by bureaucratic traps".

The Chief Director of the West Cape Administration Board (WCAB), Mr J Gunter, yesterday denied all the allegations.

The Black Sash document claims that

- People have been told that they will have to wait for decisions on their cases to come from Pretoria — yet such decisions have to be taken by the local Labour Officer.

- People who filled in application forms early in June are now being told these forms have been cancelled and they have to fill in new ones.

- Workers are now being given complicated forms which their employers have to fill in with details of the precise dates of engagement and "discharge" for each contract as well as all dates of paid or unpaid leave, even though records of all contracts are kept by Administration Boards and periods of leave are irrelevant.

"Forget it"

- When employers are unable to fill in the whole form, even if it is accompanied by a certificate stating that the worker concerned has been in their employ for ten years, people are told to "forget it" unless the form is properly filled in.

- Arbitrary, false reasons are being given for their refusal such as that contract workers cannot have 10 (1) (b) rights.

- Tswana, Venda and Xhosa people are being refused 10 (1) (b) rights and being told they are not entitled to them if they did not complete the 10-year period before the date of their respective homelands' independence.

- Some are being wrongly told they are classified as Section 13 workers and are therefore ineligible.

Mr Gunter said decisions on cases had never been awaited from Pretoria but WCAB had awaited "firm directives" as the board, at that time, was not in possession of the full facts of the judgement.

He denied that application forms had been used at any stage.

On behalf of the WCAB, he invited "any interested body" which had difficulties with such matters to contact the board's liaison officer, Dr G du Preez, who he said would investigate the difficulties and reply to them.

Wrab's 'migrant' ruling to be challenged in court

By STEVEN FRIEDMAN
Labour Correspondent

A RULING by the West Rand Administration Board, which could deprive thousands of migrant workers of the permanent city rights they believed they had won in terms of the Rikhoto judgment, is to be challenged in the courts

A lawyer employed by the Legal Resources Centre said yesterday an application to the courts to overturn the ruling, which would deny city rights to migrants who are citizens of "independent" homelands, would be launched today

Wrab has been refusing to grant city rights in terms of the Rikhoto judgment to these workers

It argues that they are not entitled to rights because they are "foreigners" and has referred its view to the Department of Co-operation and Development's Pretoria head office for a ruling

No decision has yet been taken by the Department, but, if Wrab's interpretation holds sway, tens of thousands of workers would be deprived of rights which they believed they had won in terms of the Rikhoto ruling

Since Wrab's stance became known, however, lawyers have said they believe that the board's interpretation is "totally incorrect"

and workers from "independent" homelands are entitled to these rights

Yesterday, a lawyer employed by the Legal Resources Centre, Mr Charles Nupen, confirmed the centre had been briefed to apply for city rights on behalf of an "independent" homeland citizen who has been refused rights

He said he was in the process of completing the necessary papers and that the application would be launched today.

Mr Nupen said the worker who had briefed the centre was a Bophuthatswana worker, but declined to reveal his name or further details until papers have been served on Wrab.

The case could, however, take some months to come before the courts

The application to be brought by the LRC will provide yet another test of official interpretations of the pass laws

In five key "test cases" over the past few years, the courts have overruled official interpretations on influx control law

Wrab relies for its interpretation on a stipulation in the Black (Urban Areas) Consolidation Act which stipulates that foreign blacks are not entitled to city rights

However, lawyers and civil rights groups argue that this stipulation does not apply to blacks who are citizens of "independent" homelands, which were formerly part of South Africa

Capl Times 27/7/83

90 arrested in WCAB raid at Crossroads

Staff Reporter

NINETY people — 78 women and 12 men — were arrested by Western Cape Administration Board (WCAB) officials in the Crossroads squatter camp yesterday, bringing the total of "illegals" arrested in the camp this week to 149

In almost the same procedure as that followed on Monday morning, WCAB officials and policemen dressed in camouflage uniforms arrived in the camp in a convoy of armoured vehicles, land-rovers and trucks about 8am

A police liaison officer for the Western Cape, Captain Jan Calitz, emphasized that policemen had been

present "only to maintain law and order"

The arrests had been made by WCAB officials only and there had been "no trouble", Captain Calitz said

The chief liaison officer for the WCAB, Dr Gert du Preez, said the 90 'illegals' arrested yesterday would appear in the Langa Commissioner's Court today

On Monday, Mr Bezuidenhoud said the WCAB "had to apply the law" as many "illegals" had "infiltrated" into the Western Cape from Transkei and Ciskei

He emphasized that the 6 000 Crossroads people waiting to put their cases for permanent residence before an appeals committee would not be arrested

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CAPL Times

Housing plea to Divco fails

Municipal Reporter

A PROPOSAL that the Divisional Council re-think its policy on "illegal" squatters and provide them with accommodation or temporary site-and-service schemes was rejected by the council yesterday

Mr N D Ross introduced the motion after the council had noted the Squatter Control Operations Progress report of the Housing Committee

He pointed out that in the past eight years, 8 393 "illegal" shacks had been demolished a year. This meant that 80 were demolished a month. In the three-month period from March to June, 148 had been demolished

This rate of demolition perturbed him as the council was dealing with people, he said. He moved that the housing committee turn its attention to establishing a new policy on these squatters

Mr P J Grobbelaar said the council should "not make it so easy for

people to come to Cape Town from the Boland to lie in the bushes". The cost of accommodating them became the burden of the tax-payer

These people came to Cape Town without knowing if they had jobs or houses, and then appealed to the mercy of Capetonians with "heartrending" stories in newspapers

Mr D Lambert said some type of influx control was needed, but the council should keep demolition to a minimum. Mr J J Walsh said he was not in favour of "indiscriminate squatting", but the council had to face up to welfare problems

Mr P L Andrew said he dissociated himself from the statement that influx control, as it was practised, was needed. South Africa was only 47 percent urbanized, as opposed to 57 percent in other industrialized countries. It was "stupid" not to expect a higher degree of urbanization, he said

Mr Ross's motion was lost by nine votes to six

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INFLUX CONTROL 2 Court acts again

A second landmark judgment, this time by a full bench of the Natal Supreme Court, has turned another of government's influx control statutes on its head. Last week's decision in the Maritzburg Supreme Court overturning an order declaring a 32-year-old black woman an "idle person" in terms of the Blacks (Urban Areas) Consolidation Act, could prove as nettlesome for government as the recent Rikhoto judgment.

It will certainly increase the pressure for government to scrap Section 29 of the Act, which allows commissioners to endorse out "undesirable or idle" blacks or banish them to prison farms for up to two years. Although the decision of the Natal judges has already been made known to Koornhof, he is not expected to consider, as in the Rikhoto case, amending legislation to close the loophole.

Though the Natal judgment breaks new ground, it is the tragic circumstances of the case that gives it special significance. They concern part-time domestic worker Beauty Duma who drifted to the south Coast towns looking for work. Her husband had died and she desperately needed to support her two children.

Arrested for living in a shelter of plastic and canvas, she was brought before the commissioner who sentenced her to a year, suspended, on a prison farm. The alternative was that she should find registered employment within 30 days or leave the area for a period of three years.

When the matter came before the Supreme Court on automatic review, Mr Justice Diccott said Duma was one of "life's casualties." He described the effects of Section 29 as "drastic."

"Its harshness is foreign to the idea cherished by lawyers everywhere that the law's business is first and foremost to protect the liberties of the individual," he said.

In arriving at their decision, the judges used the literal interpretation of the words "idle" and "undesirable" rather than the highly artificial definitions of idleness as laid down in Section 29 of the Act. Mr Justice Diccott said he was quite satisfied that Duma was not idle in the ordinary sense of the word.

"Idle means lazy, indolent, a shirker, a slacker and one not eager to obtain work. Her lack of employment was not of her own making. Throughout she strove for better. She did her best."

The judgment could mean a reprieve for thousands of blacks who face being endorsed out of white urban areas. A consequence of being declared "idle" is the automatic loss of Section 10 residential rights.

According to Jill Nicholson of the Black Sash in Durban, government has been using Section 29 as a method of influx control. A spokesman for the Legal Resources Centre

JOB RESERVATION GOES

Em 8/17/83 (177)
Government has scrapped SA's last remaining job reservation determination, ending the system whereby it could reserve certain jobs for whites in terms of the Labour Relations Act.

Job Reservation Determination 27 applies to the mining industry where it has allowed only whites to become surveyors, samplers and ventilation officials. However, formidable barriers to black job advancement still remain in the industry. In terms of the Mines and Works Act, for example, blacks are prohibited from doing certain skilled jobs and may not qualify for blasting certificates and some other certificates of competency.

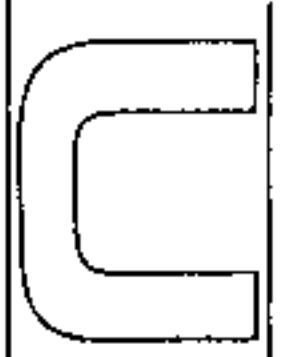
But there is obviously a certain symbolic significance attached to the fact that the last remaining job reservation determination has now been abolished. Government accepted the Wiehahn Commission recommendation that such determinations be scrapped, but allowed them to remain in force until employers and white workers affected by them could agree on how they should be eliminated.

Determination 27 has been abolished after lengthy discussions between the Chamber of Mines and the Underground Officials' Association. In terms of an agreement reached between them, black officials will have to become members of the association and will receive the same pay and pension, accident and sick-leave benefits as the association's white members.

confirmed that up to 5 000 blacks were charged under the legislation in Durban alone last year. Says Nicholson "The irony

is that it is forcing people into a state of idleness because no work is available in the townships and they are prevented from looking for work in the city."

Ironically, the Natal bench's ruling, which explicitly contradicts previous decisions by judges of its own division, comes at a time when Section 29 seemed to be reaching the end of its life. The draft of the new Black Community Development Bill, now before the select committee on the Constitution, specifically repeals the section. The committee's report is still awaited, but it is widely expected that the repeal of Section 29 will be upheld. It will not be before time.



Journalists go on tour of 'pass bureau'

By PATRICK LAURENCE
Political Editor

The Department of Co-operation and Development yesterday took journalists on their first guided tour of its computer-aided Reference Bureau, the nerve-centre of its vast network of information, and control over, millions of blacks.

The Reference Bureau, which occupies 10 floors in a Pretoria building, is characterised by rows of filing cabinets manned by phalanxes of dedicated bureaucrats toiling under bright neon lights.

To the observer it is alternately reminiscent of the scenes depicted by Franz Kafka in his existentialist novel "The Trial" or of the world portrayed by George Orwell in his novel "1984".

But, insisted the ever-courteous officials, most of them senior men in Dr Piet Koornhof's departmental fief, the purpose of the Reference Bureau is service, not cynical manipulation.

They do not deny that it facilitates control of the people whose personal data it records. They use the word "control" liberally in their on-the-spot explanations of the bureau and in their written hand-out.

But they contend that the control is for benevolent rather than malevolent purposes. One section of the bureau contains the "population register cards" of 13-million blacks, or virtually every black over the age of 16. These cards record the information contained in the reference books which all black South Africans are compelled to take

out at the age of 16.

Another section contains the finger-prints of every South African black who has applied for a reference book and of "alien blacks", including citizens of South Africa's nominally independent states, who have entered into a labour contract to work in South Africa.

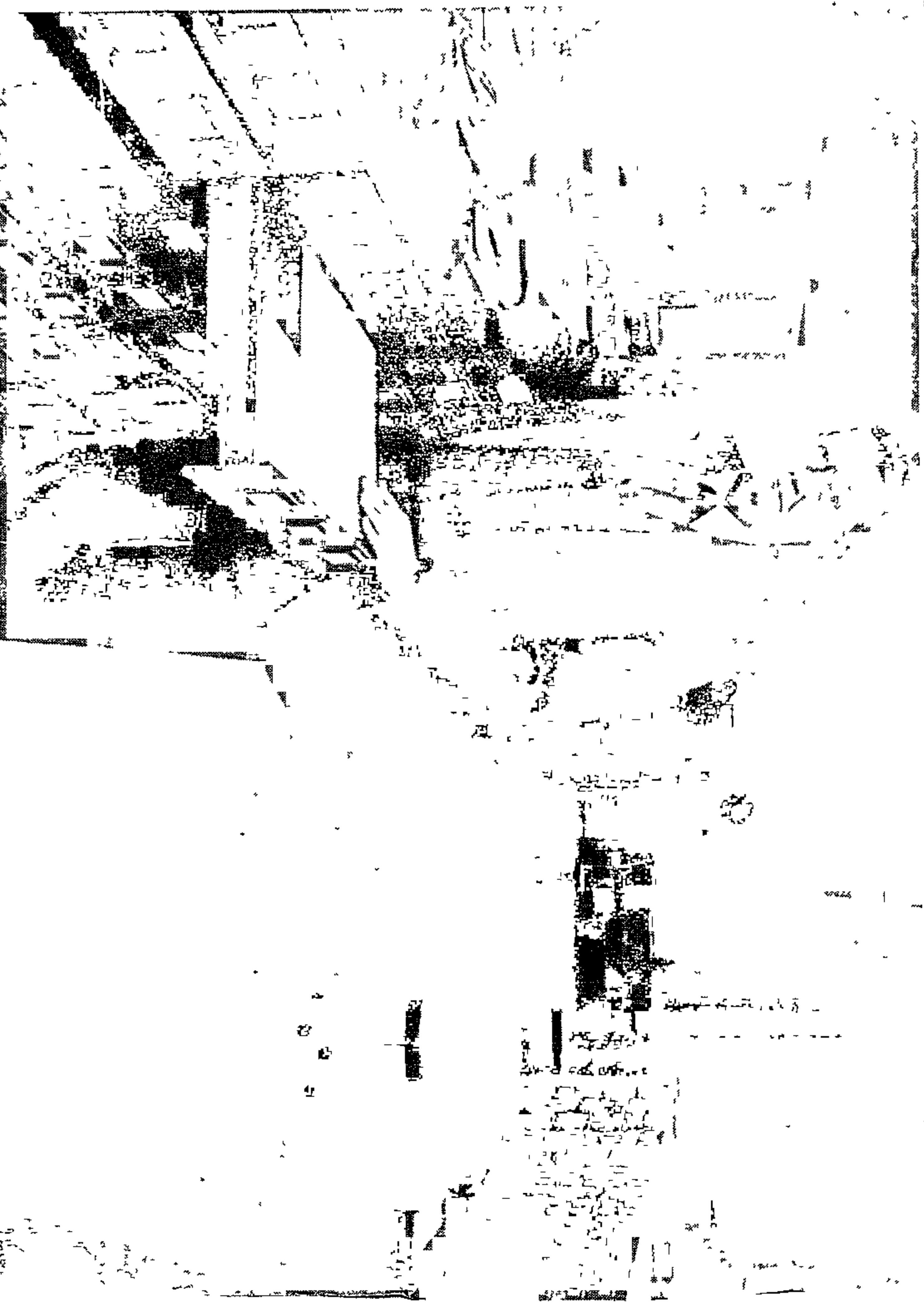
More than 15-million full sets of finger-prints are recorded, classified and stored in the reference bureau which deals with all initial applications for reference books — known colloquially as "passes" or "dompas" — and with applications for duplicates when the original is destroyed by wear and tear, lost or stolen.

Each year 42 600 applications for first reference books are received and another 656 000 for duplicates.

The reference book is pivotal to the operation of the influx control laws which restrict the movements of blacks and, more specifically, prevent blacks from rural areas from "flooding" the towns. They contain official entries relating to the areas in which the holder is allowed and under what conditions they must be produced on demand.

Influx control is defended by the department as being in the overall interests of blacks, but it has long been declared "Enemy No 1" by generations of black nationalists of various ideological hues.

As Mr Louis Kok, director of labour and identification, noted at the end of the guided tour, the amended Population Registration Act of 1982 contains an enabling clause providing for the finger-printing of all South Africans, including the white minority.



Mr G S Niewoudt, a senior official in the Reference Bureau's fingerprint section, matches a fingerprint with personal data of the person concerned, as reflected in his register card.

Picture GARTH LUMLEY



CHAIRMAN: Tshabalala.

'Mayor' ^{28/7/83} hits out at ^{Sowetan} police over raids

By MONK NKOMO

THE ATTERIDGEVILLE/Saulsville Community Council yesterday condemned the alleged spate of pass raids and assaults on local residents by black and white policemen in the township.

Mr Joseph Tshabalala, the council chairman, lashed out at the alleged incidents at the council's monthly meeting yesterday. The raids were allegedly carried out by police stationed in town.

The condemnation followed allegations by a 28-year-old man who was allegedly punched and kicked by black and white policemen during a pass raid in the township two weeks ago.

Mr Winston Patrick Peta of 15 Ségola Street has since laid a charge of assault against black and white policemen who allegedly assaulted him near his home on July 13.

Mr Peta told The SO-WETAN he was stopped by police travelling in a big van and a kombi with Bophuthatswana registration numbers (YBX) at about 10am that day. He said when they demanded to see his reference book he gave them a temporary identity certificate issued to him after he had lost his reference book.

He added, "I was surprised when they insisted that they wanted a pass and not a piece of paper. I tried to explain but, instead, I was punched and kicked by the policemen who then put me into the van."

Mr Peta said he was then taken to the Help Centre in Von Wielligh Street in town where he was again assaulted and then released at about 3.30pm the same day.

Brigadier H A du Plessis, chief CID officer for the Northern Transvaal, yesterday confirmed that Mr Peta had laid a charge against the police who allegedly assaulted him. The matter, he said, was being investigated.

"It is the first time we have heard of this terrible thing which must stop forthwith," said Mr Tshabalala. The council, he added, would launch an intensive investigation into the matter.

New plans to eliminate forgeries

By Sue Leeman, Pretoria Bureau

The Department of Co-operation and Development is taking steps to stamp out the forgery of reference books and drivers' licences, a spokesman said yesterday.

The assistant-director of the department's Reference Bureau, Mr Braam Lintvelt, said during a Press tour of the bureau that officials were training police commissioners, magistrates and others to spot forgeries.

The department has also established a round-the-clock service to follow up queries from those manning road-blocks.

Monthly pass arrests hit 3 000

Pretoria Correspondent

Every month at least 1 000 blacks in the Johannesburg area run into problems with reference books, according to the Department of Co-operation and Development.

Officials told the Press yesterday that over one weekend in the city as many as 700 people were arrested for alleged pass offences — and the monthly figure country-wide reaches 3 000.

Officials said facsimile machines at the department's reference bureau in Pretoria were used to check the identities of alleged offenders.

From one of 17 aid centres countrywide a query would be put through to Pretoria.

Its facsimile machines reproduced the person's identity document, either confirming or disproving his story.

Officials said delays and unnecessary jailing were being eliminated.

New precautions are also being taken in the production of reference books. These include a new printing method in which the ink sinks two-thirds into the paper — making it impossible to erase vital information.

Since 1981, studs have been pinned through photographs and drivers' licences to make it difficult to insert forgeries.

Although the department has no concrete statistics on the number of forgeries in circulation, Mr Lintvelt said it remained a real problem, with some forgers appearing to have perfected their "craft".

He added that those trying to spot forged licences should look for

- Writing that is crooked, or inconsistencies in the printing.
- Untidy municipal registration stamps
- Stamps bearing the words "Bantu Reference Bureau". Since 1978 the word "Bantu" has been dropped.
- Certificates "issued" long after they were printed. The printing date usually appears in small letters in the bottom right-hand corner. Municipalities, said Mr Lintvelt, do not keep stocks of licence forms for long.

Black Sash slams govt

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Sowetan
28/1/83

THE BLACK Sash has accused the Government of side-stepping, evading, manipulating and ignoring the rulings of the courts and has alleged that administration board officials have been arbitrarily refusing to give urban residence rights to migrant workers who have applied for them in the wake of the Rhikoto Case.

In a document examining the government's response to the Rhikoto judgment, the Black Sash quotes examples of people who have apparently been prevented from obtaining their rights by bureaucratic traps

The document claims that:

- People have been told unlawfully that they will have to wait for decisions in their cases to come from Pretoria,
- people who completed application forms in the first weeks of June are being told these forms have been cancelled and they have to fill in new ones;
- workers are being given complicated forms on which their employers have to supply details of precise dates of engagement and "discharge" for each contract as well as dates of paid or unpaid leave,
- when employers are unable to complete the form correctly, even when employers certify that the workers have been employed by them, they are told to "forget it".

- arbitrary, false reasons are being given for the refusal of rights, (contract workers are apparently told they are not entitled to urban residence rights and that the required 10-year period of continuous employment had to have begun in 1968);

- Tswana, Venda and Xhosa people are being refused 10(1)(B) rights and are being told they are not entitled to them if they did not complete the 10-year period before the date of their respective homelands' independence,

- some are being told they are classified as Section 13 workers and are therefore not eligible for Section 10 rights, even when they have been registered in terms of Section 10(1)(D)

Dr Gert du Preez, press liaison officer for the Western Cape Administration Board, declined yesterday to comment on the document until the board had had time to study its contents — Sapa

INFLUX CONTROL

Bureaucrats fight back

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The hosannas that accompanied the Appellate Division of the Supreme Court's ruling upholding the Rikhoto judgment, granting urban residential rights to migrants who have worked for one employer for 10 years, have turned into a deluge of complaints about official obstruction

The complaints seem justified. To be fair, however, it must be acknowledged that government's interpretation of its obligations under Rikhoto (as modified by a recent amendment to the Urban Areas Act) differs substantially from that of liberal activists like the Black Sash.

Basically government has said it will abide by Rikhoto and administration boards around the country say they are doing so. Rikhoto is interpreted by liberals as meaning all migrants who have worked for a single employer for 10 years, or several employers for 15 years, are entitled to urban residential rights under Section 10(1)(b) of the Urban Areas Act.

Government disagrees. It first amended the Act to deny residential rights to the families of workers who do not own or rent homes in urban areas — thus disqualifying the families of hostel-dwellers.

Then some administration boards, particularly the West Rand Administration Board (Wrab), argue that citizens of the independent homelands are not entitled to rights under Rikhoto — on the grounds that

they are "foreigners"

Wrab has referred its view to the Department of Co-operation and Development for a ruling — but the Legal Resources Centre is already moving to challenge the interpretation in court — on behalf of a Bophuthatswana citizen who it declines to name until papers have been served on Wrab.

Meanwhile, differences over interpretation seem to be delaying the granting of urban rights to thousands of workers. According to the Black Sash's Sheena Duncan, administration boards are adopting bureaucratic methods to delay Section 10(1)(b) applications. These include requiring people to fill in lengthy forms about their families, sending them away to have forms filled in by their employers, telling people they will have to wait until Pretoria decides on their applications and telling people who return with completed forms that the form is "cancelled" and they must get their employers to fill out a different one.

Duncan claims that some of the methods have no basis in law. For instance, telling people that "Pretoria must decide" is wrong because the Act lays down that the decision must be taken by the labour officer in the area concerned.

What has happened with Rikhoto is that government ideology has collided with the court's interpretation of the Act. Govern-

ment finds it difficult, as it once threatened, to restore the *status quo ante* by using legislation. It has already gained international praise for accepting Rikhoto — including official US approval.

But it seems that by obstruction and tentative interpretation of its legal obligations, it hopes to limit the number of people entitled to urban rights under Rikhoto. Co-operation and Development Minister Piet Koornhof has mentioned the figure of 5 000 possible gaining entitlement — as against the 143 000 Rikhoto has been estimated to affect.

That SA is under-urbanised, that its economy is hampered by restrictions on labour mobility and that we are allegedly in an era of reform and racial co-operation seems to mean nothing. But then influx control is the one area which government has carefully excluded from the reform process.



Sash's Duncan ... fighting for Rikhoto

247 held in week of raids

CAPE Times 30/7/85

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By COLIN HOWELL

A TOTAL of 247 people were arrested during early-morning swoops by inspectors of the Western Cape Administration Board (WCAB) on "illegals" at the Crossroads squatter camp this week.

The arrests, from Monday to Thursday, followed a pattern WCAB trucks and armoured police vehicles drove into the camp about 8am each day.

Police in camouflage uniforms stood by with police dogs to "maintain law and order", according to a police liaison officer for the Western Cape, Captain Jan Calitz.

WCAB officials then combed the camp and arrested 188 women and 59 men on charges of being "illegally" in the Peninsula for longer than 72 hours without permission, or failing to produce the relevant "pass", or both.

Briefly in court

On Thursday, 132 of the arrested squatters appeared briefly in the Langa Commissioner's Court. Nine were cautioned and discharged. The others were not asked to plead and were either released on warning or on bail of up to R50. The hearings were postponed till between August 22 and September 16.

A 16-year-old schoolgirl, Virginia Rasmeni, was among those cautioned and discharged. She spent Wednesday

night in Manenberg police station cells.

Her mother, Mrs Judith Rasmeni, told the Cape Times that inspectors of the WCAB had arrested Virginia despite pleas that she was a schoolgirl who "didn't need a pass".

"They wouldn't listen to me. I tried to explain but they just took Virginia away in a van on Wednesday morning."

Mr D Mngomeni and Mr T Brown appeared for the State. The Commissioners were Mr J Uys and Mr L van Wyk. The accused were represented by Mr D A Newton, Mr N Yekiso, Mr T de Bruyn, Mr A Segers or Miss B Sidego, all instructed by Groepe, De Bruyn and Yekiso.

Earlier this week, the Chief Director for Co-operation and Development in the Western Cape, Mr Timo Bezuidenhoud, said the 6 000 Crossroads people waiting to put their cases for permanent residence before an appeal committee would not be arrested.

On Thursday, an executive member of the Crossroads Committee, Mrs Alexandria Luke, said that some of those arrested were "waiting for their appeals to be heard".

At a meeting of more than 1 000 residents last week, executive members of the Crossroads Committee told of a "breakdown in co-operation" between the committee and the WCAB.

RDSH
218/83
Wrab guard bars worker seeking rights 206

By STEVEN FRIEDMAN
Labour Correspondent

A MIGRANT worker, who visited the West Rand Administration Board's Albert Street offices to apply for city rights in terms of the Rikhoto judgment, yesterday said he was twice refused admission by a security-guard and told he would have to sleep outside the offices if he wanted to apply for rights

Soon after the incident was reported to them, senior Wrab officials said they had taken action to prevent similar incidents and gave an assurance the guard had not been carrying out Wrab policy

The worker, Mr Magumeni Majola, said he was also told by the guard he would have to arrive at the office at 3am if he wanted to gain admission, and that on Friday officials said they could not process his application

When the allegation was reported to him, Wrab's chairman, Mr John Knoetze, promised to investigate immediately and added that, if the claim was correct, the guard's attitude was "ridiculous"

Later, Wrab's director of labour, Mr Armand Steenhui-

zen, said he had warned security guards not to behave in this manner

"Workers who want to apply for Rikhoto rights should be at our offices early and should have a certificate from their employer. But they do not have to report at 3am — if they arrive at 7am there would be no problem," Mr Steenhuizen said

Lawyers acting for workers seeking these rights said yesterday they feared Mr Majola's experience "may be shared by other workers"

But Mr Steenhuizen said it was an isolated incident and that Wrab's policy was not aimed at obstructing the granting of Rikhoto rights

Mr Majola said he first visited the office on Friday at 12.30. He said he had to wait until 2pm, when he was told by officials it was too late to process his application and that he should return yesterday

He said he arrived at 7am yesterday, when a guard refused to admit him, saying he would have to sleep outside the office to gain admission

He alleges that he later returned when he was told by a guard to leave and return again at 3am

Officials delay giving 'Rikhoto rights' to migrants, say lawyers

206 359 Star 2/8/83

The bureaucrats are fighting back, say lawyers and community workers battling to help hundreds of blacks get Section 10 rights allowing them to live and work permanently in urban areas

It is two months since the Appeal Court opened the doors, shut by legislation 15 years ago, to tens of thousands of black migrant workers who have lived and worked legally in urban areas for 10 to 15 years

The test case ruling by the Appeal Court at the end of May gave migrant worker Mr Tom Rikhoto the right to permanent residence — and the chance finally to apply for a home of his own — in an urban area because he had worked for one employer for more than 10 unbroken years

It also meant that Mr Rikhoto, and other migrant workers who qualified in terms of the court ruling, could bring their families to live with them — if they could get a house — and would no longer have to return to their homelands each year to attest their labour contracts

Last month the Government indicated it would not act in any way to circumvent the court ruling, and was acclaimed internationally for its stand. But at the same time Dr Piet Koornhof, Minister of Co-operation and Development, who fought a battle in the Cabinet against any action to undermine the court ruling, added the rider that accommodation must be available before families could be brought to the cities

It was estimated that about 144 000 migrant workers could qualify immediately for urban rights, but only about 5 000 may actually get rights if the Government succeeded in its approach to implementing the court ruling, Dr Koornhof said last month

The first indications of what could frustrate workers who believed their period of legal work or residence entitled them to urban rights were moves earlier this month by



It was all smiles when Dr Piet Koornhof visited Soweto recently. He has publicly said migrant workers who qualify can get Section 10 rights — but have his orders reached the bureaucrats?

Are bureaucrats obstructing migrant workers who qualify for the vital stamp allowing them to live and work in an urban area? The administration boards say no, but lawyers and the Black Sash say they are. ANTHONY DUGAN reports.

two of the biggest administration boards

The West Rand Administration Board, controlling an estimated 42 330 migrant workers who could qualify for urban rights, began turning away applicants who came from one of the four independent homelands and who had not completed their required period of work or residence prior to the date of independence

It was the way Wrab interpreted the law, said Wrab's chairman, Mr John Knoetze. The cases of those who came from independent homelands were referred to Pretoria for a ruling, he said

A spokesman for the Department of Co-operation and Development said Wrab definitely had a case and the issue now rested with the Department's legal advisers for a final ruling. This ruling is still awaited.

The four homelands in question — Transkei, Bophuthatswana, Venda and Ciskei — together "export" about 640 000 migrant workers, almost half the total number of migrant workers from homelands

Another move by Wrab which has created huge problems for applicants is a form their employers have to fill in. It requires details of each registration, expiry date of annual contract and annual leave, both paid and unpaid — for every one of the 10 to 15 years that the worker has been legally employed

A perusal of records at the Johannesburg Black Sash's advice office, where hundreds of people with influx control problems go for help each week, shows that employers, particularly major ones such as the South African Transport Services, are refusing to fill in

these forms. They know the administration boards have these records (usually on computer) and employers often do not have the time or sometimes even the records to supply that sort of information in detail.

A spokesman for Wrab's labour section denied there was anything sinister in these forms and said the information required was necessary to establish the worker's rights and the special forms were introduced "to speed up things"

The Western Cape Administration Board, which has about 12 000 workers who could qualify for urban rights, has introduced an arbitrary interpretation of how much leave migrant workers should have taken — only four weeks each year — if they want to qualify, according to the Black Sash's Athlone advice office

The WCAB claims it has accepted the Rikhoto ruling and is acting accordingly. But the Black Sash and legal sources say lawyers are handling almost 200 cases in the areas controlled by the two boards because of bureaucratic obstacles being put in the way of the migrant workers

The Black Sash president, Mrs Sheena Duncan, also claims that people are spending days queueing at Wrab's offices in Albert Street, Johannesburg, waiting for their qualifications and are continually being turned away and told to "come back tomorrow"

"Normally when a black person reports to Albert Street to seek registration for work his record is produced within a few minutes and checked. If it is not satisfactory it takes the labour officer 30 seconds to order that person to leave the prescribed area," she said

Also, some people are being arbitrarily refused a qualification without any check being made, she said

Mr Knoetze has denied emphatically that there is "any conspiracy to delay or frustrate attainment of these rights"

Cape Times 3/3/85

Homeless lose 200 shelters

Staff Reporter

AT LEAST 200 shelters erected by homeless people at Old Crossroads were flattened when Western Cape Administration Board (WCAB) officials swooped on the area early yesterday morning

An Old Crossroads resident said several WCAB vans arrived to demolish shelters before people had even woken up

Dr Gert du Preez, chief liaison officer of the WCAB, said 200 "illegal shelters" had been demolished. He added that at least 100 inhabitants had dismantled their own shelters

He said there had been "no incidents" and no arrests were made

"The Crossroads resident said people had demolished their own shelters rather than have them confiscated or ruined

Asked whether the homeless people at Old Crossroads had been provided with tents, Mr Timo Bezuidenhout, Chief Commissioner of Co-operation and Development for the Western Cape, said the Old Crossroads situation should not be confused with the Nyanga bush people

"Illegals will certainly not be provided with tents," he said

Thousands get their rights — but many still doubtful

Close to 5 000 migrant workers in the PWV have been given permanent urban rights as a result of the May Appeal Court ruling on contract worker Mr Tom Rikhoto. But a shadow still hangs over hundreds of others who are waiting for a Government ruling on whether they will qualify or not.

Government legal advisers are still deciding, on the basis of the court ruling, whether certain of the migrant workers from independent homelands and those who are seeking their city rights on the basis of 15 years' legal residence in an urban area, will be given the all-important Section 10 (1) b qualification

The Appeal Court ruled at the end of May that Mr Rikhoto, a migrant worker from Gazankulu who had worked for an East Rand factory for more than 10 years on an annual contract, had not broken his period of employment simply by going back to his homeland each year on annual leave.

This meant he was entitled to live permanently in an urban area — contrary to official interpretation which held that no migrant worker could ever qualify for urban rights because he worked only on annual contract.

And it opened the way for an estimated 144 000 migrant workers to qualify immediately for coveted city rights

By Anthony Duigan

In terms of Section 10 (1) b of the Black Urban Areas Act a person who has worked continuously for one employer in an urban area for 10 years, or several employers for at least 15 years, qualifies to remain permanently in an urban area

But at a Press conference in Johannesburg yesterday Mr A E Steenhuizen, director of manpower for the West Rand Administration Board, said workers looking for a 10 (1) b qualification on the basis of 15 years' legal residence in an urban area "were not being qualified at the moment".

The chairman of Wrab, Mr

John Knoetze, said "We keep the 15-year applicants on record and have asked Pretoria for a ruling on whether they qualify because this aspect was not in question in the Rikhoto case"

Applications by migrant workers from the four independent homelands — Transkei, Ciskei, Venda and Bophuthatswana — whose 10 years were completed after these territories became independent, are also being referred to central Government, said Mr Knoetze.

A spokesman for the Department of Co-operation and Development said legal advisers had still not decided on whether this interpretation of the court ruling was valid or not

Countering allegations that Wrab was putting obstacles in the way of workers trying to get their qualifications, Mr Knoetze said the Board was adhering to the principles enunciated in the Rikhoto judgment "in all respects and there is no attempt to delay or frustrate attainment of these rights"

Referring to criticism of a detailed form each applicant has to fill in, Mr Knoetze said Wrab did not have records of actual leave taken by registered workers and the Government had ruled that unpaid leave was a probable indication of a broken contract.

To date 2 355 workers in the Wrab area had received their urban rights and up to 150 cases a day were being handled by the Johannesburg office

Until the middle of last week there had been difficulties in processing all those who applied each day, but the number of daily applications had dropped off slightly and the offices were able to handle all applicants, he added

Application refused after 30 years' unbroken service

By Carolyn Dempster,
Labour Reporter

After 30 years' of unbroken service, Johannesburg municipality employee Mr Samson Maluleke has been refused section 10(1)(b) rights because of the unpaid leave he took at the end of each year

West Rand Administration Board officials this week told Mr Maluleke that his application had been turned down as the unpaid leave constituted a break in service. This was despite the fact that Mr Maluleke was required to take two weeks' paid leave and was given the option of taking two weeks' unpaid leave at the end of each year of employment with the municipality.

The Council of Unions of South Africa (Cusa) has announced that it intends taking up Mr Maluleke's case and is investigating the possibility of legal action

"This is a grim contradiction of Minister Piet Koornhof's assurances that the Government will implement the Rikhoto judgment. It is obstructionist and nothing but an attempt by the administration boards to limit the number of blacks who are granted section 10 rights," said a spokesman for Cusa.

Mr Maluleke is a member of the Cusa-affiliated SA Black Municipal and Allied Workers' Union (SABMAWU)

But Wrab has condemned attacks on the administration boards in this regard as unjustified, saying it is merely carrying out policy set down by the Government.

At a Press conference at the Wrab offices yesterday, chairman Mr John Knoetze pointed to a Department of Co-operation and Development guideline which specifies that, to qualify for section 10 rights, the worker must be able to prove that he was on bona fide paid leave during periods of absence

Council to back worker's bid for rights

Star
4/18/83
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By Carolyn Dempster, Labour Reporter

A Johannesburg municipal worker with 30 years' service, Mr Samson Maluleke, has been denied urban rights — because he was given unpaid leave

However the Johannesburg City Council is contesting this Government ruling which could affect hundreds of their staff

The ruling could also deny rights to thousands of domestic staff who have worked for the same householder for a decade or more

According to the the Department of Co-operation and Development, unpaid leave constitutes a break in service, and empowers Administration Boards to refuse workers section 10 rights

But the Johannesburg municipality today rejected this rigid interpretation of broken service based on unpaid leave

Mr J C de Villiers, chairman of the municipality's staff board, said unpaid leave was built into the conditions of service of all municipal employees

"Our staff regulations allow for four weeks of unpaid leave to be granted to each employee every year This is part of our conditions of service

"And even if the employee takes the full four weeks, this does not constitute a break in service in our eyes," he added

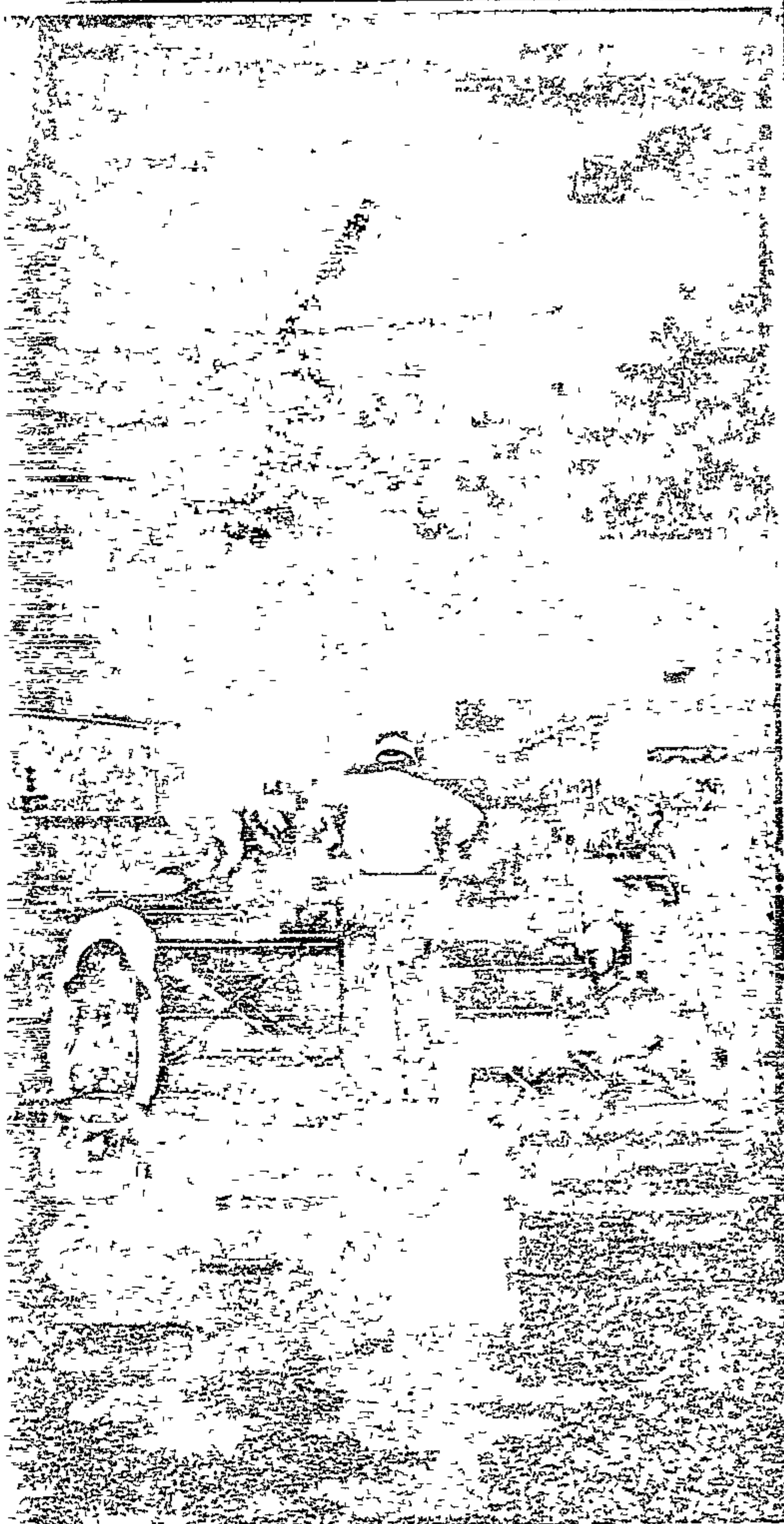
In terms of State legislation (influx control) employees are required to return home once a year before they may renew their contract with the municipality and are given two weeks' paid leave in which to do this

Mr de Villiers said that if municipality employees who are eligible for permanent residence rights in terms of the Rikhotso ruling were being refused these rights because of unpaid leave they had taken. "We will definitely have to approach Wrab about this "

"This is not so much the case of one individual but a principle. There are hundreds of our employees who could be affected "

A final ruling by the Government on how many migrant workers will qualify for urban rights in terms of the Rikhotso judgement is expected in the next few days

● See Page 11, World section



Johannesburg Hospital as part of the civil defence exercise

● See Pages 1 and 2, Metro section.

● Picture by Alan Coxon.

SP boss tells of Secunda attack

84A
Star
4/18/83

The Chief of the Security Police yesterday released details of an African National Congress rocket attack on the Sasol III plant at Secunda on July 20

General Frans Steenkamp said three 122 mm rockets fired at the plant went 3 km off target.

During the subsequent

Share traditional hospitality with

Klipdrift



By STEVEN FRIEDMAN
Labour Correspondent

THE West Rand Administration Board revealed yesterday it was not granting city rights to migrant workers who have worked 15 years for several employers in terms of the Rikhoto judgment — a stance which conflicts with a statement by the Minister of Co-operation and Development, Di Piet Koornhof

The surprise revelation came at a Press conference yesterday at which Wrab defended itself against charges that its officials were trying to delay or obstruct the granting of city rights to workers in terms of the Rikhoto ruling

In a statement released at the conference, Wrab said it had granted 2 355 workers rights in terms of the judgment and that its Johannesburg office alone was hand-

No city rights for migrants Who changed jobs

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4/18/83
Wrab

ling up to 180 cases a day

The statement also revealed that Wrab had been instructed by Pretoria not to grant rights in terms of the judgment to workers who had taken unpaid leave during their 10-year period of qualification for such rights

When the Government announced it was implementing the judgment, Dr Koornhof said workers who had worked 15 years for several employers would be entitled to rights in cities in terms of the judgment.

These workers, together with those who had worked

for one employer for 10 years, are entitled to city rights in terms of Section 10(1)(b) of the Black Urban Areas Act, which the court ruling upheld

But Wrab's director of Manpower, Mr Armand Steenhuisen, said the board was not granting these workers rights and had referred their position to the Department of Co-operation and Development's Pretoria head office for a ruling

He added, however, that the board was accepting applications for rights from these workers pending Pre-

torias decision

He said the Rikhoto case dealt specifically with a worker who had worked for one employer for 10 years and the board was not clear whether those who had worked 15 years for several employers were covered by it

At the conference, Wrab's chairman, Mr John Knoetze, said the board regarded the Rikhoto ruling as law and was "anxious to carry it out"

"I emphatically deny that there is any attempt to delay or obstruct the granting of rights (in terms of the judg-

ment)", Mr Knoetze said

If the Press and the public came across "irregularities" which delayed the granting of rights, they should report these to Wrab. But claims that the board was "dragging its feet" on the judgment were "unfair"

Mr Knoetze said there was a form which Wrab insisted workers' employers should fill in before they could claim rights

He said the form was necessary because Pretoria had stipulated that workers who took unpaid leave during their migrant contracts were not to be granted rights

Jail for the bad egg who erred

Mail Reporter

HAVE you ever woken up feeling top of the morning and in desperate need of a fried egg?

That's just how Dirk de Witt felt one morning but now he is in prison, with no guarantee of a fried egg breakfast for a long time to come

De Witt got out of bed on February 3 this year and went to the OK Bazars in the Carlton Centre, Johannesburg, to steal an electric frying pan because he had a craving for fried eggs

It earned him a seven year sentence when he appeared in the Johannesburg Regional Court yesterday

De Witt, 47, of Pieterston Street, Joubert Park, told the

magistrate he had eggs but no pan to fry them in

"So I decided to steal a pan," said De Witt, who pleaded guilty to a charge of theft

He said that on entering OK Bazars, "I took a frying pan and hid it under my jacket and I started to walk out without paying"

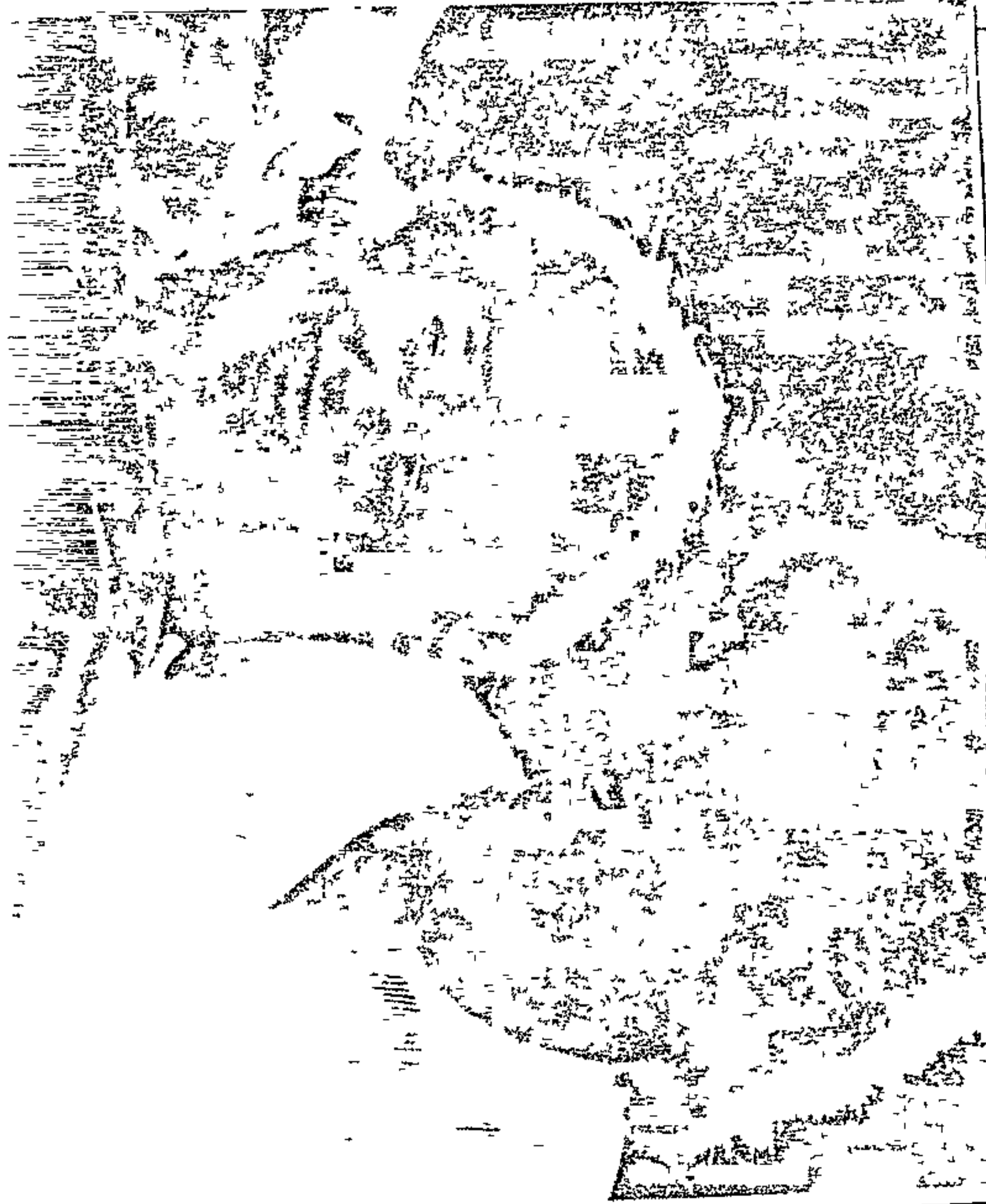
But before he could leave, he was apprehended by a security guard

He said he had no intention of paying for the pan and realised when he committed the offence that his actions were wrong

The frying pan was valued at R28,69

The court was told that De Witt had 13 previous convictions for housebreaking with intent to steal

Jumbo can speak



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BA3
BLACK URBAN RIGHTS
Knoetze's views

The West Rand Administration Board (Wrab) has emphatically denied allegations of foot-dragging on the Supreme Court's ruling on the Rikhoto case (see FM July 29) Wrab's head, John Knoetze, says "Rikhoto has been accepted and is being implemented in the spirit of the law" To date 2 355 workers have gained endorsements in the board's area

The judgment means that migrant workers who have worked continuously in a white area for the same employer for 10 years are entitled to permanent urban residence rights

Wrab is processing up to 130 applications a day Knoetze says that reports of applicants being turned away because the board can't cope with more than 100 daily are incorrect Last week, there was congestion when over 150 people turned up on occasion, but numbers have dropped again and arrangements are underway to cope with peak demand

Two issues have been referred to Pretoria, for government's legal advisors in the Justice department to decide on

□ The Rikhoto judgment did not directly address itself to the question of 15-year rights, says Knoetze Though workers who have lived and worked continuously for 15 years in urban areas for several employers, are also theoretically entitled to permanent residence rights these applications are at present being recorded without endorsements being granted until Pretoria decides whether this is also implicit in the

Financial Mail August 5 1983

judgment; and

□ Whether workers from the four independent homelands are entitled to rights if the qualifying period ended after independence "as certain provisions in the Urban Areas Act appear to militate against this" These applications are also recorded, but are being held until the decision comes

through.

Periods of unpaid leave are regarded as interrupting the all-important "continuous" residence and so negate an application Paid leave is not so regarded and employers' records are crucial here. (The decision of the Cape Supreme Court in the Mthiya case was that periods of leave, or absence

for legitimate reasons, do not constitute a break in employment. This will be tested at Appeal Court level)

Concerning accusations that applicants have been given the runaround by officials, Knoetze says, "We're not aware of any irregularities, but if there are complaints we'd like to be told about them"

WRAB refuses rights for 15-year migrant workers

CAPE Times 5/8/83

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Own Correspondent

JOHANNESBURG — The West Rand Administration Board announced this week that it was not granting migrant workers who had worked 15 years for several employers city rights in terms of the Rikhoto judgment.

This stance conflicts with a statement by the Minister of Co-Operation and Development, Dr Piet Koornhof.

The surprise revelation came at a press conference in which WRAB defended itself against charges that its officials were trying to delay or obstruct the granting of city rights to workers in terms of the Rikhoto ruling.

In a statement released at the conference, WRAB said it had granted 2 355 workers rights in terms of Rikhoto and that its Johannesburg office alone was handling up to 130 cases a day.

The statement also revealed that WRAB had been instructed by Pretoria not to grant Rikhoto rights to workers who had taken unpaid leave during their 10-year period of qualification for Rikhoto rights.

When the government announced it was implementing Rikhoto, Dr Koornhof said workers who had worked 15 years for several employers would be entitled to city rights in terms of the judgment.

These workers, together with those who have worked for one employer for 10 years, are entitled to city rights in terms of Section 10(1)(b) of the Black Urban Areas Act, which the court ruling upheld.

But WRAB's director of manpower, Mr Armand Steenhuiszen, said WRAB was not granting these workers rights and has referred their position to the Department of Co-operation and Development's Pretoria head office for a ruling.

He added, however, that the board was accepting applications for rights from these workers and was keeping these on file pending Pretoria's decision.

He said the Rikhoto case dealt specifically with a worker who had worked for one employer for 10 years and the board was not clear whether those who had worked 15 years for several employers were covered by it.

At the conference, WRAB's chairman, Mr John Knoetze, said the board regarded the Rikhoto ruling as law and was "anxious to carry it out".

"I emphatically deny that there is any attempt to delay or obstruct the granting of rights (in terms of the judgment)," Mr Knoetze said.

If the press or public came across "irregularities" which delayed the granting of rights, they should report these to WRAB. But claims that the board was "dragging its feet" on Rikhoto were "unfair".

Mr Knoetze said there were claims that workers claiming rights had been forced to return to WRAB offices several times because only 100 applications a day were allowed.

This was "entirely untrue". WRAB could handle 150 cases a

day and, while its staff had been hard-pressed to handle Rikhoto applications, a slowdown in the pace of these meant its offices could now cope with all applications.

By special arrangement, such as with employers, the board could handle more than 150 a day, he added.

Mr Knoetze also commented on a form which WRAB insists workers' employers fill in before they can claim rights. Civil rights groups charge that these are unnecessary because WRAB has full information on all applicants' work records.

He said the form was necessary because Pretoria had stipulated that workers who took unpaid leave during their migrant contracts were not to be granted rights. WRAB's records did not include information on this leave and the form was necessary to clarify the leave position, he said.

Unlike the West Cape Administration Board, however, WRAB says it will grant rights to workers who have taken long periods of leave — as long as none of this was unpaid leave.

Mr Knoetze also appealed to workers not to take legal action against WRAB's decision not to grant Rikhoto rights to citizens of "independent" homelands — which has also been referred to Pretoria for a decision.

He said such action was a "waste of time" because Pretoria might overturn the WRAB's interpretation of the ruling.

Wrab 'courting trouble'

Labour Correspondent
THE West Rand Administration Board's unwillingness to grant city rights under the Rikhoto judgment to migrant workers, who have worked for several employers for a total of 15 years or more, conflicts with several Supreme Court rulings and could be challenged in court.

That was the view of lawyers involved in influx control law when they were approached for comment yesterday on the Wrab decision.

Wrab has already been served with papers by lawyers acting for Mr Mnabulela John Dikobe, a Bophuthatswana citizen to whom Wrab has not granted Rikhoto rights because it is waiting for a ruling on its view that citizens of "independent" homelands do not qualify for these rights.

It has until next Wednesday

to decide whether to oppose the action, which may lead to a test case.

In a further development yesterday, a representative of the Department of Co-Operation and Development said Wrab's request for a ruling on both this issue and its stance on migrants who have worked 15 years for several employers, had been referred to the Department of Justice.

A representative of the Department of Justice declined to comment on this unless she was given the date and reference number of the request to the department for a legal opinion.

Although a letter date and reference number was later furnished by the Department of Co-Operation and Development, she said she had no record of such a letter.

Lawyers said yesterday that Wrab's decision to delay the granting of Rikhoto

rights to migrants who had worked 15 years for several employers was "wrong in law".

Wrab says the Rikhoto ruling deals only with migrants who work for one employer for 10 years and that it is not sure whether this also applies to "15 year" migrants — a view which conflicts with a statement by the Minister of Co-operation and Development, Dr Piet Koornhof.

Lawyers said yesterday the Black Urban Areas Act granted city rights to workers who had lived legally and continuously as migrants in a city for 15 years or more.

They said the issue was whether occasional breaks in residence disqualified the worker from city rights.

"As long as the breaks in residence or employment in the area were not substantial, the courts have held that workers qualify," a lawyer said.

struction should be looked into.

His report says "the most striking feature of most bus accidents is the negligence and or lack of skill of the driver".

It says that in 24% of the accidents investigated the drivers were under the influence of liquor.

The general secretary of the Johannesburg Municipal Transport Workers' Union Mr H M Wallis, said yesterday that the figures released by the Road Safety Council earlier this week were "misleading".

He said Johannesburg Transport Department buses had covered more than 14 500 000 km during the year ending June 1982, carrying more than 56 500 000 passengers.

"During this period 66% of the drivers received accident free awards, some for as long as 30 years".

He said if the number of accidents involving private cars were analysed it would be found that the safest way to travel was by bus.

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cha

By J

A KRUGER was tied up measure four knife who escaped R500 worth week.

Mr Djar wholesale came into 2 30pm on went out utes later men.

He said went to and called to help i ded to the.

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"They a knives, hidden His ass etc.

Mr Kesa dered to go ter and in the till.

"They sure to be stuffed a mouth T.

Mr friend who across the walked into these guys.

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He said on the of vehicle and street He the men but hit any of.

Two men minutes after Mr K

World-class SA show is back on the box

TV Editor

A BLACK Jesus, Mary and Joseph and all the apostles will be coming on SABC-TV2 at 9pm on Sunday, August 14.

But they will not be seen only by black viewers.

No, indeed, this SABC-TV production by Bill Fauré — "The Master's Plan" — is of such a high standard that the

corporation has given it a special "international" look (English commentary and sub-titles) so as to enter it for the Prix D'Italia at the Isle of Capri, in September.

This is when the world's television producers enter their best productions for international judgment.

"The Master's Plan" is a

two-hour, all-South African musical show and rock opera, covering the creation of the world and the birth and "death" of Christ in a series of fabulous scenes which leave the viewer spellbound for hours.

It brings to the screen such local artists as Abigail Kubheka, Patience Afrika, Blondie Makhene, Pappa Mak-

hene, Charles Sejeng and Ruth Hlongwane.

TV2 Viewers have seen this show before — it came on in two parts with very little pre-publicity over Easter.

Now all South Africans have a chance to see this really brilliant production. Full details appear in your Mail tomorrow morning.

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VALENCIA CHOICE GRADE

ORANGES

MEDIUM
NEW 5 KG
POCKET

129
5 kg

DENNY
MUSHROOMS
BROWN &
WHITE

119
300 g

A U
Liz

LONDON the Daily found a case of "coloured" Africa, and of a course London

The couple, who Rightwing yesterday

"In accord heid re African Pr mine the done that she for adoption an orphan announced of her 'coloured', race

"Mea heard on the

Stepped out into police cell

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By BESSIE BOWER

DOMESTIC worker Miss Eunice Willem, 26, spent last night in a police cell because she answered a phone

It is in a public call box about 20 metres from the door of her employer's home in Tipppers' Creek Lane, Amsterdamhoek

It has come to be regarded as the "family phone" since there is no phone in the house

Last night when Mrs Mari Lane phoned "home" from Bluewater Bay, Eunice stepped outside to answer it — and was picked up by a police patrol

She says she was put in a crowded cell at Swartkops Police Station, where she stayed until this morning

Eunice has worked for Mrs Lane for nine years and was baby-sitting when she was detained

She claims she was not

even allowed to lock the door and had to leave three children in the house by themselves

"I told them the children were alone in the cottage and it was unlocked but one constable who knew my name told me to get into the van," she said

When Mrs Lane arrived home at 10 15pm, she found the cottage door open and the children asleep

"I searched all over for Eunice, and when I could not even find her in her room I became quite frantic as she has not let me down in nine years," said Mrs Lane

At about 7 30am Eunice arrived home "ashen faced and in a state of near hysteria," she said

A police spokesman said a seldom enforced curfew law forbade blacks to be on the streets after 10pm

The incident is being investigated

The incident is being investigated



Miss EUNICE WILLEM, (right), with her employer, Mrs MARI LANE, outside the Amsterdamhoek cottage where Eunice was detained last night

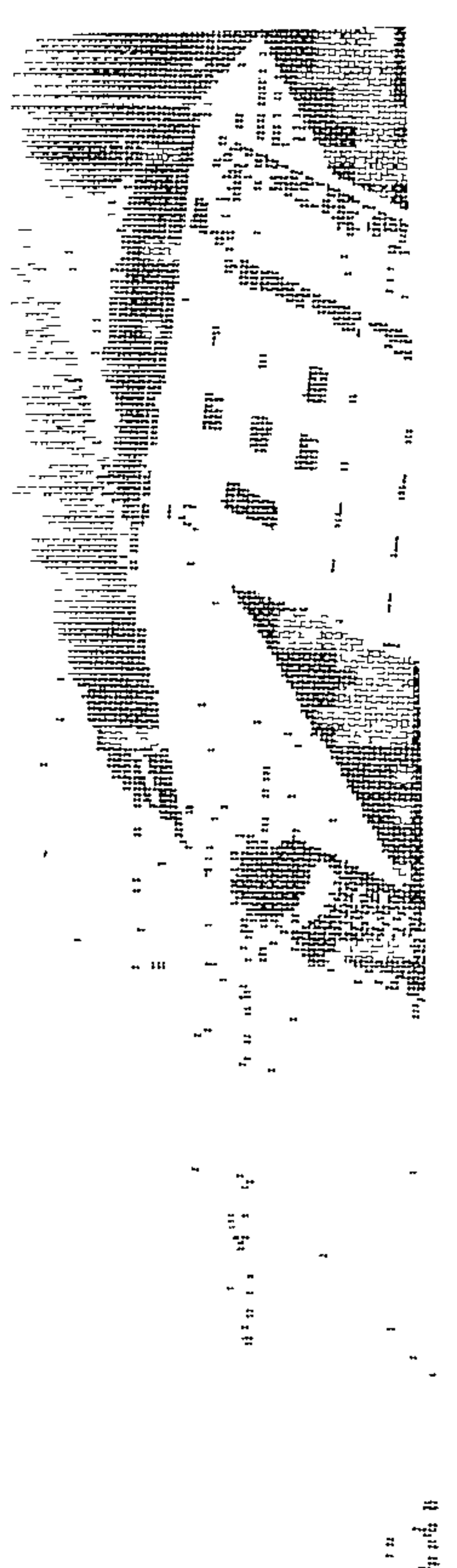
Sherman is crocodile's last bite

Post Correspondent
metre sea crocodile which leapt
Harbour, near Darwin in the
a fishing boat and sank its teeth

Corfoo had been sitting
"It looked as if he wanted to knock me into the water,"
said Corfoo "If I hadn't moved, I would have been a
goner"

of the Royal Australian Air
surface near the boat As the
forward, he prudently moved into
the craft
to safe his life With extraordinary
raft from land where

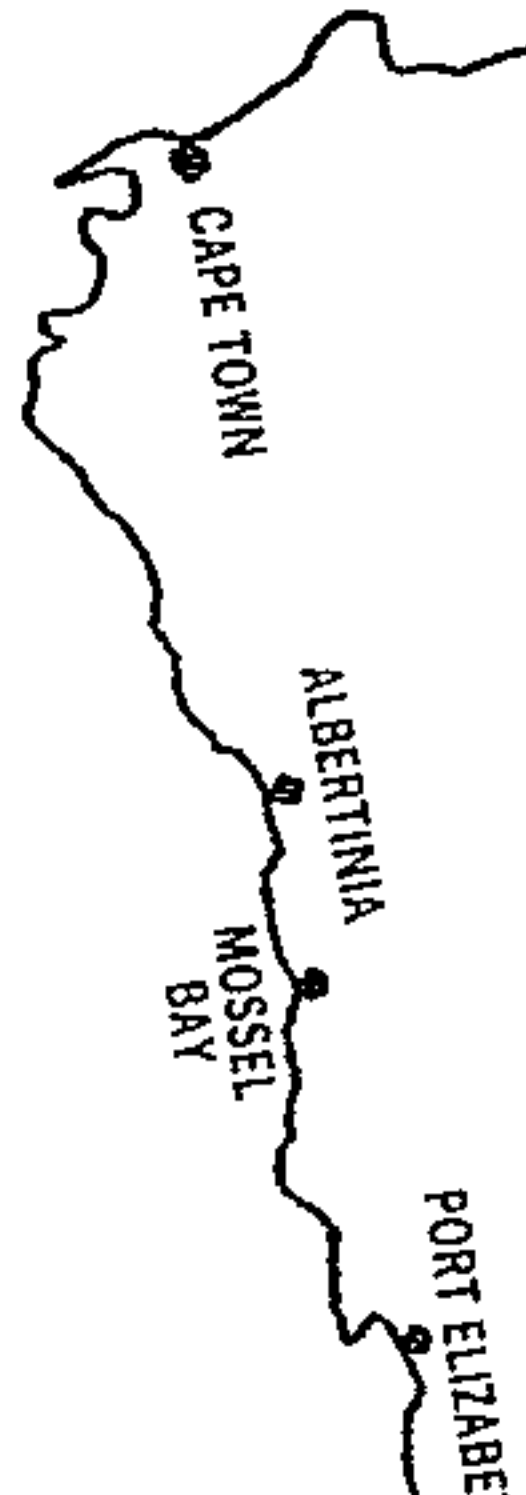
The crocodile tore off part of his T-shirt and grabbed
him by the arm and back Then, before the horrified
members of the fishing party could take action, it jumped
overboard Corfoo was taken to the Darwin Hospital where
he was treated for gashes to his arm and shoulder
Conservation authorities' attempts to capture the croco-
dile failed and they shot it with a rifle



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WCAB

levels ^{Cape Town} 6/8/83

93 more
shacks

Staff Reporter

THE West Cape Administration Board (WCAB) has denied that it is conducting a campaign to "clean up" Crossroads, after a further 93 demolitions at the squatter camp yesterday brought to 644 the number of dwellings destroyed there by the board this week.

Last week, 247 people were arrested in four swoops on the camp on charges of being in the Peninsula illegally for longer than 72 hours without permission or not being in possession of valid passes or both.

Yesterday, Dr Gert du Preez, chief liaison officer for WCAB, said the demolished dwellings were all "illegal structures", adding that no arrests had been made during the demolitions.

He said the board's present activities in Crossroads should not be seen as a campaign to clean up the camp.

'No arrests'

Asked why, when the dwellings of people illegally in the area were being demolished, the board was not taking action against the people themselves, Dr Du Preez said he could only repeat his comment that "an operation took place at Crossroads this morning and no arrests were made".

He did not expect any arrests at this stage, he said.

Mr Ken Andrew, Progressive Federal Party MP for Gardens, who witnessed part of the demolitions yesterday, said last night that it was "a human tragedy and a political scandal that these defenceless people are being denied the right to provide shelter for themselves".

Their situation had been created primarily "by the failure of the government's policies".

Wrab change on Rikhoto mooted

Mall Reporter

THE West Rand Administration Board may have changed its interpretation of the Rikhoto judgment after a meeting late last week with the Minister of Co-operation and Development, according to reports

An Afrikaans Sunday newspaper said yesterday that Dr Piet Koornhof, Minister of Co-operation and Development, met Mr John Knoetze, head of the West Rand Administration Board, late last week to discuss the row over Wrab's im-

plementation of the Rikhoto judgment

The report said Wrab had changed their standpoint since a Press conference earlier in the week

Mr Knoetze and Dr Koornhof were not available for comment yesterday

On Wednesday, Mr Knoetze told the Press conference that his board was not giving rights in terms of the Rikhoto judgment to migrants who had worked for 15 years for more than one employer

Wrab had referred their

position to the Department of Co-operation and Development for a ruling and was keeping the applications of these people on file pending a ruling, he said

He said the Rikhoto judgment dealt specifically with workers who had been with one employer for more than 10 years, giving them rights in terms of Section 10(1)(b) of the Black Urban Areas Act

The Press conference was called to defend Wrab against charges that it was trying to delay or obstruct

the granting of rights to migrants in terms of the judgment

In a statement shortly after the judgment, Dr Koornhof said workers who had been with more than one employer for a total of 15 years would be given rights

In yesterday's report, it was said that he stood by his previous statement, unless the decision was changed for legal reasons

He said that Mr Knoetze had asked the department for a ruling and this had been given to him

Wrab grants 15-year men urban rights

Star
8/8/83
206
By Anthony Duigan

The West Rand Administration Board is now granting permanent urban rights to black migrant workers who have lived legally in the West Rand area for 15 years, Mr. John Knoetze, Wrab's chairman, said today.

This is a turnabout for the board which had been referring applications from 15-year workers to Pretoria because it believed the Appeal Court ruling did not specifically refer to such workers.

The board's sudden change followed discussions last week between Mr Knoetze and the Minister of Co-operation and Development, Dr Piet Koornhof.

Five weeks ago Dr Koornhof stated publicly that migrant workers who had lived and worked legally for 15 years in a city or town would also qualify for the right to live permanently in an urban area.

Until last week Wrab was in fact granting rights only to migrants who had worked continuously for 10 years for one employer.

Two other classes of migrant workers are still waiting to hear their fate. Government legal advisers have still to give a ruling on whether those who took unpaid leave during their period of work and those from the four independent homelands also qualify for urban rights.

Wrab relents on migrant labourers

By SAM MABE

MIGRANT workers who have lived legally in urban areas for an unbroken period of 15 years now qualify to reside in these areas permanently, according to Mr John Knoetze, chairman of the West Rand Administration Board (Wrab).

Making the announcement yesterday, Mr Knoetze confirmed that the sudden decision by his board to grant the rights followed discussions he held with Dr Piet Koornhof, Minister of Co-operation and Development, last week.

Since the Rikhoto Appeal Court ruling which secured permanent residential rights for migrant workers

with a 10-year employment record with one employer, Wrab has declined to grant the same rights to 15-year workers

Mr Knoetze explained last week that this was because Wrab believed that the Rikhoto ruling did not necessarily apply to the 15-year workers and all applications from such workers were processed and referred to Pretoria for the Government's ruling

This had drawn sharp criticism from various quarters since it clashed with an announcement made earlier by Dr Koornhof that migrant workers who worked and lived legally in urban areas for 15 years would also qualify for

permanent residential rights

But the air was cleared after Mr Knoetze and Dr Koornhof's meeting last week and, according to Mr Knoetze, the decision was implemented from yesterday

Mr Knoetze emphasized that the ruling did not automatically cover all workers from independent homelands

"Only those workers who qualified before their homelands became independent will be granted these rights. But as for those who qualified after independence, we still have to get the Government's ruling on them," Mr Knoetze said

Koornhof under fire over Rikhoto ruling

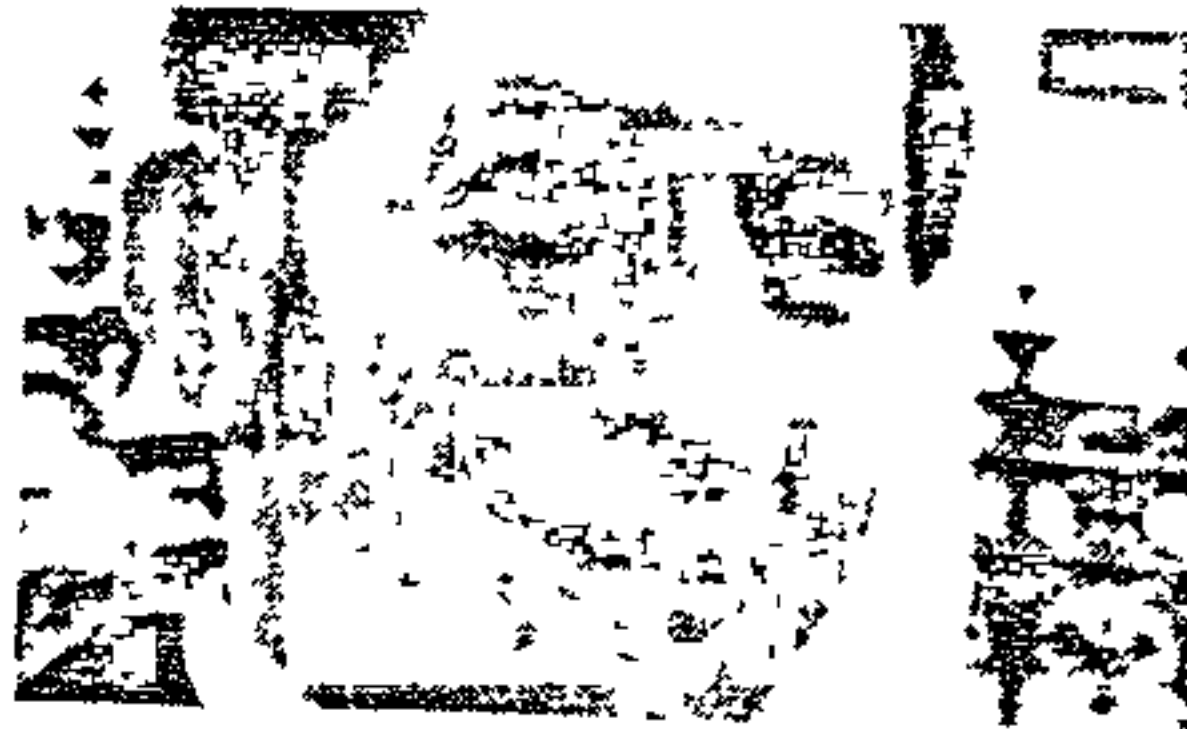
ARGUS 9/8/83 201

Parliamentary Staff

THE Minister of Co-operation and Development, Dr Piet Koornhof, came under fire from opposition speakers about his handling of the urban black situation

Criticism from the Progressive Federal Party was that the Minister was under pressure from "verkramptes" in the National Party caucus to find ways of circumventing the Rikhoto judgment which allowed blacks contract workers' families to take advantage of certain rights

The Conservative Party criticised the Minister for yielding to pressures from "leftist" Afrikaans newspapers, liberal academics and from international sources to make concessions to urban blacks



Dr Piet Koornhof

The issue was discussed during the second reading debate on the Laws on Co-operation and Development Amendment Bill

Mrs Helen Suzman (PFP Houghton) accused the Government of using "delaying tactics" to sidestep the Appeal Court's decision on the rights of blacks to live with their wives and children in an urban area. She referred specifically

to the Rikhoto judgment and other cases

Mr Daan van der Merwe (CP Rissik) said the Government was under pressure not to take too strong a stand in its reaction to the court's finding on the residence rights of contract workers

He said there was an increasing unwillingness in the National Party to follow its policy of separate development. The Government was under

pressure to make concessions to urban blacks

The Government was conditioning the white voters to accept the urban blacks. Eventually there would be no way to stop the urbanisation of blacks

The new black city to be established near Cape Town was a prelude to a situation where the Government would not want to stop the influx of blacks any longer

Mr Z P le Roux (NP Pretoria West) rejected the opposition arguments and accused Mrs Suzman of giving a wrong interpretation of the Rikhoto judgment

He said the Government had to guard against an imbalance between the creation of job opportunities and the availability of black housing

CANAL TALKS 9/8/83 (206)

Families Limited

HOUSE OF ASSEMBLY — The major effect of the Rikhoto judgment would be seriously circumscribed by a bill which would limit the number of families able to join contract workers granted urban residence rights in terms of the judgment, Mrs Helen Suzman (PFP Houghton) said yesterday

Speaking during debate on the Laws on Cooperation and Development Amendment Bill, Mrs Suzman said that by setting the availability of approved accommodation as a condition for families to join contract workers in urban areas, the bill made it extremely difficult for them to take advantage of the Rikhoto decision — Sapa

Govt is warned of new debacle

Parliamentary Staff

THE Government was heading for another Ingwavuma/Kangwane debacle in its consolidation proposals affecting Moutsie district, Opposition speakers warned

Speaking during the second reading debate on the Laws on Co-operation and Development Bill, Mrs Helen Suzman said the Moutsie people strongly objected to being sliced out of Lebowa and being incorporated in Kwandebile

Deputations from Moutsie had told her that the entire population opposed a change in the status quo. Many had title deeds to their land and some believed there were mineral deposits on their land because the area ran parallel to the Witbank reef

SHOCKED

The people feared for their rights if they were to be incorporated into Kwandebile

Mr Nic Olivier (PFP nominated) said he was "shocked" at the Government's handling of the affair. The sovereignty of Parliament was being used to circumvent the Appeal Court's judgment on the Ingwavuma/Kangwane affair

The "vastly expensive, totally disrupting" consolidation plans were all conceived in the ideological interests of apartheid and could therefore not be supported, Mrs Suzman said.

Bill puts blacks in 'Catch 22 situation'

ARGUS 9/8/83

Parliamentary Staff

THE Rikhoto judgment would be "seriously circumscribed" by a Bill which made it extremely difficult for contract workers' families to gain access to towns, according to Mrs Helen Suzman

Speaking during the second reading debate on the Laws on Co-operation and Development Amendment Bill, Mrs Suzman said certain clauses imposed conditions which the Appeal Court did not lay down and which had not previously formed part of Section 10 (a) rights

According to the Bill a contract worker's family can only live in a town if there is "approved accommodation"

DIFFICULT

This made it "extremely difficult" for a contract worker's family to take advantage of the rights acquired under the Rikhoto judgment, though the judgment itself was not affected

It was common knowledge that there was no available housing or lodgings in any urban area for blacks

"To make use of Rikhoto, blacks will have to rely on the decision of officials to make accommodation available — Section 10 (1) (b) does not give blacks a legal right to demand accommodation," she said

Some "lucky workers" would have employers who would help them



Mrs Helen Suzman

cope with officialdom and to obtain accommodation, but the rest were in a "Catch 22 situation"

Numerous court cases had been fought at great expense to win a black man the elementary right of living with his wife and children in an urban area and all too often victory in the courts had been "deliberately countered" by an obstructive bureaucracy, almost to the extent of civil disobedience

In one case it took two years to implement the Appeal Court's decision and now "delaying tactics" were again being employed.

Applications were made to come back time and again; information

which was on file already was demanded and Administration Boards used criteria which the Appeal Court did not lay down.

"The whole issue is chaotic and confusing," Mrs Suzman said, calling on the Minister of Co-operation and Development to clear up "inconsistencies and uncertainties."

Mrs Suzman asked Dr Koornhof to spell out the position of citizens of independent homelands, who had entered urban areas as contract workers under the Labour Act and Blacks (Urban Areas) Consolidation Act, not as citizens of Venda, Ciskei, Transkei or Bophuthatswana

She also asked for an assurance that the Government would not make retrospective amendments or amendments which would prevent workers from obtaining Section 10 (1) (b) rights

The new clauses were an extension of "totally discriminatory laws" which applied only to blacks, limiting their mobility and causing "untold misery" in South Africa

NGANANA Jothan Zwane, of Amsterdam, Eastern Transvaal, is a pillar of the black community there. A handyman who renovates furniture, he is chairman of the local school board and a member of the black Advisory Board.

He is also — according to Section 29 of the Black Urban Areas Act — "idle and undesirable".

This means he will be sent to a prison farm if he sets foot in the community of which he is a leader and in which he was born. He will suffer the same fate if he visits his parents, wife and four children who live there.

And Mr Zwane believes the only reason this fate awaits him is because he represented his community properly too properly in the eyes of the Eastern Transvaal Administration Board.

This is why, he says, he has been harassed for five years by the authorities and is now one of the scores of black South Africans who each year are declared "idle" or "undesirable" in terms of Section 29.

Tale of an 'idle' and 'undesirable' business

By STEPHEN FRIEDMAN, Labour Correspondent

Section 29, which allows the authorities to send blacks with city rights to a prison farm if they are unemployed, has been on the statute book for decades.

New attention was focused on it recently when a landmark Natal Supreme Court judgment sharply circumscribed the circumstances in which officials can use this law.

Since the judgment, several commentators have pointed out that Section 29's chief effect is to enable the authorities to strip blacks who fall foul of it of their city rights.

Blacks with these rights cannot be removed from a "white" city area. But if they are declared "idle" or "undesirable" this no longer holds and the authorities can re-

move them how ever long they have lived in an area.

In Mr Zwane's case, officials clearly did not want him in the area. But he was born in it and the only weapon they had at their disposal was Section 29. They had no hesitation in using it.

Mr Zwane was born in Amsterdam and is a South African citizen. In October 1975 he was granted city rights and the stamp in his pass testifies that he is qualified to remain in Amsterdam in terms of Section 10 (1)(b) of the Black Urban Areas Act.

Later that month, he was granted a site permit allowing him to build a house on a stand in Kwathandeka township, Amsterdam which he did.

In 1976, he was elected to the black advisory board in

the township, the local equivalent of a community council.

And — in March 1977 — he was granted a "day labour permit", which allowed him to be self-employed and to carry on a business in the township.

With the aid of three trucks, which he was licensed to own by the Department of Transport, he set about running his furniture renovation business which, he said, consisted of collecting old furniture from township residents, renovating it and then selling it.

By this stage, then, Mr Zwane was an officially-recognised community leader who was also able to support himself by running his own business.

But his troubles began in 1978 when the Kwathandeka community was unhappy

about the high fees charged for the "lodgers' permits" which township residents must have to lodge in a township house rented by someone else.

As a member of the Advisory Board, Mr Zwane not only took up this issue, but led the protests which called for a reduction of the lodgers' permit fees.

Some time after leading the protest, Mr Zwane was arrested and charged with incitement. He was acquitted.

Despite this verdict, however, Mr Zwane says the Administration Board took action against him by cancelling his "day labour permit". This meant that official permission to run his business had been removed.

Presumably as a result of this, he was arrested in March 1979 and brought before a black affairs Commissioner in Amsterdam for an inquiry under Section 29.

The law does not say blacks

must be employed, they must be "lawfully employed" so if they are working, but without official sanction, they are still "idle".

However, on discovering Mr Zwane ran his own business the Commissioner released him and told him to continue running it.

Towards the end of 1979, Mr Zwane was detained by Security Police and released after four days. He says the police, in the form of a Sergeant Mokoena, "advised" him to leave Amsterdam after his release, despite the fact that he had city rights and was legally entitled to be in the area.

He ignored the "advice" and stayed on in the area.

In July 1980 he was arrested again for a Section 29 inquiry. The Commissioner in Amsterdam ordered him to produce the books relating to his business. He did, and was once again found not to be "idle" and released.

Two or three months later, it was the turn of the Security Police again. Mr Zwane was detained and, on his sixth day in prison, told that, to be released, he would have to sign an unspecified document. He says he signed and was then set free.

He says he returned home, but felt "nervous". At about 10 that night, he left and spent the night elsewhere in the township. He returned next morning to discover that his trucks, the cornerstone of his business, had been destroyed.

According to Mr Zwane's wife, a group of men — one of which she claims to have identified as an Administration Board official — arrived at the Zwane home at three o'clock that morning.

Shots rang out and Mr Zwane's trucks were set on fire. They soon burnt out.

After this incident, the Administration Board refused to accept Mr Zwane's site rent. They did so for eight

consecutive after he help, it fin again. In Aug' was arrested final time.

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A 'idle and undesirable' businessman

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tion Board official — arrived
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consecutive months, until,
after he had enlisted legal
help, it finally agreed to do so
again

In August 1982, Mr Zwane
was arrested for the third and
final time under Section 29

Because his trucks were
now burnt, he now had no
business (although he says he
has managed to have one
truck repaired)

stratton Board area
But it did cancel the order
forcing him to go to Springs

Although the work colony
sentence is suspended, it will
come into effect if Mr Zwane
is found in the Amsterdam
area

So he has not returned
there and now lives "all
over". He does not seem keen
to go to the KaniNgwane home-
land where, as a Swazi, he is
supposed to go, but says he
does not know at this stage
what he will do or where he
will live

wife Ntombizod...
told to leave the Ar...
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she has a job ther...
store and a stamp...
book granting her r...
rights

The Black Sash, which is
trying to assist the Zwane,
says it will challenge the de-
cision to force Mr Zwane's
wife to leave Amsterdam,
which, it adds, seems to have
no grounding in law

But it is much less clear
whether anything can be done
for Mr Zwane, who says he
has a truck again and wants
to resume his business and
community work in
Amsterdam

Asked to comment, the Di-
rector General of the Depart-
ment of Co-operation and De-
velopment said the finding of
the commissioner in Ermelo
that Mr Zwane was an idle
person in terms of Section 29
was upheld by the Supreme
Court

"In terms of the suspended
sentence the Administration
Board cannot give him per-
mission to re-enter the
Amsterdam area," he said

He would not comment
further

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Ciskei deaths: SA criticized

Own Correspondent
PORT ELIZABETH —
Transkei has criticized
South Africa following
the arrest in Ciskei of a
vice-consul and the
death and injury by
police bullets of two
other Transkeian citi-
zens

The incidents have
strained relations be-
tween the two former
homelands, with Trans-
kei accusing Ciskei of
reacting to the Mdan-
tsane bus boycott reck-
lessly and clumsily,
creating "untold hard-
ship and misery"

Transkei's Foreign
Minister, Mr Mtutuzeli
Lujabe, said yesterday
that he had approached
the SA Embassy in Um-
tata on Monday about
the detention of a
Transkeian vice-consul
based in East London,
Mr Robert Ncokez, who

was arrested at Cecilia
Makuwane Hospital
while inquiring about
Transkeian casualties

"South Africa has
been slow to react," Mr
Lujabe said "Yet we
have repeatedly warned
them about the conse-
quences of removing
Transkeian migrant
workers from settle-
ments in SA to Mdan-
tsane

"We knew this could
lead to problems be-
cause our people could
never be secure"

Mr Lujabe said it was
South Africa's respon-
sibility "to reach some
agreement with Ciskei
that will not prejudice
our people"

He called the Cis-
keian police shootings
atrocious and said
Mdantsane residents
should be free to decide
on transport options

Women's Day call for change

Own Correspondent
JOHANNESBURG —
No change was mean-
ingful without the help
of whites, and women's
liberation could not be
isolated from the
broader political strug-
gle

This was the message
at a National Women's
Day service yesterday at
the University of the
Witwatersrand

Recalling the march
of 20 000 women to Pre-
toria 27 years ago to
protest the extension of
passes to women, the

speakers called on Wits
students to form wom-
en's organizations and
to join national demo-
cratic movements

Mrs Helen Joseph,
who may not be quoted,
received a standing ova-
tion from students after
outlining the mass dem-
onstrations at the Union
Buildings in Pretoria in
1956

Ms Zinzi Mandela said
South Africa would see
the bloodiest revolution
in history if whites
failed to help bring
about political change

City killing: Man in court

Staff Reporter

A 22-YEAR-OLD man yesterday appeared in the
Magistrate's Court in connection with the alleged
murder of 63-year-old Mr Norman Goldsworthy at
Loader Street, Cape Town, on July 24

Mr Phillip Jerome Engel, 22, of no fixed address,
was not asked to plead to a charge of murder, al-
ternatively culpable homicide, and no evidence
was led

It is alleged that Mr Goldsworthy was hit over the
head with a bottle

The hearing was adjourned to August 24 and Mr
Engel was remanded

Mr B Carrol was the magistrate Mrs J Sloth-Nielsen ap-
peared for the State Mr L G Apsley appeared for Mr Engel

Rikhoto rights for 680 workers

Labour Reporter

ALTOGETHER 680 con-
tract workers in the
Western Cape have now
been granted Section 10
(1) (b) rights following
the Rikhoto Appeal
Court ruling — but a
further 641 applicants
have been turned down

Dr Gert du Preez,
chief liaison officer for
the Western Cape
Administration Board
(WCAB) said that so far
there had been 3 620
formal applications for
Rikhoto rights

He said the WCAB
was not refusing these
rights to workers from
the "independent"
homelands, a move
which which would ex-
clude virtually the en-
tire migrant worker
population in Cape
Town, who come from
Transkei and Ciskei

The West Rand
Administration Board
(WRAB) has been refus-
ing to grant city rights to
migrants from the "in-
dependent" homelands
on the basis that they
are "foreigners"

However, the Legal
Resources Centre,
which handled the Rik-
hoto case, has applied
to the courts to overturn
WRAB's ruling

A number of migrants'
applications have been
turned down in the
Western Cape because
over the 10-year period
they took more than
four weeks' leave a year

Seasonal workers

According to Mrs Sue
Joynt, regional organiz-
er of the Black Sash,
others are being turned
down because they are
seasonal workers or
work in the canning fac-
tories in Paarl, which
close down for several
months every year

She said there had
also been difficulties
with construction work-
ers employed by com-
panies which had
merged or changed
name during their 10-
year employment
period

The WCAB had ar-
gued that these workers
had not been employed
continuously by one
employer for 10 years

Workers who had
worked for the same
employer for 10 years,
but in different pre-
scribed areas, were also
being turned down, she
said

COME AND SEE OUR
EXHIBITION OF BEAUTIFUL
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POLITICAL REPORT

Uncontrolled influx cannot be allowed, says Koornhof

Political Staff

THE ASSEMBLY — Although it would respect the Rikhotso judgment the Government could not allow uncontrolled influx into urban areas the Minister of Co-operation and Development, Dr Piet Koornhof, said in the Assembly yesterday.

In his reply to the second-reading debate on the Laws on Co-operation and Development Bill, Dr Koornhof said citizens of independent homelands would also qualify for urban rights in terms of the judgment.

Peaceful solution is sought in Moutse deal — Minister

Political Staff

THE ASSEMBLY — The Minister of Co-operation and Development, Dr Piet Koornhof, gave assurances yesterday that the Government was seeking a peaceful solution to another controversial land deal for black homeland consolidation.

He called the Moutse land issue "an extremely sensitive matter", but said consultations were continuing. Opposition speakers had accused the Minister of heading for another Ingwavuma/KaNgwane-type debacle by its move to slice the Moutse district out of Lebowa and to add it to kwaNdebele.

The 300 000 people involved were said to be "dead against" the change, claiming that they had not agreed to it.

During the second-reading debate on the Laws on Co-operation and Development amendment Bill, Mr Nic Olivier (PRP, nominated) accused the Government of using the sovereignty of Parliament to circumvent the Appellate Court's judgment in the Ingwavuma case.

Mr Olivier and Mrs Helen Suzman (PRP, Houghton) called on the Minister to say whether the people of Moutse had been consulted and whether they had agreed to their proposed incorporation in kwaNdebele.

THE ASSEMBLY — 1 Questions
2 Committee Stage, Laws on Co-operation and Development Amendment Bill
3 Committee Stage, Occupational Diseases in Mines and Works Amendment Bill
4 Second Reading, Insolvency Amendment Bill (Minister of Justice)
5 Second Reading, Second Attorneys Amendment Bill — Sapa

Housing was of crucial importance and the Government could not allow further squatting or the development of slums.

"If uncontrolled influx is allowed it will not only aggravate the housing and unemployment situation but will further strain the health, welfare and education facilities, causing an atmosphere of discontent," Dr Koornhof said.

The Government respected the Riekert Commission's recommendation that housing had to be a prerequisite for admitting contract workers and their families to urban areas.



Dr Piet Koornhof

CP and Nats in war of words over Rikhotso case

Political Staff

THE ASSEMBLY — A war of words erupted in Parliament yesterday as Nationalists and Conservative Party members clashed vigorously over the Government's plan to implement the Rikhotso judgment.

Mr Albert Nohthnagel (NP, Innesdal) said Dr Andries Treurnicht, leader of the CP, was a "refined version" of Mr Eugene TerreBlanche, the leader of the para-military Afrikaner Weerstandsbeweging.

Dr Treurnicht was sending a "scandalous" image of Afrikaners into the world and his party was nurturing parasitic conservatism which fed off the fears of the people.

By David Braun, Political Reporter

Although the Conservative Party stood for separation of races so that each group could have self-determination, the party did not intend forcing political independence on anybody.

This was said yesterday in the Pretoria City Hall by the leader of the party, Dr Andries Treurnicht.

He was replying at the party's Transvaal congress to a motion that the party's policy regarding homelands for coloureds and Indians should be explained to leaders of those groups.

"If any group refuses to take the initiative to build homes for 'faithful and stable' employees, the government alone could not be held responsible for housing, he said.

Building societies are still demanding certificates from young couples proving the female to be barren or sterilised before granting home loans, the Conservative Party congress was told yesterday.

One delegate said a building society had demanded a certificate for unity on right to fight referendum

Political Reporter

A broad conservative front should be mustered in South Africa, the leader of the Conservative Party, Dr Andries Treurnicht, said in Pretoria yesterday.

Speaking at his party's first Transvaal Congress, he said the CP did not expect any party to disband so that it might be absorbed by the CP.

"We are prepared to co-operate with the HNP and other right-wing supporters. But first let us form the front to fight the referendum, and then let us see if we can come to an agreement to contest a general election," he said.

CP says 'no' to forced political independence

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Dr T's whip-round scores a bull

When the Government talked about a total onslaught it really meant the total onslaught it was mounting against the Conservative Party, the party's leader, Dr Andries Treurnicht, said at yesterday.

"During the Waterberg campaign 16 Cabinet Ministers and 54 Nat MPs and MPPs trekked around the constituency. It was so bad that we heard the Cabinet was holding its regular meetings in Nyistroom."

The 700 delegates unanimously elected Dr Treurnicht leader and chairman of the CP in the Transvaal and Dr Ferdi Hartzenberg was elected deputy chairman.

After strong pleas by Mr Fanie Ferreira, a member of the party's finance committee, delegates made a collection and thousands of rands were received in cheques and promises of donations.

Among other donations were several cows, calves and a Brahman bull. Several game farmers auctioned hunting rights.

Central Johannesburg whites were being deprived of their heritage by a Government which had lost the will to enforce its own laws, the MP for Jeppe said in Pretoria last night.

Brandishing a petition signed by 5 000 Johannesburg "people opposed to racial integration in

the process of integrating labour in recent years meant that the CP would be faced with one of its most dangerous and difficult jobs when it came to power, he said.

National Party of blatantly abusing the postal vote system, particularly during the recent Soupbansberg by-election, where, it was implied, malpractice influenced the outcome.

Another motion called for a more equitable distribution of parliamentary seats, which would give the Transvaal a larger and more representative proportion.

Sterility certificate row flares up again

By Peter Sullivan, Political Correspondent

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Dr Andries Treurnicht

SABC takes a hammering from the CP

Political Reporter

SABC radio and television took a hammering from delegates at the Conservative Party's Transvaal congress in Pretoria yesterday.

In an hour-long, emotional debate delegates and officials sharply criticised the SABC's one-sided reporting and the corporation's "deliberate policy of indoctrination of whites to get used to integration."

Mr Clive Derby-Lewis, of the CP's information committee, called on delegates to refuse to renew their television licences this year in protest.

Jo'burg whites losing their heritage — MP

By David Braun, Political Reporter

Central Johannesburg whites were being deprived of their heritage by a Government which had lost the will to enforce its own laws, the MP for Jeppe said in Pretoria last night.

Brandishing a petition signed by 5 000 Johannesburg "people opposed to racial integration in

the process of integrating labour in recent years meant that the CP would be faced with one of its most dangerous and difficult jobs when it came to power, he said.

National Party of blatantly abusing the postal vote system, particularly during the recent Soupbansberg by-election, where, it was implied, malpractice influenced the outcome.

Koornhof pledge on Rikphoto ruling

ARGUS 10/8/83

Parliamentary Staff
THE Government would respect the Rikphoto judgment but it could not allow uncontrolled influx into urban areas, the Minister of Co-operation and Development, Dr Piet Koornhof, told Parliament

Replying to the second reading debate on the Laws on Co-operation and Development Bill, Dr Koornhof said citizens of independent homelands would also qualify for Section 10 (1) (b) rights in terms of the judgment

Earlier in the debate Mrs Helen Suzman (PFP Houghton) described the situation as "chaotic and

confusing" and called on Dr Koornhof to clarify the "inconsistencies and uncertainties"

Dr Koornhof said there was "no question" of blocking contract workers from acquiring Section 10 (1) (b) rights but the issue of unpaid leave was still being investigated

The Government respected the Riekert Commission's recommendation that housing had to be a prerequisite for admitting contract workers and their families to urban areas

Housing was of crucial importance and the Government could not allow further squatting or the

development of slums

"If uncontrolled influx is allowed it will not only aggravate the housing and unemployment situation but will further strain the health, welfare and education facilities," Dr Koornhof said

"This will result in an atmosphere of discontent and will be detrimental to the urban community"

Dr Koornhof called on the private sector help provide housing by building homes for "faithful and stable" employees

The Government alone could not be held responsible for housing — various stumbling blocks had been removed



Mr Albert Nothnagel



Mr D van der Merwe



Workers' position remains unclear

CAPL 7/10/83

10/8/83

206 Political Staff

HOUSE OF ASSEMBLY — The position of thousands of black workers from independent national states remains unclear.

Last night the Minister of Co-operation and Development, Dr Piet Koornhof, said as far as his department was concerned nothing stopped these workers from qualifying for "Rikhoto" rights but added that laws administered by other departments also affected them.

Speaking in the second reading debate of the Laws on Co-operation and Development Amendment Bill, which includes measures to give effect to the government's response to the Rikhoto Appeal Court judgment, Dr Koornhof said his department's legal advisers had decided that workers who qualified for Section 10(1)(b) rights after their homelands became independent were entitled to their rights.

But it was a "complicated matter" and other departments were investigating it because workers in this group were also affected by legislation concerning independent national states and entry into South Africa.

Dr Koornhof also announced that the question of workers who took unpaid leave and now applied for "Rikhoto" rights was being considered.

Dr K: Few will be barred from 'Rikhoto' rights

Political Correspondent
CAPE TOWN — Only a "negligible" number of black workers from "independent homelands" were affected by immigration laws which would prevent them qualifying for "Rikhoto" rights, the Minister of Co-operation and Development, Dr Piet Koornhof, said yesterday.

Speaking at a Press conference in Cape Town, Dr Koornhof said the position of workers from "independent homelands" who were not affected by immigration laws was "crystal clear". If they qualified for Section 10 rights they would be given those rights.

The situation was confused earlier this week after Dr Koornhof said in Parliament that while his department saw no obstacle to the granting of "Rikhoto" rights to workers from "independent homelands" (known as the TBVC countries), he wanted

to point out they were also affected by two other laws not administered by his department.

Dr Koornhof said yesterday his department's view "right from the beginning" had been that TBVC citizens could qualify for "Rikhoto" rights.

Legal opinion taken by the department had confirmed that, and it was the "accepted decision".

But Dr Koornhof pointed out again yesterday that the departments of Internal Affairs and Foreign Affairs were also involved and said he could not speak for them. It was up to them to make their positions clear.

In cases where Section 10 would not be applicable, the person concerned would probably be affected by the immigration laws, and that would appear to affect only a negligible number of people, Dr Koornhof said.

Station shoeshines are back

London Bureau
LONDON — Shoeshine men are coming back to London stations 10 years after they vanished through lack of cus-

tom. They are back at Waterloo, Victoria and Bank, with plans for them to move into Charing Cross and London Bridge shortly.



Mail Reporter

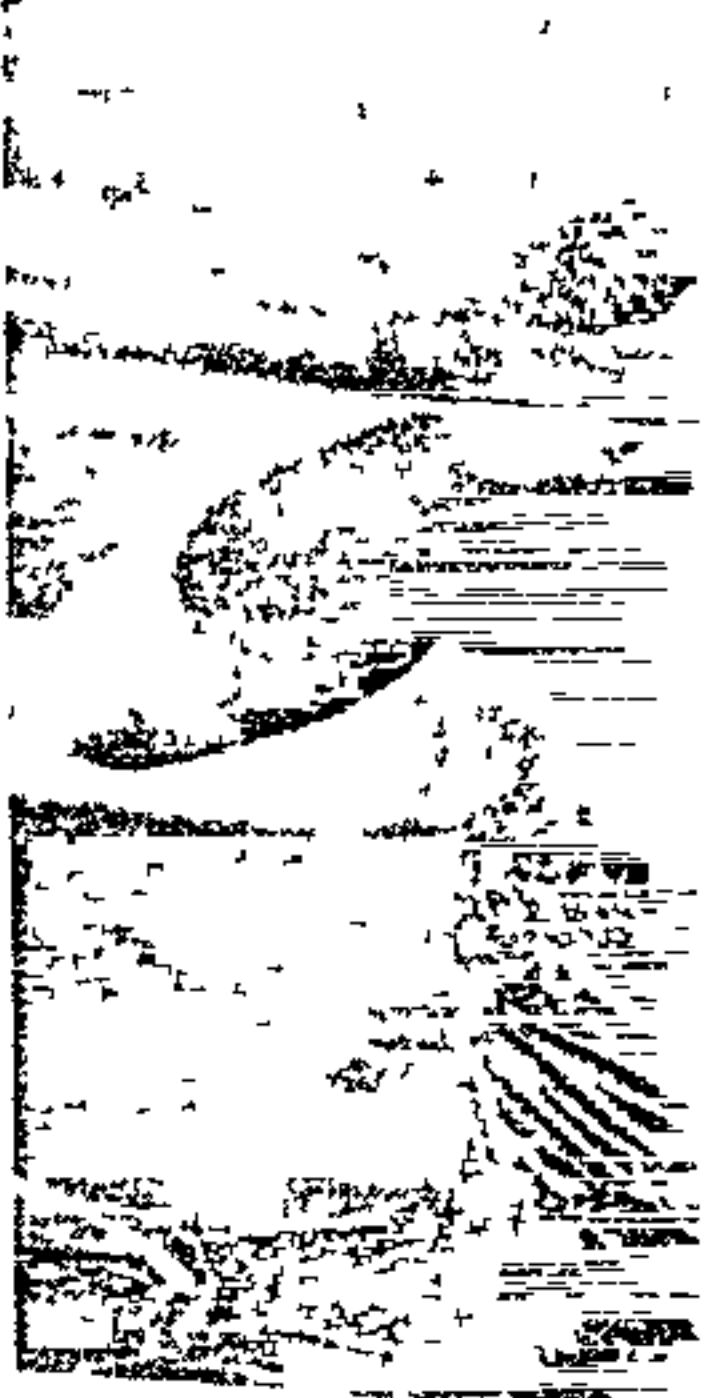
TRAINING should be well under way for those who fancy their chances in next year's Rand Daily Mail Nutri-Sport Iron Man competition.

The competition, which attracted hundreds of entrants when it was held for the first time earlier this year, will be held on Saturday, February 25, 1984.

The Iron Man is a one-day 160km triathlon which requires entrants to complete a 28km canoe course around Hartbeespoort Dam, a 92km cycle course from the dam to Voortrekkerhoogte, followed by a 42km run to Sandton.

Last year's winner was Tim Cornish from Natal who completed the event in eight hours, 19 minutes and 20 seconds.

Entrants who fit into either of the following two categories may qualify for



Last year's winner of Benny Reynders...

the competition
 ● Entrants who have taken part in any endurance event of 50km or more in canoeing or running, or recognised 100km or cycling event during 1983. They can also qualify

POLITICS

'NP doing Koornhof stands

343 206 107
206 Rom 11/8/83

Wrab decision gives new hope on urban rights

By STEVEN FRIEDMAN
Labour Correspondent

MIGRANT workers who are citizens of "independent homelands" and who qualify for city rights in terms of the Rikhoto judgment seem set to get their rights after all

Yesterday the West Rand Administration Board decided not to contest a key "test case" in which a migrant who is a Bophuthatswana citizen, Mr John Dikobe, had appealed to the Rand Supreme Court to grant him his city rights

And lawyers for Mr Dikobe said they had been contacted by Wrab and told he would be granted his rights today

This means Wrab has backed down on its earlier assertion that migrants from "independent homelands" might not qualify for Rikhoto rights

Its decision came as the Minister of Co-operation and Development, Dr Piet Koornhof, gave Parliament an assurance that workers from "independent homelands" would receive rights if they qualified in terms of the judgment

This followed a statement by him on Tuesday that his department had no objection to these workers receiving

rights, but that their position was also affected by legislation administered by other departments

These developments seem set to end the furore which developed when it was revealed that Wrab was refusing to grant Rikhoto rights to migrants who were citizens of "independent homelands"

Recently, lawyers acting on behalf of Mr Dikobe, to whom Wrab had been unwilling to grant rights, served papers on Wrab to launch what was seen as a key "test case" which would challenge its ruling

Wrab had until yesterday to decide whether to contest the case

Its chairman, Mr John Knoetze, yesterday confirmed that Wrab had decided against contesting the case

This is widely seen as an indication that Wrab will now begin granting workers from "independent homelands" Rikhoto rights

Mr Knoetze declined to comment on whether Mr Dikobe would receive his city rights today but his lawyers said they understood he would

● See Page 4

de. h. h. 4p.

CAPE TOWN 11/18/83

Koornhof clarifies on 'Rikhoto rights'

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Political Staff

ONLY a "negligible" number of black workers from independent homelands were affected by immigration laws which would prevent them qualifying for "Rikhoto" rights, the Minister of Co-operation and Development, Dr Piet Koornhof, said yesterday.

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But Dr Koornhof pointed out again yes-

terday that the Departments of Internal Affairs and Foreign Affairs were also involved and said he could not speak for them. It was up to them to make their positions clear.

"No administration board can be under any doubt as far as I can see as to how they should act when they deal with a TBVC citizen because what they have to do is to find out whether Section 10 is applicable to that person and if it is then they know the answer. I hope that is clear," Dr Koornhof said.

In cases where Section 10 would not be applicable the person concerned would probably be affected by the immigration laws, and this would appear to affect only a negligible number of people, he said.

Rikhoto rights:

WCAB appeals

Labour Reporter

AN application for leave to appeal by the Western Cape Administration Board (WCAB) in a case which could affect thousands of migrant workers applying for Rikhoto rights is to be heard in the Cape Supreme Court on September 2

Mr Mdwandweni Mthiya, a City contract worker, was granted city rights by Mr Justice Pat Tebbutt in April because he had worked for one employer for longer than 10 years

But, unlike Mr Tom Rikhoto, who was granted city rights on the same basis in the landmark Appeal Court case in May, Mr Mthiya had taken unpaid leave three times during his period of employment

The WCAB has refused to implement the Mthiya ruling and has rejected the applications for city rights by hundreds of migrant workers who have taken unpaid leave during their 10 years

If the WCAB is granted leave to appeal against the Mthiya ruling, the case will be decided in the Appeal Court in Bloemfontein and could affect thousands of migrant workers throughout the country

● Mr Johnson Mpu-kumba, president of the General Workers' Union, yesterday appealed to the authorities to "show concern for the workers from Transkei and Ciskei"

He warned there would be great bitterness among workers if the government decided to label Transkeians foreigners and deny them rights on that basis

Referring to the proposed new legislation to prevent workers from bringing their families to the cities unless they had "approved accommodation", Mr Mpu-kumba said workers would fight for their families' rights

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Afrikaners debate influx control

By MAURITZ MOOLMAN

POTCHEFSTROOM Calvinists and the Minister of Co-operation and Development, Dr Piet Koorhof, are at loggerheads over the retention of influx control.

The Minister said in Parliament yesterday that the Government stood by strict influx control laws.

But the editor of the influential Afrikaans Calvinist monthly Woord en Daad, Professor Lourens du Plessis, has called for the "depoliticisation" — or scrapping — of influx control on the grounds that it discriminated against blacks.

Dr Koorhof has been quoted as saying that the Government made no apology for its influx control measures and would also not "under any circumstances" tolerate squatting in urban areas.

In the latest edition of Woord en Daad, however, Prof Du Plessis writes that if it even could be argued for the present that a point has been reached where it would be difficult to abolish influx control overnight, eventual abolition of influx control should not be seen as "too much of a long term plan".

"This measure should be phased out as regional development initiatives bear fruit", Prof Du Plessis says. Legalised influx controls are discriminatory because different measures are used for blacks and whites, while the depopulation of country areas as far

as whites are concerned is as acute a problem.

"It is unthinkable that, as has been the case with blacks for years, legal force would be called in to stem this strong flow (of whites to the cities)," Prof Du Plessis said.

He said as shown by the "Rakhoto" judgment, a change of attitude has been noticed recently among the authorities as far as influx control is concerned.

The permanence of blacks in "white" areas is no longer something that could be wished away.

This change of attitude by the Government has been brought about partly by circumstances. It has become more evident that influx

control measures are unsuccessful in stopping the black "flood" to the cities.

"If it is paying black workers better to work illegally in the cities for six months and spend six months in jail than to earn a full year's salary in the homelands, there must be something badly wrong," Prof Du Plessis said.

Dr Koorhof told Parliament this week that established black communities were the first to suffer from an uncontrolled influx of people without accommodation. He said his department was looking at ways of applying influx control under "modern" circumstances in a "fair" and effective manner without incurring the "wrath" of those affected.

Clash on urban blacks

Parliamentary Staff

The Laws on Co-operation and Development Amendment Bill, which led to sharp clashes about the rights of urban blacks and homeland consolidation, has passed its final stage in the Assembly

During yesterday's third reading debate, Mr Nic Olivier (PFP nominated) called on the Minister of Co-operation and Development, Dr Piet Koornhof, to state clearly what the Government planned in black housing

He asked whose fault it was that there was a backlog in black housing. The Minister should give an indication of what the Government envisaged in regard to housing. On the issue of the proposed excision of the Moutse district from Lebowa for incorporation

'Koornhof has harmed own image'

Mr Olivier said that in the light of the Ingwawuna case an impression had been created that the Bill represented an attempt to sidestep the Appeal Court's judgment. Mr Z P le Roux (NP Pretoria West) rejected Mr Olivier's arguments and said he had made un-

fair accusations against the Minister. The Prime Minister should be thanked for looking at the Moutse issue himself. During further clashes between the Conservative Party and the Government side, Mr Casper Uys (CP Barberton) said

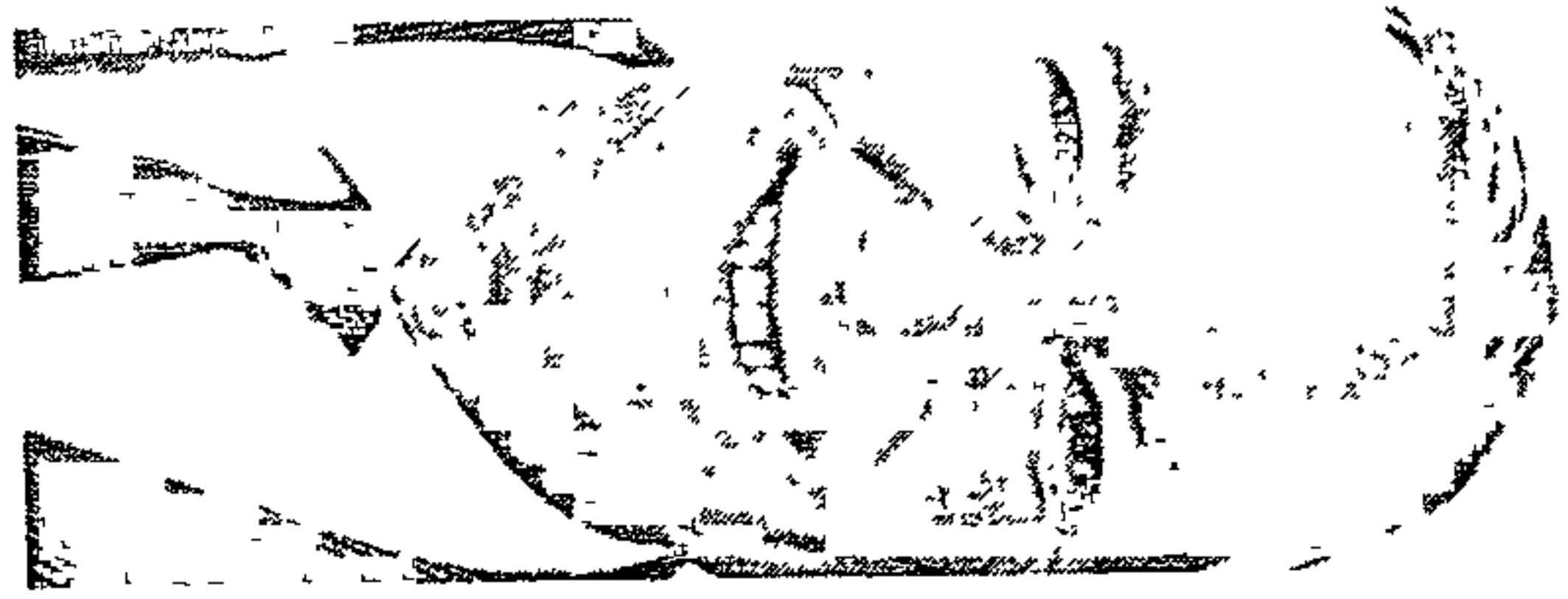
his party was not satisfied with the effect of the Rikhotso judgment on the position of urban blacks. The Government should introduce legislation to restore the previous situation under which certain restrictions were applied. Referring to the debate, Dr Koornhof rejected op-

position accusations that his department and Administration Board officials had taken harmful action. He said thousands of white and black officials were involved in his department's efforts to work towards peaceful solutions to existing problems. On the Moutse issue, Dr Koornhof said Kwan-debele had asked to take independence in December 1984. This would not be the last of the black peoples to request independence.

The Bill was read a third time, with the official Opposition and the Conservative Party voting against it in a division. The New Republic Party supported the Government side.



Dr Piet Koornhof



Mr Nic Olivier

Specialists

CP accused of double-edged attitude to Nationalist policy

THE Conservative Party accused the Government on the one hand of being racist and on the other of being integrationist, according to the Minister of Co-operation and Development, Dr Piet Koornhof.

Replying to the third reading debate on the Laws on Co-operation and Development Amen-

these two accusations against the Government in whichever way it suited them.

"All the National Party did was to acknowledge the existence of different nations."

Repeating to the third reading debate on the Laws on Co-operation and Development Amen-

Referring to the Progressive Federal Party,

"The Government is doing all in its power to eliminate the backlog in housing for all races and there is a total new strategy as far as this is concerned," he said.

The results of the proposed legislation would be positive as it would

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WEEKEND SPECIALS

as Koornhof brings back Orderly Movement Bill

FEAR AND CONFUSION

DEEP CONCERN and confusion is mounting over the Government's real intentions on allowing black people to live in the urban areas following yesterday's announcement that the draconian Orderly Movement and Settlement of Black Persons Bill is to be re-introduced to Parliament.

Minister of Co-operation and Development Piet Koornhof announced in Cape Town that the Bill, presently before a select committee, would probably come before Parliament again next year.

Dr Koornhof also said the Government would not ease up on influx control and squatters. "We will act strictly and decisively against squatting. We will under all circumstances ensure that the numbers of people coming to the cities is restricted," he said.

The Orderly Movement Bill provoked a storm of protest when it was initially introduced. The Bill sought to tighten considerably the pass laws and control over black people living in both the urban and rural areas.

But the Black Sash yesterday registered its concern at news that the Bill would be re-introduced. The South African Institute of Race Relations commented that if the Bill became law it would create instability.

Meanwhile, Dr Koornhof has announced that 9 332 workers have been granted Rik-
Wrath gives way...
THE West Rand Administration Board has decided to grant Section 10 (1) B rights of residence in the urban areas to citizens of "independent" homelands who have worked for the same employer for 10 years, in terms of the Rikhotso judgement. This is the effect of Wrath's decision yesterday (Thursday) not to oppose a legal petition for these rights from Bophuthatwana citizen Mnabulela Dikobe, his lawyers announced yesterday.

Free after four years!



● A jubilant Mordecai Tatsa with his lawyer, Priscilla Jaña, after his release.

THE Tatsa family in Soweto rubbed their eyes in disbelief as South Africa's most talked about detainee, Mordecai Mothbe Tatsa, walked into his Orlando East home fresh from a record 3 one year sentence. He held in his hands a three-year banning order as his excited parents surged forward to welcome the son who last walked free in 1979. Tatsa was unexpectedly released from the release. We had stopped hoping." Now 28-year-old Ttsa has been listed, banned and placed under house arrest. The Minister of Law and Order Mr Louis le Grange, year under the new Internal Security law, has to report to the Orlando police station every Monday between 6am and 6pm. During weekdays he will be under house arrest between 7 30pm to 6am and during public ho-

Samson pays dearly for that unpaid leave

By MIKE CADMAN

AFTER 30 years' residence in Soweto Mr Samson Maluleka is still being refused Section 10 (1) (b) residents rights — because he took unpaid leave.

Mr Maluleka, 53, has worked for the Johannesburg municipality for the last 13 years. Despite the Rikhotso judgment which theoretically

opened the way for workers to obtain permanent urban residence — even if they had spent time in homelands or rural areas between contracts, if they have worked for 10 continuous years for one employer or resided lawfully in the city for 15 continuous years — Mr Maluleka has been

refused his residence rights by the West Rand Administration Board. Mr Maluleka has taken a total of 22 weeks unpaid leave during the last 13 years, and Wrab claims that this disqualifies him from urban residents' rights. Since 1970 Mr Maluleka has been employed by the

Johannesburg municipality. This means that he has worked for the same employer for an unbroken period of more than 10 years. He has also been resident in Soweto since 1953 — a period of 30 years. This week Mr Maluleka said that he had always tak-

en two weeks' unpaid leave when he took his annual leave.

"I have never questioned the fact that they offered unpaid leave — I just made use of the offer," Mr Maluleka said.

"When I returned from leave in June (this year) I was told that I should apply for Section 10 rights."

When he applied Mr Maluleka was told by Wrab that he did not qualify because of the unpaid leave he had taken.

On the application form which includes his record of employment which Mr Maluleka submitted to Wrab, an official wrote "Refused on account of unpaid leave."

"They (Wrab and the government) are always changing their laws and we are never quite sure what the latest law is," Mr Maluleka said.

"The union (the South African Black Municipal Workers Union — Sabamawu) have told me to wait and they will sort out the problem for me."

In a document examining the government's response to the Black Sash claims that leave is irrelevant to Section 10 rights.

It also claims that while Wrab demands that employers supply details of each worker's annual leave and un-



After 30 years residence in Soweto and 13 years unbroken employment, Mr Maluleka has been told he still does not qualify for Section 10 residential rights. Picture HERBERT MABUZA

Mr Maluleka has two married daughters who stay near Duwelskloof in the Eastern Transvaal. A representative of Sabamawu said the union had referred the matter to the Council of Un-

Mr Maluleka first moved to Soweto in 1953. He joined the municipality for a period of two years and later joined a road construction company. He rejoined the municipality in 1970.

"During this time I lived in Soweto, at the Dube men's hostel," Mr Maluleka said. "The only time I ever went home to see my wife and daughters in the Eastern Transvaal was when I took my annual leave — I

"I will have to work for as long as I can so that I can send money to my wife. If I don't she will starve." Mr Maluleka said he sent money home to his wife every fortnight. "I don't know what will happen when they tell me I have to go on pension," Mr Maluleka laments. "I would rather carry on working."

Wrab chairman Mr John Knoetze said this week that Mr Maluleka rights was obstructive and an attempt to limit the number of blacks who are given Section 10 rights.

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In the following works: H.R. Pigeon: a policy (Honolulu, The East-West Bureau: Institutional change in press), 1966; D.A. Wilson: (Sally Press), 1962.

Koornhof refuses to 'freeze' black influx

15/8/83 E-Post 206

By JOHANN POTGIETER
Political Correspondent

CAPE TOWN — The Minister of Co-operation and Development, Dr Piet Koornhof, has rejected a call that he should "freeze" the operation of Section 10 of the Urban Areas Consolidation Act to prevent more blacks gaining "permanency".

This section, according to a letter today in the Cape Nationalist mouthpiece, Die Burger, is "one of the greatest policy-subverting enemies of separate development and the mightiest weapon in the hands of integrationists".

The letter, written by a Mr F H Botha, of Thornton, accused Dr Koornhof of breaking down influx control with "concessions and condonations".

Section 10, Mr Botha wrote, could not be

reconciled with the philosophy of separate development, and the only way for the Government to prove its devotion to separate development was to freeze the position at a given date and refuse access to the prescribed areas by any further blacks.

In reply, also on the letters page of Die Burger, a spokesman for Dr Koornhof wrote that "the presence of blacks in the white areas cannot be reasoned away".

Blacks, the spokesman wrote, were acknowledged as a fixed part of the labour force, without which no town or city in South Africa could manage.

"They live in their own group areas, are citizens of their respective national states and exercise their voting rights there," he said "From these three points alone it is apparent that separate development is still maintained."

Few blacks ~~377~~ ~~202~~ ^{Mercury} seek Section 206. 16/8/83 10 rights in Durban

African Affairs
Correspondent

THE Port Natal Administration Board has so far refused only two of the 127 applications for Section 10 rights in the Durban area following the Rikhoto judgment

This was disclosed yesterday by Mr S A Thomas, the board's senior labour bureau manager

Mr Thomas said the reason that such a small number had applied for Section 10 rights was that no accommodation was available in Lamontville and Chesterville

He said people living in Kwa Mashu and Umlazi could work in

Durban without restriction

Mr Thomas said applications for permanent residence rights were approved within five minutes if the applicants were registered for the whole of their service

If they were only registered for part of their service they had to find previous employers and obtain affidavits from them

By the beginning of this month nearly 10 000 workers had been granted permanent residence rights in terms of the Rikhoto judgment, according to figures released by the Minister of Co-operation and Development, Dr Piet Koornhof

Wrab still stalling, says Sash

Another row erupts over urban rights

16/8/83 DDM 206

By STEVEN FRIEDMAN
Labour Correspondent

A NEW row has broken out over the West Rand Administration Board's stance on workers who qualify for city rights in terms of the Rikhoto ruling but are citizens of "independent homelands"

Yesterday the Black Sash charged that Wrab was still refusing to grant these workers rights in terms of the judgment, despite indications last week it had abandoned its refusal to do so

The president of the Sash, Mrs Sheena Duncan, said lawyers acting for workers who had applied for rights had been told by a senior Wrab official the board was still waiting for a ruling from Pretoria before granting these workers rights

But Wrab's chairman, Mr John Knoetze, yesterday angrily denied it was the board's policy to deny these workers their rights

He said Wrab accepted in principle that workers who were citizens of "independent homelands" were entitled to Rikhoto rights, but that each case would be "looked at on its merits" This, he said, could take time

The latest row flows from Wrab's earlier decision not to grant Rikhoto rights to migrants who are citizens of "independent homelands" until it receives a ruling on the

issue from Pretoria

Last week, however, Wrab decided not to contest a case brought by a Bophuthatswana citizen, Mr John Dikobe, challenging this decision and granted Mr Dikobe his permanent city rights

On the same day a statement by the Minister of Co-operation and Development, Dr Piet Koornhof, was interpreted as meaning that most workers from "independent homelands" would receive Rikhoto rights

But Mrs Duncan alleged yesterday that a group of workers who are citizens of "independent homelands", and approached Wrab for rights last Friday, had not been granted them

She said their lawyer had been told by a senior official that the board was still waiting for a ruling, despite indications that Wrab had changed its stance

Mr Knoetze said yesterday Wrab "rejects with contempt" claims it was delaying or blocking applications for Rikhoto rights

"We accept this judgment without reservation and accept that it includes people from independent homelands We also accept the Minister's stance on this issue unreservedly," Mr Knoetze said

He said Wrab had "to go into each case" before granting city rights There were certain criteria which had to be met and Wrab had to make sure it applied the law properly

206 ~~206~~ Haisand R61.
Rikhoto judgment 17/8/83 1892
42 Mrs H SUZMAN asked the Minister of Co-operation and Development

(a) How many Black persons qualifying for rights under section 10(1)(b) of the Blacks (Urban Areas) Consolidation Act, No 25 of 1945, have had their reference books endorsed in accordance with the Rikhoto judgment since the date mentioned in his reply to Question No 1 on 29 June 1983 and (b) in respect of what date is this figure given?

†The MINISTER OF CO-OPERATION AND DEVELOPMENT

(a) and (b) For the period 25 June 1983 to 29 July 1983, 8 952 persons have had their reference books endorsed as a result of the judgement referred to

in July 1983, if so, (a) on what date or dates and (b) why,

- (2) whether any (a) sjamboks, (b) dogs, (c) shotguns and (d) other specified fire-arms were used on this occasion, if so, why,
- (3) whether any persons were injured as a result, if so, (a) how many and (b) what was the nature of the injuries in each case,
- (4) whether any persons were detained on this occasion, if so, (a) how many, (b) why and (c) under what statutory provision,
- (5) whether any of these persons have been charged, if not, why not, if so, for what alleged offences in each case?

211 for failing to produce identity documents,
6 being foreign Blacks in a prescribed area,
1 for entering a hostel illegally,
2 for being in possession of dagga,
3 for being in possession of suspected stolen goods,
11 for trespassing,
2 for being in possession of liquor on private property without the owner's consent

NOTE Ten of those arrested were charged with more than one offence

Mrs H SUZMAN Mr Speaker, arising out of the reply given by the hon the Minister, is he aware of the fact that as a result of this action the power station in question was brought to a standstill?

The MINISTER No, Mr Speaker, I am not aware of that [Interjections]

The MINISTER OF LAW AND ORDER

- (1) (a) and (b) The Police were not sent to the Lethaba power station, but in co-operation with members of the Vaal Triangle Administration Board they conducted a crime combating operation at a compound of the power station on 13 July 1983
- (2) (a), (b), (c) and (d) No
- (3) Falls away
- (4) Yes
 - (a) 445
 - (b) and (c) For contravention of the following statutory provisions sections 9, 10 and 12 of Act 25 of 1945, section 15 of Act 67 of 1952, section 1 of Act 6 of 1959, section 2 of Act 41 of 1971, section 36 of Act 62 of 1955, section 165 of Act 87 of 1977
- (5) Yes
 - 219 for being in a prescribed area for longer than 72 hours,

~~1893~~ ~~(18/08/83)~~
Lethaba power station
206 Hansard Q. Col. 1892
43 Mrs H SUZMAN asked the Minister of Law and Order

- (1) Whether any members of the South African Police were sent to the Lethaba power station near Viljoensdrif

17/8/83 →

→

Woman sent to prison because of 'oversight'

ARGUS 17/8/83

~~206~~ 206 206

Staff Reporter

A CROSSROADS mother of seven spent 12 days in jail because of an "administrative oversight," the Langa Commissioner's Court has heard

Mrs Regina Boo, 50, was arrested on July 29 for being in the Cape illegally and was held in Pollsmoor Prison until August 10 before being released on bail

She pleaded not guilty at a previous hearing

PERMISSION

Mrs Boo told the court she was given permission to be in Cape Town in 1972 and built a house in Crossroads in 1975

In 1979, after a special dispensation for Crossroads people was announced by the Minister of Co-operation and Development, she was entitled to be in the Cape, she said

Her house, however, was registered in her son's name because she was away visiting a sick relative in the Transkei

The court heard that inquiries by the Aid Centre showed that Mrs Boo did not appear on the list of people granted per-

mission to remain in the Cape in 1979.

The Commissioner of the court, Mr W Fourie, today requested the Aid Centre to make further inquiries about the registered owner of the house in Crossroads, adding that if Mrs Boo's son was registered in the house she was entitled to be there as a dependent

INFORMATION

The information was obtained in less than five minutes that Mrs Boo's son was the registered tenant of the house. It was also established that five of Mrs Boo's sons were registered to stay in the Crossroads house

The prosecutor, Mr J Uys, then said he accepted Mrs Boo's plea of not guilty.

"It seems that administratively something went wrong," he said

Mr Fourie found her not guilty and discharged her

He said the prosecutor had accepted her plea and was of the opinion that her name had been left off the list due to an "administrative oversight"

He suggested she immediately become registered to safeguard her against similar steps being taken against her

In another case, a woman was given a suspended sentence after the court heard that she was "a most reliable and trustworthy nanny" to a child who was in the custody of a divorced man

Mrs Mabel Minda pleaded guilty to being in the Peninsula for more

than 72 hours without the necessary permission

She said she came to Cape Town in 1980. She was divorced and her children lived in the Transkei

She had worked as a domestic since 1980 and about nine months ago started working for a Mr S Sherman

In mitigation of sentence, defence attorney Mr O J Barrow, told the court that Mr Sherman had tried a number of domestics "as a nanny" for his child without success since he was granted custody of the child. However, he had found Mrs Minda "a most reliable and trustworthy nanny for his child"

CONTRACT

He said Mr Sherman was in the process of registering a contract for her

The prosecutor, Mr J Uys, asked the court to impose a suspended sentence in the light of the circumstances

Mrs Minda was fined R70 (or 70 days jail) suspended for 12 months on condition she gets permission to remain in the Cape or leave the area by September 16 and that she is not convicted of a similar offence during the period of suspension

Cape Times 18/9/83

Rikhotso endorsements ~~205~~ 206 ~~207~~

THE reference books of 8 952 black people had been endorsed during the period June 25 to July 29 this year as a result of the Rikhotso judgment, the Minister of Co-operation and Development, Dr Piet Koornhof, said in reply to a question by Mrs Helen Suzman (PFP Houghton) — Political Staff and Sapa

Plea to State on urban blacks

Cape Times 19/8/83

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Staff Reporter

AN URGENT call for a new State approach to the question of black urbanization was made yesterday by Mr Mike Rosholt, executive chairman of Barlow Rand, at the annual meeting of the Johannesburg Chamber of Commerce

Mr Rosholt said the influx-control system and past decentralization policies had been a "relative failure", efforts in urban housing had been "less than successful", the black educational system was "chronically weak" and there was large-scale urban unemployment

"One can only be forced to the conclusion that South Africa is not at present managing its urbanization process with any degree of success," he said

"The basic reason for this is that the government's historic concept that the black urban people are 'temporary' is completely at loggerheads with the facts of

life — that rapid and permanent urbanization is the inevitable consequence of and precondition for economic development."

Urbanization of the black people would be the most important single factor in South Africa's socio-political environment

Influx control was designed to exercise restraint over the "pull" of the urban areas, whereas the decentralization policy was designed to decrease the "push" factors which caused people to move to the cities for economic reasons

'Displaced'

The government's present influx-control regulations had prevented urbanization "only to the extent that they have displaced it to the periphery of metropolitan areas, border areas and homelands"

Creation of jobs in decentralized locations had not kept pace with demand, though the

1982 decentralization proposals had shown a "stronger economic and less ideological" approach

South Africa must produce a well-reasoned and fully articulated State urbanization strategy and the private sector, the key agent of economic growth, must be made aware of its role in carrying it out

Interest

Mr Rosholt called for a vigorous urban-development policy aimed at promoting economic growth and jobs in the existing urban areas, a national job-creation programme and the promotion of rural and agricultural development.

Everyone in South Africa had an interest in such a policy, "but most importantly, the group whose lives are most directly affected — our black people — have an interest in a more positive policy, one on which they must be continually consulted"

Rikhoto ruling lauded

By ZWELAKHE

SISULU

THE urbanisation of the black population of South Africa is inevitable and the drift of people to cities cannot be prevented, the chairman of Barlow Rand, Mr Mike Rosholt said yesterday.

Mr Rosholt was speaking at the 93rd annual general meeting of the Johannesburg Chamber of Commerce.

Urbanisation, he said, is often identified as the fundamental cause of development and it cannot be prevented.

"Once a decision has been taken to opt for a modern industrial-based

economy, as is the case in South Africa, the process of urbanisation becomes an inevitable consequence," Mr Rosholt said.

The Appellate Division's decision on Mr Tom Rikhoto was significant because the avowed intention of Section 10(1)(b) had always been to provide a mechanism for controlled permanent urbanisation of black people

"The issue at stake in the Rikhoto case therefore essentially concerned the degree of control over the movement of people responding to the attract-

ment of urban areas in which the breadwinner of the family is already living," he said

Many countries have attempted to control movement in response to the pull factors of urban areas, and with mixed success

The Riekert Commission had also noted that urbanisation is inevitable, and as a consequence, was forced to state that "Control over the rate of urbanisation is, in the light of circumstances in South Africa, an absolutely essential social security measure"

The inference was that there should be control over the rate only, but not attempts to halt the process completely.

"Unfortunately the present situation is that the Government generally still pursues an ideological strategy aimed at preventing the natural process of urbanisation

"Consequently, what action there is, by either private or public sector, is generally unco-ordinated and ineffective, whereas what is required urgently is a positive strategy based on the developmental requirements of the country," said Mr Rosholt

Mr Rosholt said he found the establishment of the Development Bank significant. The bank was initiated by

South Africa for the development of Bophuthatswana, Ciskei, Transkei and Venda

While influx control regulations are designed to exercise restraint over the pull of urban areas, the Development Bank was designed to decrease the push factors which cause people, for economic reasons, to leave the homelands and rural areas and to move to the cities

The strategies of influx control and decentralisation have been a relative failure for different reasons

"And the main reason for this has been that we have tried to solve the problems involved separately, whereas in fact they have to be tackled in concert," said Mr Rosholt.

South Africa must produce a well-reasoned and fully articulated state urbanisation strategy and the private sector must be made aware of its role in carrying out this strategy and must express willingness to play that role, he said.

For such a strategy to be successful it will require a policy covering the movement and settlement of people which is as far as possible, non-discriminatory and based on positive inducements and one which will have to be administered with more sensitivity than is presently the case

PE union gets rights for 21

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PTT
CWA

ABOUT 21 contract workers in Port Elizabeth have been given permanent city rights in a country-wide movement by trade unions to get their members these rights in terms of the Rikhoto ruling.

In a much larger campaign, about 300 applications for Section 10

(1) (b) rights have been filed with the administration board in Mooi River, Natal

The 21 workers, employed by Timber Industries, were given the rights after an active trade union campaign in the factory

Since the historic

Soudan 24/8/83
judgment in which the Supreme Court ruled that migrant workers who had worked for one employer for more than 10 years were entitled to Section 10(1)(b) rights, trade unions have been pushing employers to assist in getting their workers urban rights

On a much larger

scale, a similar campaign has been conducted by another FOSATU affiliate, the National Union of Textile Workers at Mooi River Textiles in Natal

Meanwhile on the Reef the Black Sash has charged that Wrab was still refusing to grant these rights to workers

CAPE TIMES 25/8/83
**'Illegals'
tell of
WCAB
promise**

Staff Reporter

PROMISES of alternative accommodation by a senior Western Cape Administration Board (WCAB) official prompted a group of Hout Bay squatters to remain on a Disa River farm till their sudden arrest last month, a Wynberg magistrate heard this week

This was alleged by two of 10 people who pleaded not guilty to charges of squatting and being in an area longer than 72 hours without official permission

An 11th person, Peter Mgeboka, 36, of Lady Frere, Transkei, was sentenced to R60 (or 60 days), suspended for two years, and ordered to return to Transkei unless he could obtain legal permission by September 18 to be in the Peninsula

He was sentenced to a further R50 (or 50 days), suspended for two years, for illegal squatting and was warned by the magistrate, Mr D Visagie, that if he persisted in this offence he could be fined R10 (or seven days) for every day that he illegally squatted

Pleaded guilty

Mgeboka had pleaded guilty to the charges

He and five of the 11 have been in custody since their arrest on July 18

Five, Elliot Blackie Badman, 29, Gila Mathofa Dumuzweni, 43, Albert Mteto Matyeleni, 26, Mrs Priscilla Kwatshube, 32, and Michael Zwela Solani, 31, also face a second charge of being in the Peninsula illegally

Bail of R50 was extended for Mrs Kwatshube, Michael Solani, Mathula Majola, 35, Atwell Mhaga, 50, Ziphekele Booi, 35, Mawntu Magwaca, 25, and Mrs Perseverance Ntantiso, 31. They face only a charge of squatting

Giving evidence in his defence, contract labourer Ziphekele Booi said he "became very happy" when he heard from his wife in 1979 that Chief Inspector Theron of the WCAB had told the squatters to stay on the farm while he arranged alternative accommodation

At no stage was he asked to leave the farm

Mr Theron had written down a number of names on meeting them, he said

The case continues.

The magistrate was Mr D Visagie. Mr R Metz prosecuted. Mr L Bozalek and Mr A Varney appeared for the accused

Thrown out after 20 years

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Murray 26/8/83
Mercury Reporter

A PINETOWN factory labourer who has lived in South Africa for 20 years, has until Monday to leave the country and return to Mozambique after several attempts to have a repatriation order rescinded have failed

A desperate and heartbroken Mr Jossias Rafael Lumene, 44, who has been employed at a large assembly plant for the past three years, said yesterday he was being forced to leave his wife and family and his job

'But what can I do? I've tried everything to get my visa renewed but the authorities have refused to let me stay here any longer

'I just have to go. If I stay here without a permit, I'll be put in jail,' he said

Mr Lumene said he could not take his Zulu wife and two children, who live at Emolweni, back to Mozambique with him

'They speak a different language there and my children wouldn't be able to carry on with their schooling, so I just couldn't take them with me

Granted extension

'I don't want to go back. I don't know anyone there anymore and I'm worried and very afraid,' he said

He said he had not experienced any problems with previous applications to renew his visa and could not understand why the authorities had suddenly turned down his latest application made in July

His visa expired in December 1982 but he was granted an extension until July 25. A further application for another extension made to the Department of Co-operation and Development in Pinetown was refused

Mr Lumene said that his company's personnel department had also made representations to the Department on his behalf, but to no avail

'They have also tried, but I'm told I have to leave here and then once I am back in Mozambique the company will try to get me back as a contract labourer'

Letters written by the Department of Co-operation and Development to the company's personnel department indicate that because Mr Lumene cannot prove he entered the country before 1 July, 1966, he does not



MR Jossias Lumene — thrown out after 20 years.

qualify to have his repatriation order suspended

Mr Lumene said he was first registered as a worker in South Africa in 1969 but had in fact arrived in the country in 1963

'But I haven't got anything to prove it.'

He said he had already resigned from his job and, unless something could be done before Monday, he would be leaving his home at the weekend

A spokesman for the Department of Co-operation and Development in Pietermaritzburg yesterday said she could not comment on the case and would have to investigate the matter before issuing a statement

Squatters: We were assured a place to live

CAPE TIMES 26/8/83

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Staff Reporter

SHORTLY before arresting 11 Disa River Farm squatters last month Western Cape Administration Board (WCAB) inspectors had assured them they had come to transport them to "new accommodation", a Wynberg magistrate heard yesterday.

This was said by two of 10 people who have pleaded not guilty to squatting and being in the Peninsula longer than 72 hours without official permission.

The two, Mrs Perseverance Ntantiso, 31, and Mrs Priscilla Kwatshube, 32, said they believed the inspectors had come to fulfil a promise made to them by Chief Inspector J Theron in 1979.

Mr Theron had told them to stay on the farm until he had arranged accommodation at Langa.

Mrs Ntantiso testified the squatter community had placed great faith in Mr Theron's promises as he had helped resettle people from Kadotspruit, another Hout Bay community, last year.

Mr Theron was not among the inspectors

Mrs Kwatshube quoted the inspectors as saying they "had come to give us houses and also our reference books and we would receive permission at Langa".

She had never seen any signs on the farm which prohibited them staying there and there were no fences or walls over which the people had to climb when walking to and from work in Hout Bay.

The case was postponed to August 31.

Remanded in custody on charges of being in the Peninsula longer than 72 hours without permission were Mr Elliot Blackie Badman, 29, Mr Gila Mathofa Dumuzweni, 43, Mr Albert Mteto Matyeleni, 26, Mrs Priscilla Kwatshube and Mr Micheal Zwela Solani, 31.

Bail of R50 was extended for Mr Mathula Majola, 35, Mr Atwell Mhaga, Mr Mawtu Magwaca, 25, Mr Zipehele Bool, 35, and Mrs Perseverance Ntantiso.

Mr M Broeksma prosecuted. Mr A P Kotze was on the bench. Mr L Bozalek and Mr A Vardey appeared for the squatters.

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FM 24/8/83

RIGHTS UNDER RIKHOTO



Ernest Bashimane Mashishi, a former migrant, proudly shows his city rights endorsement in terms of Section 10 (1)(b) of the Urban Areas Act. He is now permitted to remain in the area of jurisdiction of the West Rand Administration Board (Wrab), having completed 10 years' legal service for one employer.

So far — since the decision in the Rikhoto case by the Appellate Division on May 30 — Wrab has granted urban rights (as of August 22) to a total of 3 210 migrants. Their contracts no longer have to be attested under the annual "call-in" system.

Many migrants from independent homelands still have a question-mark over their future. The issue of whether they qualify for urban rights if they complete their 10 years' service (or 15 years for different employers in the

same area) after independence has been referred by Wrab to Pretoria for a decision. Those who completed their qualifying periods of service before independence are being given rights. In the meantime, the others' applications are being accepted pending a ruling.

According to Wrab's director of manpower, Armand Steenhuisen, 3 167 migrants have so far qualified for 10 (1)(b) rights in terms of Rikhoto because of 10 years' service. A further 43 have qualified on the basis of the 15-year qualification.

Overall, the numbers have been fewer than expected, says Steenhuisen, because large employers have been "co-operating" by not sending large groups of employees for endorsements. The recent congestion at Wrab offices has accordingly abated.

Deported Malawian 'in prison'

Mercury Reporter

27/8/63

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A MALAWIAN father of three who had lived in South Africa for more than 30 years and was deported in March under orders by the Department of Co-operation and Development has spent the past four months in a Malawian prison, it was learned yesterday

Mrs Paula Sassenberg, manageress of a Margate hotel, said they had received a letter from Mr Lighting Phiri, 50, only two days ago

Mr Phiri, who had been a waiter at the same hotel for 16 years and had lived in South Africa since 1951, was ordered to quit the country because of his alien status

His wife, daughter and two sons remained behind. He was to apply for permanent residence from Malawi with the assurance of a job by his previous employers

'But this is the first we've heard from him,' said Mrs Sassenberg

She said Mr Phiri had written saying he had been in jail since he returned but had not said why

'It seems that he can't say much

'However, now that we have an address for Lighting, I'll be able to write to him and find out what we can do from this end to get him back to his family,' she said

Worker 'does not qualify to live in S A'

Mercury

27/8/83

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Mercury Reporter

THE Pinetown factory worker ordered out of the country by the Department of Co-operation and Development after living here for the past 20 years is a 'prohibited immigrant' and has to return to Mozambique

The Natal Chief Commissioners' office yesterday issued a statement saying that in terms of the Immigration Act, Mr Jossias Rafael Lumene — who is married to a Zulu and has two school-going

children — did not qualify to be in South Africa and had to leave

Only after he had left the country he could apply to return

'His employer should apply to employ him and the application will be considered by the commissioner on merit,' the statement said

The stand taken by the department means Mr Lumene will be forced to leave his wife, children his home and his job to return as a stranger to his

country of birth

Visibly distressed Mr Lumene expressed his fear of being repatriated

'I don't know anyone there anymore'

He said he had never had any problems with work permits and could not understand why his latest application had been turned down

He added he could not take his wife and children with him because of language and cultural differences

A spokesman for his

employers of the past three years said they had already been informed of the position by the department and had initiated steps to apply for him to be re-employed

'We are waiting for the application forms to arrive but the application can only be made once Mr Lumene has left the country,' the spokesman said

The Mercury yesterday received a number of calls from members of the public about Mr Lumene's plight

Mrs Beatrice Levy said 'It's just too terrible. How can a man be forcibly separated from his family? After all this time he should be entitled to become a citizen'

Another caller, Mrs Joy Walker, said she would be writing to Mrs Helen Suzman, PFP MP for Houghton on the matter

The chairman of the Natal branch of the Black Sash organisation, Mrs Solveigh Piper, said she was horrified

'I can't comment from a legal point of view, but on humanitarian grounds I disagree totally with this,' she said

Mr Chris Nicholson, from the Legal Resources Centre, urged that Mr Lumene contact them as soon as possible. They would be prepared to take up his case

The PFP MP for Berea, Mr Ray Swart, said he would take the matter up with the department.

● See Editorial Opinion

~~Mercury~~ Mercury

Pinetown worker may get reprieve

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30/8/83

Mercury Reporter

MR JOSSIAS Lumene, the Pinetown factory worker threatened with repatriation to Mozambique, might be allowed to stay in South Africa

Mr Richard Lister, of the Legal Resources Centre, said yesterday he had been informed by the Pinetown commissioner

for the Department of Co-operation and Development that there was a possibility of Mr Lumene's case being reviewed

Mr Lumene contacted the Legal Resources Centre yesterday morning in a last-ditch attempt to get an extension to his work permit

Mr Lister said he had spoken to the commissioner who had asked for a message to be conveyed to Mr Lumene

'I was asked to tell Mr Lumene to report to their office as soon as possible

'Apparently the story of Mr Lumene's plight has reached the ear of the minister, Dr Piet Koornhof

'There appear to be indications that the minister is favourably disposed towards a review of Mr Lumene's case,' he said

If Mr Lumene were granted an extension it would mean he would be able to remain with his wife and two children in the country where he has lived for the past 20 years

Mr Lister said he expected to hear the outcome of the issue from the commissioner within the next few days

'Until we hear what the results are, we won't be doing anything,' he said

Comment was not available from the Department of Co-operation and Development yesterday

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We can't stop growth — black and white

206 RD 4 31/8/83

THERE is no doubt that the issue of influx control, probably more than any other tool of national policy, is central to South African affairs in general and our economic development in particular.

It is also a powerful weapon in the hands of those who are only too ready to question the national commitment to the principles of free market capitalism

By the term "influx control" I mean all practices aimed at restricting the urbanisation of blacks, whether through "pass laws" or housing permits

But influx control has far wider connotations than this. Many people, naturally, associate it with the politics of apartheid and with concepts such as social engineering, which are an anathema to those of liberal disposition

It is therefore important to try to assess its real effects and to consider whether it has any merit. Most importantly, even if it has merit, can it be made to work in the long run?

We should not lose sight of the fact that this country has a long history of controls, in one form or another, over the movement of people

In 1939, during the last parliamentary sessions before the Second World War, Dr Malan sought to introduce legislation to establish separate residential areas for different population groups.

This was not effected until the 1960s, when Dr Verwoerd was attempting to perfect the apartheid system

At that time he brought influx control to its political zenith as the backbone of a policy which was intended, ultimately, to keep the black man out of the urban areas, which were deemed to be white by definition and part of the historical inheritance of the white man

The history of influx control is obviously much more complex than this. I have set out to do no more than remind ourselves that political aims in this matter are inescapably bound up with socio-economic questions

As but one example, we should consider the effect of influx control laws on the police force

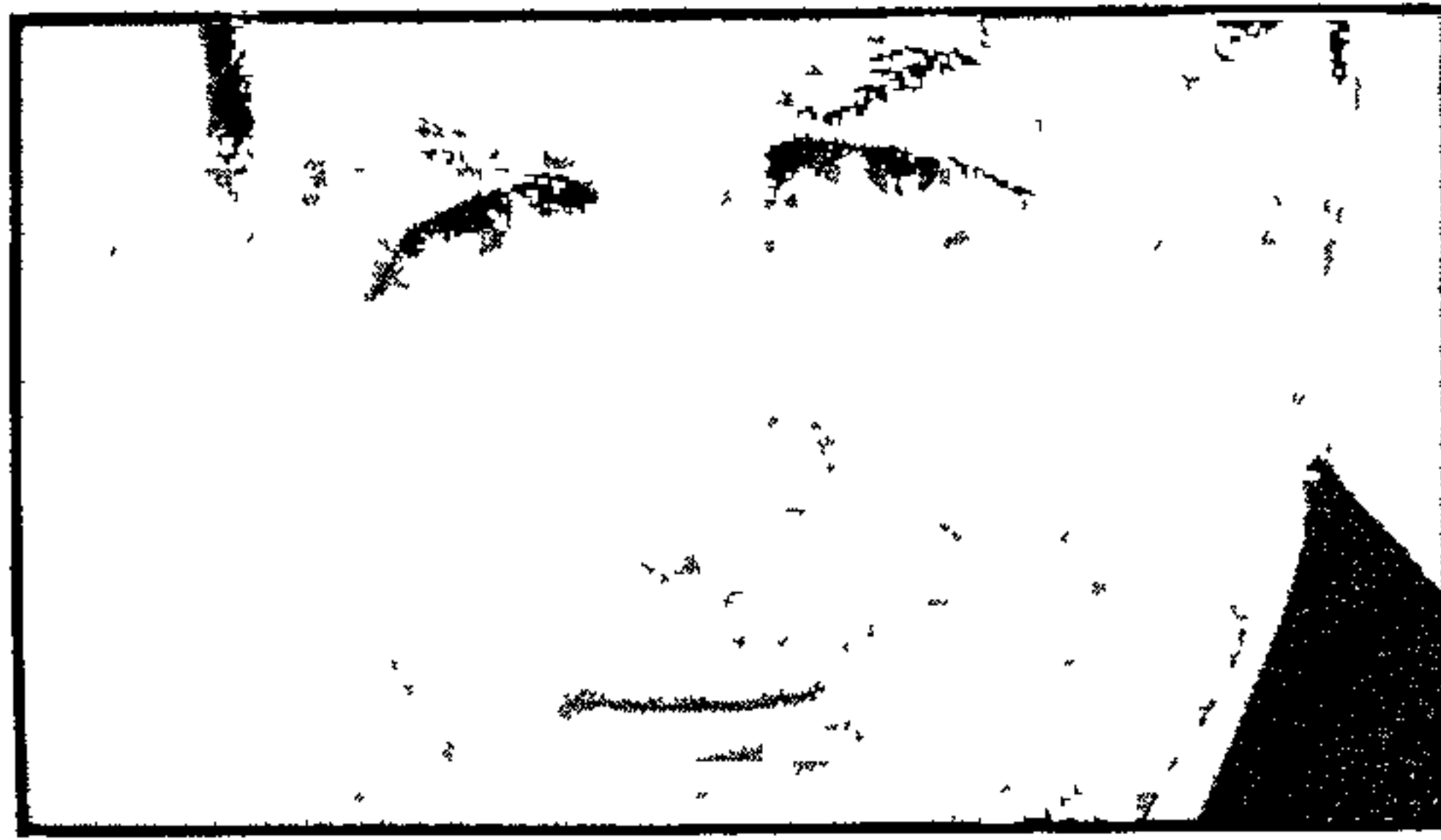
In South Africa, like anywhere else, the police are authority's instruments for maintaining a reasonably ordered society

To my mind, it is wrong that they should have the responsibility for putting laws into effect which are such that a large section of the public comes to regard the police as enforcers of political policies, not protectors of society

One does not have to study Machiavelli to have difficulty in answering the question "Who are the jailers and who the jailed?" in South Africa

In common with many South Africans I believe that many fine people in an essentially fine police force are coarsened and diminished by their having to give effect to laws which offend a widespread and deep-seated public recognition of the indi-

An edited version of a speech given yesterday by the Chairman of the Anglo American Corporation to the Free Market Foundation in Cape Town



By GAVIN RELLY

little doubt that the idea of evading the cost of infrastructure was originally a very important motive for the system

Serious attempts are now being made to bring the education and health systems in the rural areas on to a par with those in the urban areas

Of course, the very policy of building re-settlement camps, in so far as they represent an attempt to deflect the natural flow of people to another location, is tacit acceptance that urbanisation is going to take place somewhere or other

To divert it to distant places makes it not cheaper, but more expensive

The De Lange Commission discovered that the cost of educating a white child in the rural areas is double that of educating the same child in the urban areas

There is one more position that in fairness we must take into account. It is that retention of influx control is necessary because the economic and political costs of increased concentration of people in the urban areas are too high

This concern is not, it is said, racially-based but hinges on problems of planning for necessary changes

Its corollary is that the flow of black people to the towns that would result from their new-found freedom of movement would have detrimental effects on the quality of life of

The inextricable link between economic growth and urbanisation can be demonstrated in the history of individual countries or by comparing different countries at the same time

It is also clear that agriculture as well as industry benefits from this process of urbanisation

Those economies that are agriculturally most productive, like the United States, have the smallest proportion of the population working on the land

Those with a higher proportion of the land, like India or Soviet Russia, are agriculturally under-productive

One of the major obstacles to improving agricultural productivity in the homelands of South Africa is their over-population. This fact has been recognised ever since the Tomlinson Commission reported in 1955

Throughout the world, the fast-growing economies are those which have a substantial surplus rural population which can be rapidly absorbed into industry

This was the position in Japan until recently, and is at present that of countries such as South Korea, Taiwan and Brazil

The five-million refugees from East Germany after the Second World War were crucial to the rapid growth of West Germany

As if there were not evidence enough, 40% of the work force in Switzerland, which now has the highest per capita productivity in the world, are foreign workers, while the phenomenal economic progress of

If we were serious in our urbanisation objective, whether for selfish economic goals or out of humanitarian considerations, it would be necessary to provide many more homes

To do this quickly would require the authorities to permit informal housing — that is, a fairly high standard of squatter camp, which could be up-graded over the years

Such a policy would in essence legitimise the present degree of what can be called camouflaged urbanisation

Already, many blacks work in the towns and cities of South Africa but live in black areas, so-called independent states such as Ciskei and national states like KwaZulu

Often, existing black townships — for example, Mamelodi — have been prevented from expanding. The houses built recently in Mamelodi for employees of Sigma Motor Corporation were the first new ones erected there since 1965

And so informal settlements on black land have inevitably sprung up. Durban is surrounded by some 500 000 squatters and similar communities exist around East London, Pretoria, Bloemfontein, Port Elizabeth and Pietermaritzburg

There are now more serious indications that this camouflaged urbanisation is giving way to urban growth on a planned and deliberate basis

For instance, it is contended that there is no more land for Soweto to expand. Therefore, the argument goes, future urban growth for blacks must be located at Bronkhorstspuit, at a new township called Ekancala

This policy is not totally without merit — although one wonders how much consideration has been given to Soweto's expanding upwards, as opposed to outwards?

But we should bear in mind that its implementation may well increase living costs for the individuals settled in the new town — who might still have to commute to the main centres — not to speak of the labour costs of their employers, particularly if the Welgemoed transport recommendations are followed and the operations of private taxis limited by law

This "new Soweto" will be located close to KwaNdebele

Those of its inhabitants who do not hold Section 10 rights of residence in urban areas would presumably always remain contract workers, whose right to function in the larger urban area is entirely dependent on a fixed-term contract for a particular employer

Such a state of affairs would be inequitable. A British or Portuguese citizen permanently resident in

live according to his particular circumstances

Nevertheless, we can see at least three examples which might provide justifications in certain circumstances for considering influx control

There is the security case, in terms of which one would seek to keep the unemployed out of the towns

There is the environmental case, which has to do with keeping towns clean and healthy for those who live in them. And finally there is the case which argues that the unemployed are actually better off in the country than in the towns, with its corollary that influx control is a way of evading the cost of social infrastructure — though this is not a consideration which is officially advanced

Held up to the light of day the fabric of these arguments is flawed

The origins of the first are no doubt to be found in the experience of the French Revolution. It is an argument of conditioned reflex, not based on logic

We tend to think that towns somehow lend themselves to riot and revolution, but I suspect that this is because towns by definition are where the bulk of the people are

I very much doubt whether, in the long run, the creation of impoverished, excluded rural populations is less dangerous than urbanisation. Indeed, it is probably more so

When last was a government overthrown by an urban rabble?

In any event, I presume that given modern defensive mechanisms and weaponry it is easier to control town dwellers than rural people

I would argue, therefore, that keeping people out of towns for security purposes is not good reasoning

The argument about keeping towns clean and healthy at first sight seems to have considerable validity

But the situation in South Africa is ironic in that the controls we impose do much to create the very conditions that we seek to avoid

The price we pay for having fewer blacks in town is, first, a higher proportion of unattached males, more prone to crime than they would be if their families were with them, and, secondly, conditions of overcrowding — breeding grounds for nefarious activity perpetuated by our conscious failure to build proper accommodation

Are squatter camps in fact more dangerous and unhealthy than the existing overcrowded townships? The experience of the settlements of Crossroads and Winterveld suggests that they are not

We should remember that much of the fear of epidemics which was a motivating force for the original segregation measures in the last century is now irrelevant

The tendency, it seems, has been for epidemics — including outbreaks of cholera, for example — to take place in the rural areas, not in squatter camps

As to the argument that the unemployed are actually better off in the country than in the towns, I have

There is widespread understanding that we can no longer afford to be held back by policies that serve only the narrowest of sectional interests

those already there

As to the first part, I do not intend to underestimate the problems that large-scale urbanisation could bring with it

I hope, however, that in this forum at least I can count on support for my view that planners must respond to the needs of the people, not the other way around — and, parenthetically, that South Africans have too great a propensity to try to plan their way out of difficulties, it might be said without conspicuous success so far

Further, I beg leave to doubt whether the argument is quite as free of racial overtones as some of its protagonists might like to think. How far is the urban black problem an urban white one?

Anyway, there are signs, most recently in the outcome of the Human Sciences Research Council investigation into opinions among residents of Randburg, that white attitudes are changing, especially in the large metropolitan centres where most immigration, one must assume, would occur

The second part of the argument is much favoured by those already urbanised. That is because it implies an increase in urban wages

The black American economist Walter Williams, in his examination of the idea of statutory minimum wages, has shown how unskilled and skilled labour competes

Many industries have alternative processes available, some of which demand more skilled labour and capital while others depend more on unskilled labour

Restricting the supply of unskilled people enhances the demand for skilled labour, and therefore its price

We therefore have to reckon that organised labour, which increasingly will include black unions, could have a vested interest in supporting influx control

We should also recognise that workers who would increase their income at the expense of national economic growth are sacrificing their future well-being

Examples of this are not hard to find. Immediately after the Second World War a British worker earned about five times as much as a Japanese worker; after 40 years of weak unions and growth in Japan, and unduly strong unions and no growth in Britain, the Japanese worker earns half as much again as the British

The crucial point is this. The generation of incremental wealth by the black man, if it is to continue, absolutely and necessarily depends upon urbanisation

the United States in the 19th century was fed by an influx of 40-million immigrants from Europe

The thrust of these examples is obvious by far the largest and cheapest increase in productivity is that which takes place when an individual moves from subsistence under-employment to industrial employment, even in the humblest of capacities

It is a more difficult, more expensive and slower process to increase the productivity of the existing labour force, which has to be done by what is known as "capital deepening" that is, investing more money for each worker

Granted the ratocination of those who favour influx control is frequently dubious, the crucial question, of course, is what the effect of abolition would be?

In considering the likely extent of the migration from country to city, one can draw a close parallel with the situation after prohibition on alcohol sales to blacks was abolished in 1961

It did not lead to an increase in drinking, because prohibition had been completely ineffective

Similarly, removal of restrictions on movement into the towns probably would not lead to an increase in overcrowding, since influx control measures are widely ignored or evaded and existing houses are filled almost to their maximum capacity

The majority of adult black men are already within metropolitan areas, or in the vicinity

In 1980, only about 13% of the homelands population comprised males in the economically most important age group of 20 to 54

Probably the people who would come to the towns in the absence of influx control would mostly consist of families of existing migrant workers

Their presence would, hopefully, stabilise the male-dominated black urban population

Many of the women and teenagers should be able to find work, even if initially at a very humble level, and in that way increase the national product

Urban conditions create all kinds of opportunities for employment which rural conditions do not

To the extent that the influx of blacks into urban areas is controlled, it is mainly through the deliberate maintenance of the overcrowding I have just referred to

Hence the ambition of the pass system would have very little effect — beyond emptying jails and improving relations between the public and the police — unless something was done about housing

as a permanent part of South Africa's market economy

Why should his black counterpart from KwaZulu or Bophuthatswana be regarded differently?

South Africa's black urban population will grow by some 17-million by the year 2000

We should plan to accommodate this increase wherever jobs, land and infrastructure are best suited to the most cost-effective use of scarce resources

We must be careful, of course, not to presuppose that the Western mould is one which all men would choose for themselves

Our forward planning should take account of the individual's preferences — whether he wants to settle with his family in a town or continue to live as a migrant

On no account, though, should we allow questions of citizenship to limit or frustrate the ability of black people to participate in the structures of economic opportunity and prosperity

Those who choose to do so must be given secure tenure and the opportunity to own their homes, develop their communities and contribute to the creation of a modern and prosperous country

The issue of political rights for urban blacks is, and will remain, a complex and difficult matter

I readily acknowledge the progress that has been made in the attitude of the South African Government to urbanisation

This is evident in the 99-year leasehold scheme for black houses, in the programme to sell those houses to their occupants, in the construction of new schools for black children in urban areas, in general improvement projects, and in the Black Local Authorities' acts

The Government's partial acceptance of the Rikhotso judgement is another major step forward. It will have the effect of allowing more black workers to live legally in urban areas

That response constitutes an acknowledgement that the number of blacks in urban areas is going to grow not only through natural increase, but also through "immigration"

For my part I am quite satisfied that economic imperatives will be the main determinant of South Africa's future

Acceptance of that fact represents the best point of departure at this stage in our history

Movement to the towns is going to take place, whether we like it or not, and however draconian the measures we take to stop it. The experience of the past 30 years shows that quite clearly

Whatever our past mistakes there is now widespread understanding that we can no longer afford to be held back by policies that serve only the narrowest of sectional interests

We cannot allow, either, the free enterprise system to be honoured more in the breach than the observance, in so vital a matter as the freedom of movement of people in South Africa — of whatever colour they happen to be

CML TMS 31/8/83 (200) (206)

Rikhoto ruling 'of wide benefit'

Labour Reporter

EMPLOYERS as well as workers stand to benefit "considerably" from the Rikhoto judgment granting migrant workers city rights after 10 years with one employer, according to a University of Cape Town economist, Mr Charles Simkins

In a paper published by the Southern Africa Labour and Development Research Unit (Saldru) this week, entitled "The Economic Implications of the Rikhoto Judgement", Mr Simkins argues that further relaxations of influx control would bring substantial economic benefits at a moderate cost

Mr Simkins estimates that at most, a "backlog" of 145 000 people — 2,4 percent of the total urban black population of 6-million outside the homelands — would be legally allowed into the cities following the judgment

These would be mostly the wives and children of the 130 000-odd migrants who would qualify for city rights, and already in the cities

Mr Simkins argues that the judgment would create a more abundant labour supply in the cities for employers, a decrease in the difficulties of recruiting workers, and a removal of the requirement that workers travel back to the homelands every year to renew their contracts

The prospect for migrant workers of gaining permanent city rights would lead to more stable employment, as well as a greater desire on the part of workers to invest in their own education

Mr Simkins says the benefits for individuals concerned include a greater job mobility, implying greater access to the more desirable jobs

Futile measures enforced at human cost

By PHILLIP VAN NIEKERK ~~206~~ 206
Labour Reporter

SOUTH Africa's deepening unemployment crisis does not often make the headlines. But whether people in the well-off areas are aware of the problem or not, the hundreds of thousands of unemployed and hungry people who they share this country with should be a major cause for concern.

Of course, the full extent of the problem is difficult to measure. It is masked, both by official statistics which have been criticized as being unrealistically low and because it is largely out of sight.

In spite of the present severe recession, city people do not see long dole queues on their way to work. The great mass of unemployed people are tucked away

of unemployment. If in fact the official figures are masking the reality of unemployment in South Africa, it would be a pointless exercise juggling with figures won't change the poverty and starvation experienced by the unemployed, their families and the people from their own community on whom the burden of supporting them has fallen.

● Cape Town's black population must, in the eyes of the government, be the most unwanted community in the country, a 120-page report on the coloured labour preference policy released by the Southern Africa Labour and Development Research Unit (Saldru) this week shows



An African labour queue

in the black townships, on rural farms or in the homelands

Still, the warning signals are visible enough. The National Manpower Commission report, released this week, reported a "marked deterioration" in unemployment for all races and expected the situation to worsen.

Major point

Figures released by the Central Statistical Services on Tuesday revealed that between May last year and May this year the numbers employed in the six major work categories — mining, construction, manufacturing, electricity, SA Transport Services and the post office — dropped by a massive 137 928.

At the same time, a major point of contention has arisen between economists who have made their own calculations of the numbers involved, and the official government statistics.

The Current Population Survey (CPS) figure for total unemployment of blacks and coloured people in April this year was 540 000, compared to various other estimates of between two to three million. Such a marked disparity is disturbing on its own.

In its report the National Manpower Commission states that there is not enough justification for questioning the accuracy of the CPS figures, as generally-accepted international standards are used to measure unemployment.

However, a University of Cape Town economist Mr Charles Simkins, claims that unemployment in South Africa was more than two million at the end of 1981 — before the recession — rising by another half-a-million by the end of this year.

The CPS figures are too low, he says, because they don't include the underemployed (all people who have worked for more than five hours in a week are counted as "employed"), the chronically unemployed who have stopped looking for work, poverty-stricken children under 15 who are looking for work and migrant workers unable to accept a job within a week. In addition, the CPS does not survey in the "independent" homelands such as the Transkei or the Ciskei, which are major areas

The very existence of blacks in the City, in fact, is a symbol of the failure of government policy.

The report, which details the history of the labour preference policy and influx control in the Western Cape, shows that virtually every township or housing area for blacks was established grudgingly, as a result of economic and other pressures.

Population pressure and economic forces "obliged" the government to establish Nyanga in 1957 and as the preference policy developed in sophistication and design, the government was forced to establish Guguletu in 1963.

Realities

The provision of further family housing in 1977 and the Crossroads deal in 1978 similarly happened in spite of attempts by the authorities to tighten up. Even Langa — opened in 1927 — came immediately after the failure by the authorities to move 3 000 blacks from the Western Cape.

Surely, one would argue, a great deal of misery and suffering would have been avoided had the government faced up to the realities of urbanization decades ago.

Yet the report quotes from the Department of Bantu Administration annual report of 1963, which notes "The shift in population of the working Bantu population and the accompanying process of urbanization are functions of economic development — a shift has taken place in the process of development with the result that an increasing proportion of the Republic's total Bantu population has settled in the urban areas".

The Saldru report comments that, on the basis of this "admirably clear understanding of the issues involved", pleas of ignorance by the authorities of the social forces at work in the process of urbanization would have to be "disallowed".

And now, in 1983, with the "Verwoerdian" Khayelitsha plan on the table, the report notes "Although their grand scheme is in tatters the government persists in enforcing futile measures at a human cost which cannot be counted".

aged them to do so? If, as appears likely, quotas are to be based on production over the past three seasons, then many maize growers will be placed in a very difficult position, with low quotas forcing them to plant far fewer hectares. Thus marginal maize production should be reduced — but at a terrible personal cost to the farmers involved. Hardly the sort of action likely to earn the government many “yes” votes on November 2. It is believed that the government’s proposal for maize quotas will involve writing off part of the debt burden of over R1 billion now carried by maize producers. How this can be done equitably is difficult to see. Some growers last season borrowed no funds whatso-

ever in growing their crop, others borrowed almost 100%.

Should the first group, probably better managers, receive no assistance, while the others, many of them marginal producers, get their debt burden eased? And why only write off debts of maize growers — lots of cattlemen, for instance, have also been pushed into serious debt by the drought. A move of this nature could start an avalanche.

Perhaps government would be wise to have second thoughts about quotas before getting on to a horse it may find difficult to unsaddle in the future. Controls have a terrible habit of begetting further controls. Prices alone should be allowed to regulate supply and demand.

INFLUX CONTROL

Sense from chairman Relly

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Any chairman of Anglo American speaks from a position of unique authority and influence. It is a source from which we have come to expect sound sense and an acute probing of our social ills. Gavin Relly, speaking to the Free Market Foundation, has met these expectations.

Relly chose as his focus one of the major distortions of SA’s free market system, imposed by government influx control. Implicit in his entire approach is the view that this grotesque regulation of the lives and labour of black people not only should, but can be rooted out.

Relly pointed out that influx control is multi-faceted. Because it inhibits the natural process of urbanisation — through the pass laws and the selective provision of housing — it weakens economic growth. We are all the poorer for it, and it isn’t even working.

For a start, it increases statutory expenditure which is inflationary. Resettlement, the burdening of the police and prisons through the enforcement of discrimination — these costs become incalculable over decades. And they sow a harvest of bitterness.

As Relly made clear, the arguments used for influx control do not stand up to economic scrutiny. One, for example, is that there is a saving on urban infrastructure through locking blacks into rural enclaves. There isn’t. “Illegal” and unattached blacks in the towns add to social problems like crime, while resettlement camps, and rural deprivation in general, breed disease and revolution.

A contributory factor to the turmoil in the Ciskei is almost certainly the dumping there of “surplus” people from the Western Cape. While Relly did not refer to this case, he noted that urbanisation is less dangerous than the creation of impoverished rural populations.

There are other costs. According to Relly, “restricting the supply of unskilled people enhances the demand for skilled labour, and therefore its price. By far the largest and cheapest increase in productivity is that which takes place when an individual moves from subsistence under-employment to industrial employment, even in the humblest of capacities.”

Relly argued: “Throughout the world, the fast-growing economies are those which have a substantial surplus rural population which can be rapidly absorbed into industry. This was the position in Japan until recently, and is at present that of countries such as South Korea, Taiwan and Brazil.

“The 5m refugees from East Germany after the Second

World War were crucial to the rapid growth of West Germany.”

He added: “Urban conditions create all kinds of opportunities for employment which rural conditions do not.” The implication is clear: the abolition of influx control would swiftly lead to the development of a healthy and expanding informal sector — sidewalk stalls, taxis that charge market rates, day-labour throughout the suburbs, and so on.

Another argument used to bolster influx control is that housing is limited, the State cannot afford it; places like Soweto are running out of land. The solution is simple — it is for “the authorities to permit informal housing — that is, a fairly high standard of squatter camp, which could be upgraded over the years.

“Such a policy would in essence legitimise the present degree of what can be called camouflaged urbanisation.”

Of course, Relly said, “the very policy of building resettlement camps, in so far as they represent an attempt to deflect the natural flow of people to another location, is tacit acceptance that urbanisation is going to take place somewhere or other.”

As it is, our major cities are surrounded by enormous concentrations of black people, living in a greater or lesser degree of legitimacy, but certainly permanently. Around Durban, for example, there are 500 000.

Since it is estimated that SA’s urban black population will grow by 17m by the end of the century, the effect of legitimisation would simply be to recognise a *de facto* reality. Pretoria is moving towards this — the edging towards freehold for blacks, the sell-off of housing stock, the partial acceptance of Rikhotso — but not quickly enough.

Relly noted that by agreeing to permit the families of at least some former migrants, who now have urban residence qualifications, to join them, government has acknowledged that “the number of blacks in urban areas is going to grow not only through natural increase, but through ‘immigration’.”

For his part, therefore, he is “quite satisfied that economic imperatives will be the main determinants of SA’s future.” The mistakes of the past are giving way to a new and broadly-based understanding of this truth.

As this awareness spreads, there will be less lip-service to the idea of free enterprise and recognition that freedom of movement is integral to sound growth. In this sphere, economic reason is at one with social justice.

Bureaucrats are frustrating permanent residence rights

By Carolyn Dempster

In the aftermath of the historic Rikhoto judgment, hundreds of hopeful black workers are still streaming to 80 Albert Street in Johannesburg to claim their permanent urban residence rights

But many are being buffeted by bureaucracy in their legitimate quest

"Matanzima doesn't want you to have these rights", "We don't trust these letters from your employer", "Come back with a photostat of these forms", "You took unpaid leave so there is no proof of continuous service" are some of reasons given for refusals by officials at the West Rand Administration Board offices

And, after the long weary wait, which ends when they are turned away from Room 117, 118 or 119, some of the workers collect at the Black Sash Advice Bureau to plead their cases again.

● Mr Mzikawangenwe Shelenbe, a cleaner at Johannesburg Hospital, seemingly did everything right On August 22

he completed 10 years in the employ of the province and applied for the Wrab forms for section 10(1)(b) workers

With a letter from Johannesburg Hospital and the forms completed he returned to Albert Street — where he was refused his rights without being given a reason

"When I protested they said I was taking chances and should not come back," he said

● Mr Sekelena Alfred Site worked at Dorbyl in Germiston from February 1971 to February 1983 when he was retrenched by the company and was left without a permit

When he applied for a work-seekers permit and/or section 10(1)(b) rights at the Germiston Labour Bureau, he was told to "go home to Pietersburg" With no work, no prospects and no permit he had no alternative but to return home to live off his family and join the ranks of the unemployed

● Mr K (his employer refuses to publish the man's full name for fear of possible victimisation) worked in Sandton for the same

employer from November 15 1972 When the employer took Mr K to apply for section 10(1)(b) rights he was told by Sandton administration board officials "without approved legal accommodation he cannot talk to us"

In another bid, the employer then went to 80 Albert Street where he was told that it was "no use" because Mr K had been employed in Johannesburg and then Sandton

At the third attempt a Johannesburg official said there was "no problem" with residence, Mr K was entitled to his rights but, because he had worked in Sandton, he should go back to the original official

And these are not isolated cases

"It's very frustrating," says Mrs Sheena Duncan, president of the Black Sash, pointing to a pile of at least 500 cases the Sash has seen in the past month

"The kind of obstruction we are seeing here shows that, if government departments and officials choose to disobey court rulings, nobody can make them

adhere to them Even if we have one or two test cases, this kind of thing will continue — and we can't take every case to court," she added

Mr John Knoetze, chairman of Wrab, vehemently denies that there is a concerted effort or desire by his board to frustrate the efforts of the black migrants to secure their rights

"I cannot deny that there are some people who deal with these cases who enforce the law very rigidly But the general policy of the State and my department is to lean over backwards to see that those who qualify in terms of the court ruling get their rights "

As things stand the situation regarding section 10(1)(b) workers is still not clear As yet the Minister of Co-operation and Development, Dr Piet Koornhof, has not stated whether people from independent homelands qualify for the rights, or whether unpaid leave, even if built into the worker's contract, constitutes a break in continuous service

206 Rikhotso judgment 7/9/83
Q.61.2060
Hansard

*17 Mrs H SUZMAN asked the Minister of Co-operation and Development

How many Black persons qualifying for rights under section 10(1)(b) of the Blacks (Urban Areas) Consolidation Act, No. 25 of 1945, have had their reference books endorsed in accordance with the Rikhotso judgment in each Administration Board area since the date mentioned in his reply to Question No 1010 on 24 June 1983 up to the latest specified date for which figures are available?

The DEPUTY MINISTER OF CO-OPERATION (Reply laid upon the Table with leave of House)

Figures for the period 14 June 1983 to 29 July 1983 are as follows —

Administration board	Number
East Rand	5 144
West Rand	2 701
Eastern Cape	532
Western Cape	477
Central Transvaal	119
Orange Vaal	49
Port Natal	9
Highveld	2
Western Transvaal	1
Drakensberg	1

For written reply

(206) Hansard
Reference books
A61.2061 7/9/83
1111 Mrs H SUZMAN asked the Minister of Co-operation and Development

SEPTEMBER 1983

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How many applications for (a) initial and (b) duplicate or replacement reference books were (i) received and (ii) granted by each Administration Board in each of the latest specified ten years for which figures are available?

The MINISTER OF CO-OPERATION AND DEVELOPMENT

Administration boards do not receive or grant applications for initial or duplicate reference books. Application is made at the office of the local Commissioner or Magistrate and the reference books are issued by the Reference Bureau of the Department of Co-operation and Development. Separate statistics are not kept of each district or of the number of applications received but the following figures are available of the number of reference books issued —

	Initial	Duplicate
1973-'74	447 707	858 305
1974-'75	406 271	834 548
1975-'76	357 495	828 312
1976-'77	260 733	768 486
1977-'78	222 565	625 088
1978-'79	217 014	606 210
1979-'80	234 215	641 261
1980-'81	302 827	578 995
1981-'82	267 121	536 382
✓ 1982-'83	336 260	605 635

X

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Songs from
170 C-Times accused

Staff Reporter 9/9/83

"FREEDOM songs" were sung by most of 170 Mbekweni township residents as they arrived in two busloads at the Paarl Magistrate's Court yesterday to face charges of constituting an illegal gathering and failing to disperse on a police officer's orders.

A uniformed policeman using a loud-hailer told the crowd to wait on the other side of the street opposite the court until their case was called.

Later, in two brief hearings, their trials were postponed to October 4 after attorneys representing them had informed the State they would need more time for consultation.

The State alleges that on September 1, in the Mbekweni black township, Paarl, the 170 failed to disperse when ordered to do so by Major Nico Slabber, alternatively that they had constituted an illegal gathering.

All have pleaded not guilty to both counts.

The accused residents were ordered by magistrates A J F Louw and N Voges to bring their identity documents to their trials next month.

Mr Louw warned the 98 appearing in his court that if they did not have identity documents they should "get one very quickly at the Administration Board — this will prevent problems for us all".

The remaining 72 appeared before Mr N Voges. Bail of R30, granted at a previous hearing for 28 people with legal residential rights, and bail of R50 for the rest of the accused, was extended.

Processing of the 170's "residential" documentation in an attempt to determine bail amounts was stopped after defence counsel and counsel for the State had finally agreed on bail of R50.

Mr G Badenhorst prosecuted Mr N M Arendse and Mr P Sonn appeared for 98 of the accused. Mr A K Cariem and Mr A P Siegers appeared for the other 72 accused.

Urban rights in theory in reality there's simply **no room** ^{but}

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Stw 9/9/83

By Jo-Anne Collinge

Housing has emerged as a solid barrier to long-term contract workers reaping the human benefits of their newly-won urban residence rights

In theory 9 000 migrants, who have since the Rikhoto judgment qualified to live permanently in South Africa's cities, may now enjoy domestic comforts and the company of their families rather than stay in single-sex hostels

But in terms of the Laws on Co-operation and Development Amendment Act passed last month, turning these paper rights into concrete reality hinges on securing accommodation that meets with official approval

The Act lists four types of accommodation that the worker must secure in the urban area if his family is to join him, any house on a site held by leasehold right in his name, any house he erects on a site legally allocated or let to him for residential use, any house legally let to him, any married quarters provided by his employer

Nine thousand migrants who have won the right to live permanently in the cities are finding their hopes of a normal family life thwarted by a formidable barrier: the desperate shortage of officially approved accommodation.

The "self-help" squatter option may satisfy the worker's desperate need for shelter. But it won't get official approval, as recent shack demolitions in the Peninsula, Soweto and the East Rand indicate

Neither is lodging — sharing another's house — an option for families entering urban areas

The national president of the Black Sash, Mrs Sheena Duncan, said yesterday that the new Act effectively put a clamp on urbanisation

"Under the conditions set down it will be almost impossible for workers to bring their families into town. Only those whose families were living in town before the Act came into force escape the new provisions"

Mrs Duncan envisaged problems in proving that families

had been resident in city areas before the enactment

Most approved housing in townships is supplied directly by the State. Although the rate of private housing provision has more than doubled in the last five years, only 918 houses were built privately throughout South Africa in 1981 for black occupation

However Mrs Duncan observed that certain large corporations had very recently become "seriously involved in providing housing for their workers". She felt that only the small number of Rikhoto-rights migrants who worked for these companies had any immediate hope of family life

The rest will be able to capitalise on their urban rights only by joining the State housing queue — which was about 168 000 families long in areas

outside the homelands when the Viljoen Committee made its estimate a year ago

Estimates of the building rate needed to wipe out South Africa's shortage of homes range from 50 000 to 60 000 a year. The sources of these figures are conservative — the Department of Community Development, Professor Jan Sadie of Stellenbosch and the Viljoen Report

Achievements have fallen far short of this mark — peaking at almost 10 000 houses for blacks nationwide in 1979/80

West Rand Administration Board officials are optimistic that housing production will soon turn sharply upward. Administrators for various townships within Wrab's area speak of a recent release of substantial Government funds for housing and see the lean years as a thing of the past

But without a dramatic upswing in the building rate, the migrant who has waited 10 or 15 years for his city rights is likely to wait almost as long again for a house in which to live them out

Whether any persons were prosecuted in 1982 under section 26 of the Development Trust and Land Act, No 18 of 1936; if so, how many in each province?

The MINISTER OF CO-OPERATION AND DEVELOPMENT

Yes.

Transvaal	—	3 100
Cape Province	—	487
Orange Free State	—	2 755
Natal	—	147

Development Trust and Land Act

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1125 Mr R. A. F. SWART asked the Minister of Co-operation and Development

~~206~~ Hanson 2095 9/9/83

S. Times
11/9/83

UIF under fire from the Black Sash

By SHAUN HARRIS

UNEMPLOYMENT Insurance Fund benefits are being used to enforce the Government's influx control policy, according to the Black Sash

The organisation also claims there are lengthy delays in payment of UIF benefits. Mrs Jilian Nicholson, Durban's Black Sash advice office supervisor, said there was "no doubt that the UIF system is being used to try and remove unwanted unemployed people from the white cities".

She said people who lost their jobs in Durban were being told to return to their "homes" in order to collect UIF benefits.

The choice

"Many people face the choice of collecting benefits in an area where they know they will not find a job, or of forfeiting their benefits and staying in the city where the chances of working, even illegally, are much greater".

But the chief director of the Port Natal Administration Board, Mr Henne du Plessis, said unemployed people who had no permanent address in the Durban area were being sent to their "homes" because the board's priority was to "find employment for people who live in Durban".

Court 'no' to WCAB appeal

C. T. M. S.
13/9/83
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Labour Reporter

THE Western Cape Administration Board (WCAB) has been refused leave to appeal against a Cape Supreme Court judgment granting city rights to a migrant worker who worked for one employer for longer than 10 years, though he had three long periods of leave during that time.

Mr Justice Pat Tebbutt dismissed with costs the application, brought by the WCAB and the Municipal Labour Officer, Langa, to appeal against an earlier judgment of his in April.

Mr Justice Tebbutt held that Mr Mdanweni Mthiya had been in continuous employment at Chick's Scrap Metals even though he was employed on yearly contracts and took three periods of leave

Rikhoto

The judge found that Mr Mthiya was entitled to Section 10 (1) (b) rights in terms of the Blacks (Urban Areas) Consolidation Act because he had proved that he had worked for one employer continuously for longer than 10 years and had lived in the City continuously for 15 years.

The Mthiya judgment was delivered a month before the Rikhoto judgment in the Bloemfontein Appeal Court which confirmed the right of migrant workers to Section 10 (1) (b) endorse-

ments in their pass books after working 10 years with one employer.

The WCAB, along with administration boards throughout the country, has since been granting city rights to migrant workers in the same position as Mr Tom Rikhoto — but has turned down those who, like Mr Mthiya, have taken leave of longer than a month.

Turned down

To date, 1 210 workers have been granted Rikhoto rights in the Western Cape while 1 418 — many of whom would be affected by the Mthiya judgment — have been turned down.

Mr L R Dison, appearing for the WCAB in applying for leave to appeal, said another court might come to a different decision.

Mr Justice Tebbutt found that "in my opinion there is no reasonable prospect of another court taking a different view, either on the facts relating to the respondent's residence, or whether or not the three lengthy periods during which the respondent was away from his period of employment constitutes an interruption of continuous residence or employment".

● Meanwhile, Mr Dison said yesterday that the WCAB would be petitioning the Appeal Court in Bloemfontein to be granted leave to appeal.

Mthiya: WCAB takes advice

Labour Reporter

14/9/83 C. Times

THE Western Cape Administration Board (WCAB) would not comment yesterday on whether they would implement the Mthiya Cape Supreme Court ruling in which a migrant worker who had taken three periods of unpaid leave was granted city rights

Dr Gert du Preez, the chief liaison officer for WCAB, said they would first have to confer with their legal advisers before deciding what action to take. An application by WCAB to be granted leave to appeal against the judgment was turned down by Mr Justice Tebbut in the Supreme Court last week.

City lawyers said yesterday the judgment was law in the Western Cape, as no appeal was pending against it, and WCAB had no option but to implement it.

In the wake of the Rikhoto Appeal Court

judgment — confirming city rights for migrants who had worked for one employer for longer than 10 years or resided in the area for 15 years — hundreds of workers otherwise qualifying have been turned down because they took unpaid leave

Black Sash

A spokesman for the Black Sash Advice Office said they would be instructing workers who had already been turned down because of unpaid leave to return to the WCAB offices and demand their rights with lawyer's letters

Mrs Sheena Duncan, the national director of the Black Sash, said yesterday that administration boards were "showing such disrespect for court judgments that they must not be surprised if people whose rights are denied show no respect for the law"

And a booklet put out

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this week by the Black Sash, entitled "You and the Rikhoto Case", claims that so many workers are still being "unlawfully" denied their Rikhoto rights by administration boards that the courts will not be able to handle all their cases

The booklet says unions, employers, churches and community groups should act to win implementation of the judgment and that Western governments which supported the Rikhoto ruling should be told that it is not being enforced

It says that by the end of August, the West Rand Administration Board was still not granting rights to workers who are citizens of "independent" homelands — despite a statement by the Minister of Co-Operation and Development, Dr Piet Koornhof, that they would do so

Many 'still denied' Rikhoto rights

By STEVEN FRIEDMAN
Labour Correspondent

SO many workers were still being "unlawfully" denied city rights in terms of the Rikhoto judgment by Administration Boards that the courts would not be able to handle all their cases, according to the Black Sash

In a booklet on the Rikhoto case, entitled "You and the Rikhoto Case", it says unions, employers, churches and community groups should act to win implementation of the judgment and that Western governments which supported the Rikhoto ruling should be told it was not being enforced

It says that by the end of August, the West Rand Administration Board was still not granting rights to workers who were citizens of "independent homelands" — despite a statement by the Minister of Co-Operation and Development, Dr Piet Koornhof, that they would do so

The Wrab has repeatedly denied attempting to obstruct the judgment

The booklet seeks to explain the implications of the judgment and answer factual queries about it

It also calls for the abolition of all influx control, arguing that this policy causes rural poverty which will lead to continued malnutrition and child deaths even after the drought ends

In the booklet, the Sash outlines a number of measures which, it alleges, Wrab is using to obstruct the granting of Rikhoto rights

It says a stipulation that employers must fill in detailed forms on workers' work records before they can be granted Rikhoto rights is an "obstruction to the law" because labour officers can obtain this information from workers' record cards at the boards

"It is amazing that a labour officer can very quickly get a record card to check it when he is going to put a stamp in a person's pass that that person is ordered to leave the area, but (he) cannot be just as quick when he is asked to check the same card for a 10(1)(b) qualification," it says

The booklet charges that, by the end of August, Wrab was still not granting

rights to citizens of "independent homelands" and was obstructing the granting of rights in other ways

It says that, while some of these cases can be referred to lawyers, "there are so many people who are being wrongly refused 10(1)(b) now that lawyers will not be able to take all these cases to the Supreme Court"

The booklet adds that, because of the backlog facing the courts, cases will take a long time to be heard

It suggests workers should inform employers and employer organisations of the situation and urge them to take action as well as taking independent worker action to win implementation of Rikhoto

It adds that churches and community groups should inform themselves on the situation and take action and that Western governments who supported the Rikhoto ruling should be told about attempts to obstruct the ruling

"What we all want is for influx control to go altogether. If the Government is not prepared to do that yet, at least it must not make influx control worse," the booklet says

400 dogs die for insult

—Mall Correspondent

KARACHI — Four hundred dogs painted with the slogan "Zia is a dog" have been shot or beaten to death in the small Pakistan town of Dadu, 225km north of Karachi

Dadu was one of the Sind provincial towns visited by General Zia ul-Haq, the country's military ruler

A martial law edict to destroy the stray "pie-dogs" went out when local dissidents of the Movement for the Restoration of Democracy struck on the idea of using the animals to demonstrate against General Zia

Reports from the town, where protesters also stoned Gen Zia's cavalcade when he did arrive, said it took the authorities a hard day's work to club and shoot the dogs. The animals were piled up and incinerated

School for scandal as porno pair refuse to go

London Bureau

LONDON — Dartington Hall, the R10 000 a year progressive school in Devon, is still struggling to emerge from the scandal of its sacked headmaster Dr Lyn Blackshaw and his wife, Beth.

It was confirmed yesterday that Dr Blackshaw, whose colourful career has included a spell in South Africa as a journalist, has refused to leave the premises

The new term is due to start on Monday but Dr Blackshaw and his wife, who were ousted after newspapers revealed that they had posed in steamy nude photographs for a pornographic magazine, are sitting tight and consulting lawyers

Black-haired Beth, 37, whose topless poses in sex magazines were splashed across national newspapers last week, said her husband had been appointed headmaster on a five-year contract and they were still negotiating with trustees about his departure.

The Blackshaws added to the discomfort of the school by holding a champagne lunch on Sunday — as parents held a protest meeting over the sexy photos scandal — in the same hotel

Unabashed Beth, who talks with pride of their open attitude to sex and nudity, and is now studying for a doctorate, says their future plans are uncertain

In the meantime, two

members of staff at expensive Dartington Hall have been appointed to the joint headship, as the school struggles to get back to its version of normality, against a background of gleeful sniping in Britain's national Press

One cartoon yesterday showed kids peeking through the keyhole of the headmaster's office and protesting "It is all very well appointing a new headmaster but what are we supposed to do for sex education?"

Dr Blackshaw is vague about his period in South Africa in the 60s when he says he worked for a short time on the Rand Daily Mail and recalls "being in trouble" with the Security Police

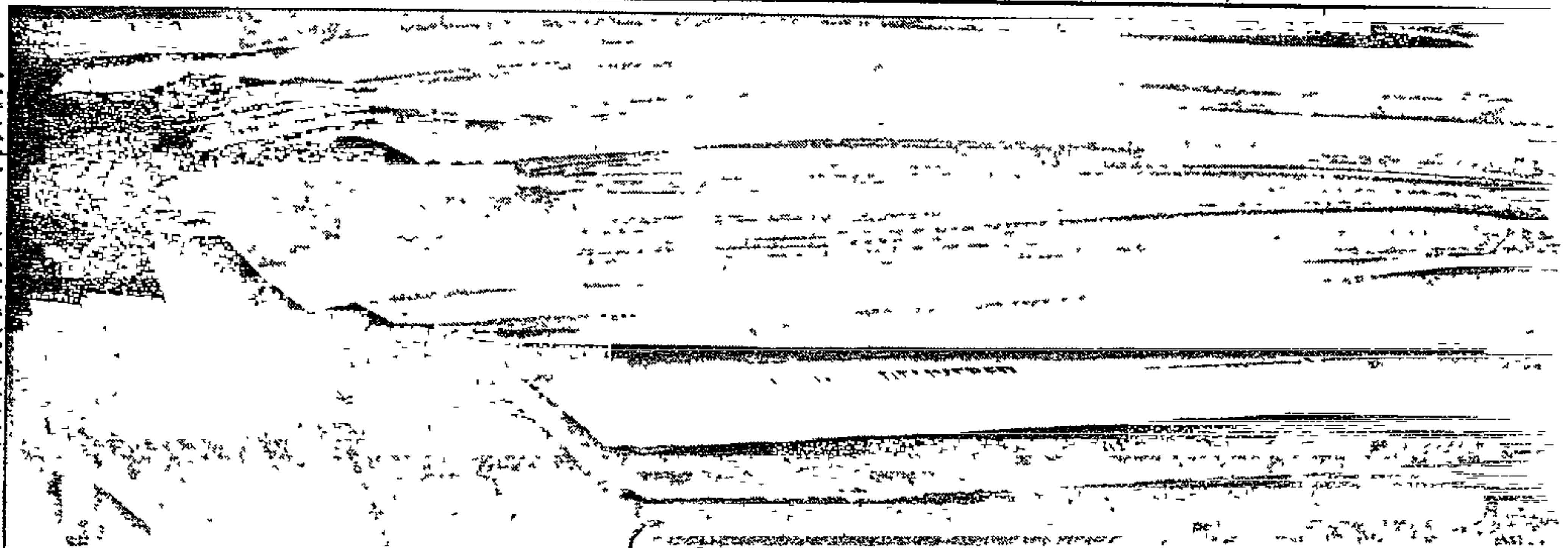


Miss Elizabeth White, a Street, Booyens, to a make way for a new fr

'Leave our ice

GEORGE — The Antarctic environment could easily be polluted or poisoned, possibly for centuries, if nuclear tests were carried out in the area or nuclear waste was dumped on the icecap

This warning was given by Prof William Benninghof, of the University of Michigan, at the International Symposium on Antarctic Biology being held near George



Rights of migrant workers blocked

~~By~~ ~~PHILLIP VAN NIEKERK~~ *C. Tuves 15/9/83*
By PHILLIP VAN NIEKERK
Labour Reporter

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THE country's highest courts have become a battleground for the rights of migrant workers — and the Administration Boards seem determined to fight every inch of the way

Last week the Cape Supreme Court refused the Western Cape Administration Board (WCAB) leave to appeal against a judgment made in April granting city rights to Mr Mdwani Mthiya

Mr Mthiya had worked for one employer for longer than 10 years and lived in the city for 15 years. However, unlike Mr Mehlolo Rikhoto, who won the landmark Bloemfontein Appeal Court case in May, Mr Mthiya had taken three lengthy periods of unpaid leave while qualifying for city rights

This becomes important when it is noted that a large number of migrants are being refused city rights by the WCAB because they took unpaid leave. In spite of criticism that they are ignoring a Supreme Court ruling, the WCAB has not yet indicated whether they will implement the judgment

Now their legal advisors have said they will petition the Appeal Court for leave to appeal, their last resort

When Dr Piet Koornhof, the Minister of Co-operation and Development, announced that the government would abide by the Rikhoto decision, there was a favourable response from employers and Western diplomats. They saw it as a sign that the government was at last facing up to the realities of urbanization and taking a more lenient approach to influx control

Since then there have been numerous claims

of bureaucratic obstruction, forcing many migrants to seek their rights in the courts. For instance, workers from the "independent" homelands are reportedly still being turned down by the West Rand Administration Board even though it is more than a month since Dr Koornhof conceded that they were eligible for those rights

And employers have been irritated at having to fill in lengthy forms on their employees' work records when the Administration Boards have complete records on every black person's registrations in the area

Even court action is no guarantee that workers will be granted their rights. After an exhaustive battle through the courts, Mr Mthiya, for example, still does not have the coveted 10 (1) (b) stamp in his passbook

Statistics best tell the story. Of the potential 145 000 workers due for Rikhoto rights, little more than 9 000 have been granted them in the more than three months since the Rikhoto Appeal Court judgment

And the value of city rights has been somewhat diluted by new legislation which bars people with city rights from bringing their families to live with them unless they are legal tenants or owners of a housing unit

In Cape Town, people cannot get onto the housing waiting list unless they are already legal families in legal lodgings — what the Black Sash has called a Catch-22 situation

● The annual conference of the Trade Union Council of South Africa (Tucsa) later this month could see the country's largest multi-racial union body facing up to some urgent soul-searching over its future direction

The SA Boilermakers Society, South Africa's largest union with a membership of 60 000-plus, has called for a

special congress of Tucsa early next year to discuss the organization's future. And there is talk that the union may opt for leaving Tucsa

Tucsa has shifted to the right in recent years — due to an influx of predominantly white unions — and seems left behind in the struggle to win credibility among black workers, the major focus of unionization in recent years

In addition, Tucsa's standing internationally as representative of South Africa's workforce has diminished considerably along with the rise of the independent union movement

According to Mr Ike van der Watt, general secretary of the Boilermakers' Society, this month's congress is "crucial" and the special congress has been proposed because they are worried about Tucsa's lack of direction

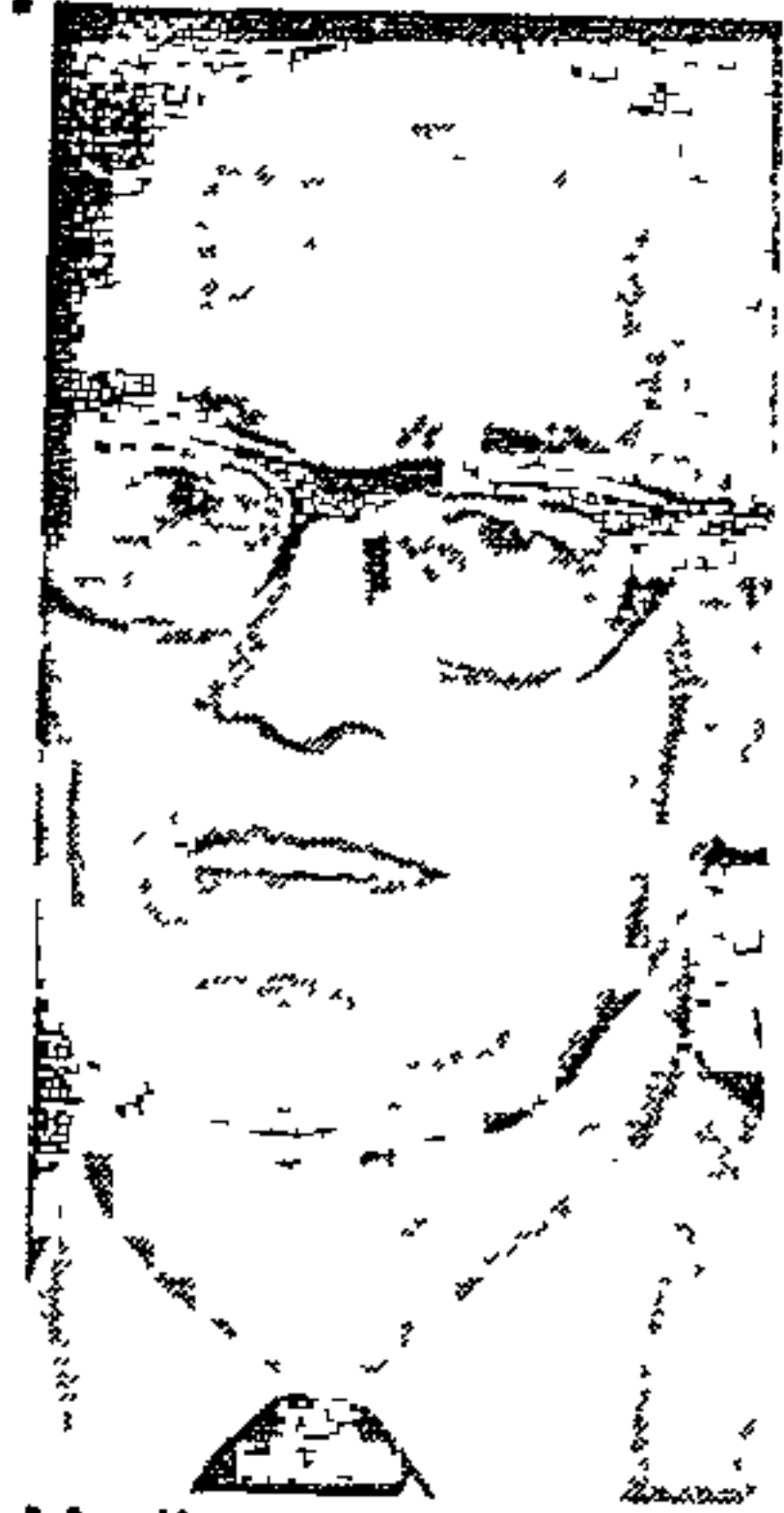
"We want to know if Tucsa has a future," he said. "It seems to have no goals beyond attacking other unions and has failed to bring all unions together under its umbrella"

● For the first time in recent history workers employed by the same company in different parts of the country went on strike together this week over the same demand

The strike was by about 1 000 members of the National Automobile and Allied Workers' Union (Naawu) at the motor components firm Autoplastic's plants in Cape Town, Pretoria and Port Elizabeth

It was hailed by Mr Joe Foster, the general secretary of the Federation of South African Trade Unions (Fosatu) and Cape Town secretary of Naawu, as a "big victory". Not only did the workers win an immediate eight-cents-an-hour increase, he said, but their combined action showed a remarkable amount of solidarity

The strikes were sparked by a manage-



Mr Ike van der Watt crucial meeting

ment refusal to consider wage increases till the beginning of next year as a result of depressed economic conditions

● As reports of retrenchments continue to flow in, Unemployment Insurance Fund (UIF) payouts have also risen sharply. Payouts for January to June last year were R52-million, compared to R87-million for the first six months of this year — a jump of 67 percent

And that's excluding all those categories of workers excluded from the UIF, such as black contract workers from the "independent" homelands, farm and domestic workers, seasonal workers and people who have been out of a job for longer than six months



trial, pictured during a recent recess. They are, from left, warders Christiaan [unclear] background, Warrant Officer Gert Smit.

Ciskei outlaws pass law book

By PATRICK LAURENCE
Political Editor

A BLACK SASH booklet on the pass laws has been banned by the Ciskei Government, along with several issues of the independent publication, Work in Progress, and scholarly analyses of contemporary issues

The Black Sash booklet is a service document, explaining in simple English how the pass laws operate and how the granting of independence to "homelands" is linked to a policy of depriving blacks deemed to be their citizens of South African nationality

Mrs Sheena Duncan, national president of the Black Sash, said yesterday "One can only assume that the Ciskei is not happy to have the loss of South African citizenship rights exposed"

The booklet says of the policy of depriving blacks of South African nationality "The trouble began when homelands began to accept independence Every single person who was a citizen of (an independent) homeland ceased to be a citizen of South Africa on the day of independence"

But, Mrs Duncan said, the ban had not curtailed demand for the booklet The initial print order of 30 000 was increased to 50 000 and then to 100 000 because of popular demand

In an article in the latest issue of the American jour-

nal, African Report, Professor John Dugard of the Centre for Applied Legal Studies, describes the policy of depriving blacks of South African nationality as the "most blatant act of race discrimination since the inception of apartheid in 1948"

But it has been largely ignored amidst all the present "heady talk" of reform, the new constitution and "movement away from discrimination", he adds

So far eight million blacks have been deprived of South African nationality and the ultimate aim of the policy of denationalisation is to create a situation where there are no black South Africans

"In many quarters it is fashionable to deny Prime Minister Botha's allegiance to the policy of denationalisation and to regard it as a hangover from the days of Verwoerd and Vorster," Prof Dugard says

"But the evidence that the present Government adheres to the philosophy is overwhelming

"Two homelands have become independent since Botha assumed office and the denationalisation of persons associated with KwaNdebele is around the corner

"The truth is that the fantasy of South Africa with no black South African nationals remains central to National Party constitutional planning"

today for ANC treason charge

The State prosecutor, Mr J J Pelsler, said in his argument that from the start to the end of the State evidence, there was a "golden thread" which proved the guilt of Mr Banda

But Mr Pelsler admitted Mr Banda had not committed any violent acts on behalf of the ANC such as injuring or killing anybody Mr Banda had been arrested while preparing for future acts

Mr D Kuny SC, for Mr Banda, said Mr Banda was not a free agent or willing when he joined and participated in the activities of the ANC after he had left the country

"He was acting on compulsion and under duress The situation he found himself in negated the intention to commit treason," Mr Kuny said

Mr Kuny argued that when Mr Banda left the country during the Soweto uprisings he had not intended to undergo military training or join the ANC And when he returned to South Africa he

proved he was defecting from the ANC by not carrying out their instructions

The judge said he would have found Mr Banda's evidence acceptable if he had been "completely open" with the court when he gave evidence

In reply Mr Kuny said Mr Banda would not have given himself up to the police when he returned to the country because he feared the ANC and on the other hand the police might not have believed him

"If the police did not believe him he was at their mercy," Mr Kuny said

Mr Kuny submitted that if the judge found Mr Banda guilty of treason, it should be on a "limited basis and time" The State had failed to prove any specific acts Mr Banda had committed

Mr Pelsler appeared for the State Mr Kuny SC, with Mr C R Mailer (instructed by Priscilla Jana) appeared for Mr Banda

Govt looks at fringe benefit report

Pretoria Bureau

THE parliamentary commission report on the taxation of fringe benefits, signed earlier this month, is now being studied by the Minister of Finance, Mr Owen Horwood

Mr Horwood said in Pretoria yesterday that the report had just reached him It would be thoroughly studied and submitted to the Cabinet with his comments

The Cabinet would then "in good time" make its decision known on the publication of the report "and on the whole matter itself", the Minister said

Two policemen cleared of assault

Pretoria Bureau

TWO policemen and a third man who allegedly assaulted a man and members of his family, were acquitted in the Pretoria Magistrate's Court yesterday on five counts of assault

Police Sergeant Johannes Stephanus Bezuidenhout and Warrant Officer Johan Sebastian Gaum, and Mr Ignatius Rautenbach of Elardus Park, pleaded not guilty before Mr H J du Toit

The State alleged that they assaulted Mr Johannes Nagel, his wife, Mrs Anna Nagel, their three minor children by slapping, punching and kicking them on July 13 last year

Mr Nagel told the court that he was called by his child after the three men had knocked at the door

On going to investigate he was told by the men he must bring up his children in a better way

They had then slapped, punched and kicked him because his children had been playing with an old motorcycle

His wife had also been hit and had fallen after his three children had been assaulted, he said

He told the court that the three men had then taken him to the police station where his head was knocked against a lift and the wall before being told by Sgt Bezuidenhout, "I am telling you to lay a charge against me"

As a Christian he did not want to lay a charge against them

Mrs Nagel told the court that she was hit on the side of her head when she went to find out why her son had been attacked by the three men Acquitting the men, the magistrate said there had been too much conflicting evidence by State witnesses

Court actions pending on Rikhoto resistance

S. Times 18/9/83 (206)

By BRIAN POTTINGER

VARIOUS court actions are pending as legal-resource bodies and community organisations battle to force certain administration boards into stricter compliance with the Rikhoto appeal judgment.

The judgment allows migrant workers who have lived and worked for a specified period to qualify for permanent urban residence rights. Dr Piet Koornhof, Minister

of Co-operation and Development, has promised that the Government will abide by the judgment, but community workers are reporting wholesale "obstructionism" by various administration boards.

Mrs Sheena Duncan of the Black Sash described some of

the methods being used by boards to thwart migrants from claiming their rights as "scandalous trickery".

The main fight between the migrants and the boards centre on the question of unpaid leave during the qualifying period and citizenship of the independent states.

Last week the Cape Supreme Court turned down an application by the Western Cape Administration Board to appeal against a decision granting city rights to a migrant worker who had taken three periods of unpaid leave in his qualifying 10 years' service.

A second major source of dissatisfaction with the application of the Rikhoto judgment appears in the West Rand Administration Board area, where migrants from the independent homelands are still being refused rights.

Mrs Duncan said the board's actions were not only a contravention of the Rikhoto judgment but also of the assurance given by Dr Koornhof that migrant workers from the independent states could also qualify for the rights.

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Prof blames influx laws for poverty

Mercury Reporter

INFLUX control was a major cause of rural poverty as it chained the young, the old and the female to areas that were unable to support them

This was said by Prof Jill Natrass of the University of Natal in her inaugural address as head of the Development Studies Unit last night

Migration to the cities removed the productive labour from the rural areas without relieving the population pressure on the land, she said

In 1981 an estimated 74 000 people crossed daily from the black States to work in the white controlled areas. A further 1 500 000 were absent from their homes for longer periods working as migrant labourers

'To make matters worse, because migrant workers who do not find work cannot remain in the towns, unemployment backs up in the rural areas, further burdening those overstressed regions'

Mercury
Developed 22/9/83

Another factor aggravating rural poverty was the racial bias of State spending in such things as education and health care. Total government expenditure in KwaZulu in 1980 was R113 per person, compared with R586 in the Republic of South Africa

South Africa was the 83rd most developed country in the world, between Chile at 82 and Romania at 84. This was according to the 1983 World Bank ranking, calculated on the average annual income per person

But in terms of non-economic indicators of development such as life expectancy and child and infant mortality rates, SA ranked with countries such as Uganda, Zaire and Mozambique, countries usually regarded as very much less developed

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INFLUX CONTROL Board's petition

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In a rare move, the Western Cape Administration Board (WCAB) is to petition the Appeal Court in Bloemfontein for leave to appeal against the Cape Town Supreme Court judgment which awarded Section 10(1)(b) urban residence rights to Mdandweni Mthiya, a Transkei migrant worker.

Last week the Supreme Court refused the WCAB leave to appeal against Mr Justice Pat Tebbut's judgment in April this year, ruling that Mthiya was entitled to perma-

nent urban residential rights. Judge Tebbut ruled in his favour, even though Mthiya had interrupted his 10 years' service with Chicks Scrap Metals by taking three extended periods of unpaid leave.

If Judge Tebbut's judgment is upheld, either by Appeal Court concurrence or by its refusal to entertain WCAB's appeal, an important precedent will have been established in the interpretation of the relevant section of Blacks (Urban Areas) Consolidation Act. In a number of ways the Mthiya judgment is more far-reaching than the landmark Appellate Division finding on Rikhoto, particularly because it would broaden the scope for potential 10(1)(b) qualification (Tom Rikhoto, unlike Mthiya, took mandatory leave between contracts. In Mthiya's case there were three lengthy breaks from work, one of eight months).

In his judgment, Mr Justice Tebbut said the wording of the Act did not support the contention that an employment contract is broken by the annual call-in requirement. "If that were so," he found, "it would render

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Fm 23/9/83

the exemption (from the 72-hour curfew requirement) nugatory and meaningless and could not have been within the contemplation of the legislature."

Meanwhile, thousands of applicants whose cases do not run exactly parallel to the Rikhoto ruling are frustrated by WCAB's refusal to give effect to Judge Tebbut's finding. For obvious reasons, Mthiya is one of them. Other boards are following the WCAB line. It is estimated that of a potential 145 000 migrant workers eligible for urban residential rights, only 9 000 have so far benefited from the Rikhoto judgment because boards do not agree with Judge Tebbut's reading of the Act and the meaning of the term "continuous lawful residence."

In his judgment, Judge Tebbut said that employment should be regarded as continuous, even if a migrant's absence from the workplace was for an extended period — which would depend on arrangements between workers and employers. "But if he and his employer have a common and continuing intention that when he does absent himself in this way he nonetheless remains in his employment and will return thereto after his break, I cannot see how it can be said that, in such circumstances, he does not work continuously for his one employer."

100M 24/9/83
**Mozambican gets R72,000
after police shooting**

~~206~~ Court Reporter 206

AN ILLEGAL immigrant from Mozambique was awarded R72 000 damages in the Rand Supreme Court yesterday following a shooting incident early last year which has left him "100% physically handicapped"

However, Mr Joseph Khoza, 24, now faces arrest and possible deportation

He became a paraplegic on February 22 last year, when he was shot in the back by an unknown policeman

The Minister of Law and Order admitted in papers that a policeman had shot and injured Mr Khoza. He claimed Mr Khoza had fired at a policeman who had retaliated in self-defence.

He alternatively said the policeman was entitled to shoot at Mr Khoza to stop him escaping arrest.

Mr Khoza was charged with attempted murder and the illegal possession of a firearm, but charges were later withdrawn because of insufficient evidence.

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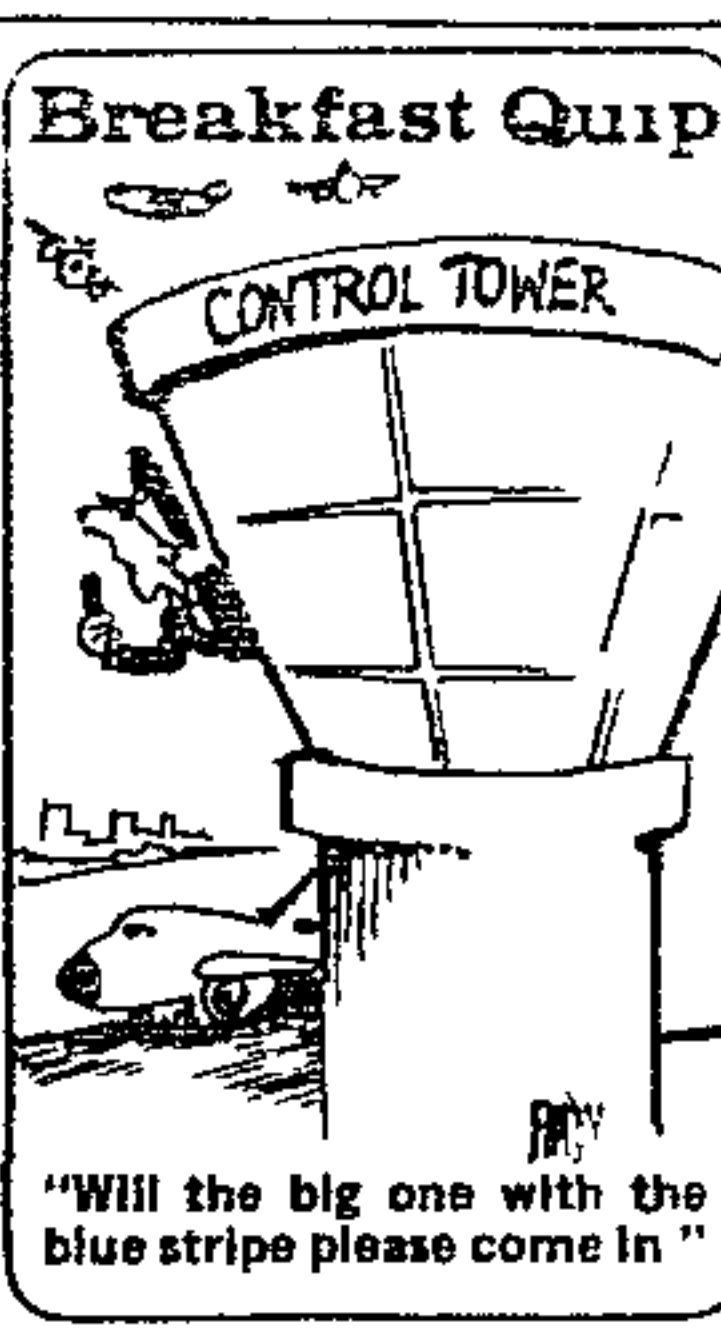
Kate Haremse immedi-
ately despatched an ambu-
lance to the house and then
slowly told Mr Maboi
what to do to revive his
child

"Blow four times pull her
head back to clear the air
pipe" Mrs Haremse slowly
told the desperate man

Mr Maboi listened to other
instructions on the tele-
phone and did as he was
told

By the time ambulancemen
arrived at the house the
girl had already recovered
slightly

They took Elsie to the Barag-
wanath Hospital where
her condition was later re-
ported as satisfactory



Mozambican gets R72,000 after police shooting

Cour Reporter 206
AN ILLEGAL immigrant from Mozambique was awarded R72 000 damages in the Rand Supreme Court yesterday following a shooting incident early last year which has left him "100% physically handicapped"

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ig — Hope plans to be space comic

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"Bob Hope's Salute to Nasa 25 Years of Reaching for the Stars" They were Neil Armstrong, first man on the moon, Sally Ride, first American woman in space, Bob Crippen, two-time shuttle pilot, Alan Shepard, first American in space, and Guy Bluford, America's first black astronaut

Hope, who comes up with fresh themes for his shows time and again, has long been associated with America's space programme, including a 1969 show from Nasa for the Apollo 7 flight, with astronauts Wally Schirra, Walt Cunningham and Donn

Eisele

He recounts the day at Nasa in the weightlessness capsule simulator when he maintained his balance by using his ever-present golf club as a prop

"It inspired Alan Shepard to take a collapsible six-iron on his next flight," Hope said "He became the first man in history to swing a golf club on the moon I think he made a crater in one"

Talking about his new show, he said "In addition to the five astronauts, we'll have footage of 30 of the 57 astronauts who have

been in orbit We also show film of the eight female astronauts in training They are put through some tough stuff"

"We also have a lot of fun with astronauts demonstrating some of the weird stuff that is done in the weightless atmosphere of space capsules"

The comedian, dispatching a chocolate sundae at his San Fernando Valley home, said he was saddened by the low-ranking comedy shows these days on American television — UPI

THE National T... African Stud... launched a per... uses country... the new coun... In a statement... the Nusas... Ms Kate Philip... gation refer... It excluded the...

Justice H H Moll
They have pleaded not guilty before Mr
The witness, who was being cross-exam-
ined by defence counsel, Mr David Soggo,
told the court Mr Moll visited him at his
house last October and said he had come to
fetch him
"When I asked him why," he said he had
come to recruit me and undergo training in
Angola and Mozambique so we could fight
against whites, because we were having hard-
ships in the country," he said
The witness said he had replied he could

A WITNESS told the Pretoria Supreme Court
yesterday one of the two men charged with
high treason had attempted to recruit him to
undergo military training outside South
Africa so he could return and fight against
whites.
The witness, who may not be identified,
was testifying against Mr Alpheus Zacharia
Molots, 28, and Mr Jacob Molefe, 23, who are
facing charges of high treason, participating
in terrorist activities and attempted murder.
The court proceedings were open to the

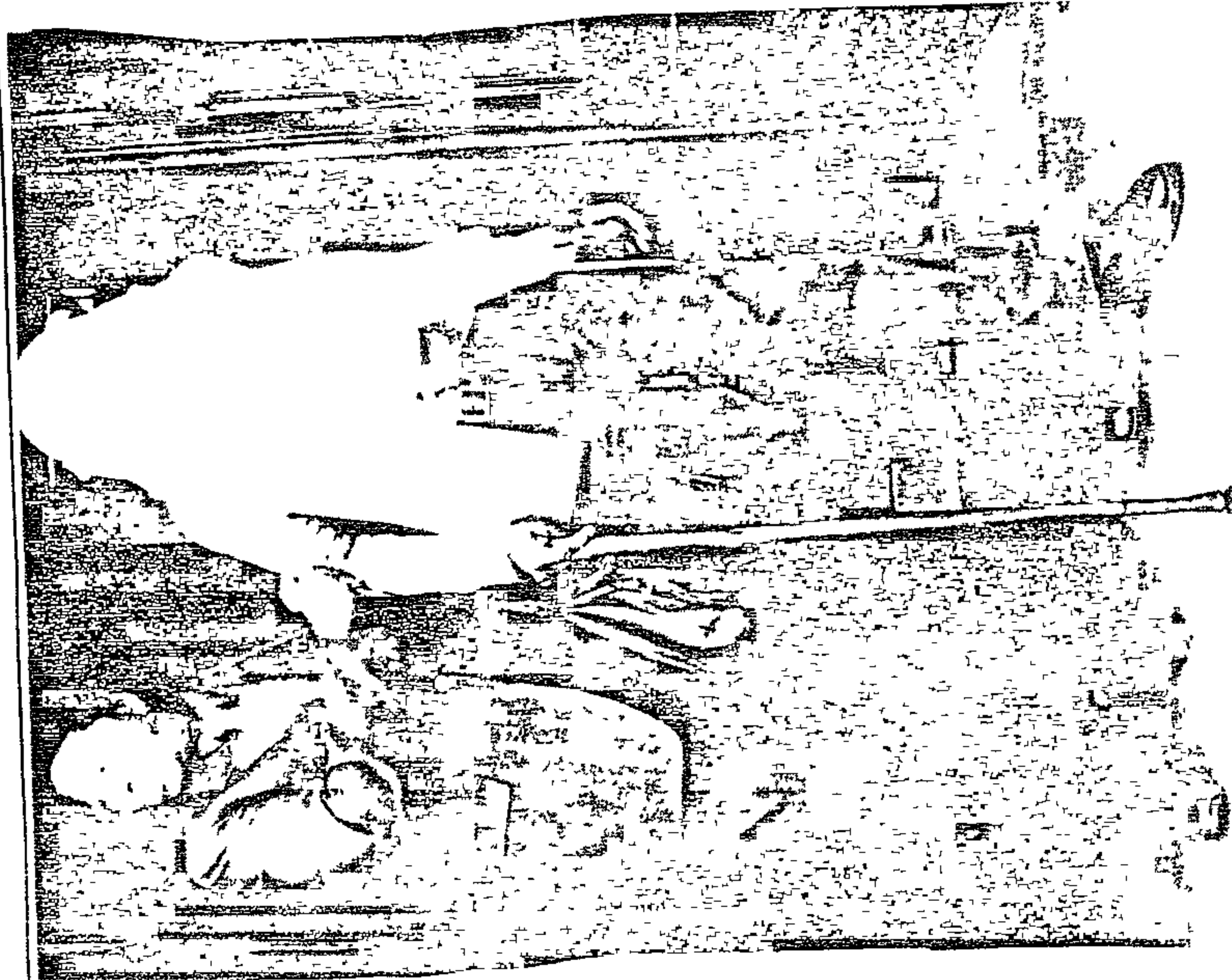
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Accused tried to recruit me, treason trial told

CLEVELAND — Michael
"Dynamite" Dokes was a 5-1
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An illegal immigrant, Joseph Khoza, leaves the Johannesburg Magistrate's Court with his face covered. With him is interpreter Mr Barney Gwagwa
Picture PAUL VELASCO

Police shooting victim to be deported

By MIKE LOUW

A MOZAMBICAN citizen awarded R72 000 by a Rand Supreme Court judge on Friday was yesterday convicted in the Johannesburg Magistrate's Court of being an illegal immigrant.

Joseph Khoza, 24, who according to the charge sheet has no fixed abode, appeared before Mr L S du Toit on a charge of being in the coun-

try illegally.

The State alleged he entered the country during 1974 without a passport or permission.

He pleaded guilty and was sentenced to four months suspended for five years.

Police say he will be held in custody pending his deportation.

His attorney, Mr R Mendelow, told the court in mitiga-

tion that his client entered the country when he was 16. He said Khoza was a farm labourer and was severely injured when he was shot by a policeman. He said Khoza was receiving medical treatment which was unlikely to be available in Mozambique.

Khoza, who walks with difficulty using a walking stick, covered his face with a shirt as he left the court.

Khoza was awarded R72 000 by Mr Justice G Coetsee in the Rand Supreme Court on Friday as compensation for being disabled in the shooting incident.

The judge was told Khoza was shot in the back when police found him during a raid at premises in Comrades, sioner Street, Johannesburg, on February 22 last year.

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Roadblocks, tollgates asked for influx control

From TOS WENTZEL
Political Correspondent

GEORGE. — Roadblocks, tollgates and passport control were among the stricter black influx controls for the Western Cape demanded by delegates at the Cape Nationalist congress in George.

10,000 homes on way for whites

Political Correspondent
GEORGE — Ten thousand dwelling units for whites are to be provided in the first phase of a new State housing initiative, Minister of Community Development Mr Pen Kotze has told the Cape Nationalist congress here.

Elaborating on the new housing plan announced by Prime Minister Mr P W Botha when he opened the congress on Monday, Mr Kotze said that in the current and coming financial years R200-million was being provided for 7 000 dwelling units.

Three thousand units, which had already been passed by the National Housing Commission, would be started immediately. Utility-housing companies would receive funds to erect 1 200 units.

BLOCKS OF FLATS

The balance of 2 800 units would be blocks of flats for elderly people bought on a selective basis. In addition to these projects, 3 000 units were already being built.

In the second phase 5 000 units would be provided. Mr Kotze said this was the biggest effort the Government had ever made in the provision of housing for whites and, by 1986, the backlog in white housing would be greatly relieved.

(News by T Wentzel, 122 St George's Street, Cape Town)

There were also suggestions for more positive measures such as the creation of more work opportunities in the Transkei and Ciskei to draw blacks back to the homelands. Dr George Morrison, the Deputy Minister of the Department of Co-operation and Development, said this was a delicate matter that should be handled with great care as a lot was at stake.

He said strict measures were already being taken as was shown by the fact that from October 1982 to the end of January 13 000 blacks were convicted for being in the Western Cape illegally.

Government's duty

It was the Government's duty to maintain the Western Cape as a labour preference area for coloured people. Black men were being allowed into the area only on a supplementary basis.

He said the Crossroads squatter camp was not being regarded as a permanent feature. The "legal" blacks who lived there would be resettled in the new township of Khayelutsha.

They would be spread among the rest of the community there to deal with the "pro-vocative spirit" that existed at Crossroads. He suggested that protests at Crossroads were timed to coincide with occasions such as the opening of Parliament, when it rained and "freedom day" — June 16.

He said illegal squatter huts would not be tolerated anywhere in the Cape Peninsula, where it had to be realised that there was a lot of shelter for "illegals" in the bush. There was no instant solution for the problem.

(News by TOS Wentzel, 122 St George's Street, Cape Town)

Police stop march to WCAB offices

Staff Reporter

ABOUT 150 women from New Crossroads who yesterday morning marched to the Nyanga offices of the West Cape Administration Board (WCAB) were dispersed by police after they had been told the WCAB official they had asked to speak to was not there

The women, who were protesting against a rent increase which is due to come into effect next month, later went to the city offices of the Chief Commissioner of Co-operation and Development, Mr Timo Bezuidenhoud

Mr Bezuidenhoud confirmed that they had expressed unhappiness over higher rents (due to go up from R35 per month to R41) and high water bills.

A police liaison officer, Captain Gerhard van Rooyen, said about 150 women had gathered around the WCAB offices. Police, who were in the area "as they always are", had observed the group and had asked them to disperse, he said

Permit deadline at Crossroads

By MARTINE BARKER
CROSSROADS residents began queuing outside the Nyanga offices of the Western Cape Administration Board (WCAB) at 2am yesterday in an effort to beat today's deadline to have their pass books stamped with temporary permits allowing them to remain in the Peninsula until a committee of inquiry has assessed their right to be here.

This was explained to the Cape Times yesterday by the Chief Commissioner for Co-operation and Development Mr Timo Bezuidenhoud, after Crossroads residents interviewed had said they had no idea why they had been instructed to report to the WCAB offices by September 30.

Residents, angered by an announcement earlier this week that Crossroads was to be destroyed and its inhabitants moved to Khayelitsha, said they did not trust what was happening.

Last month they were told to report to the board's Langa offices but last week people

queuing there were told to report to Nyanga. Yesterday some residents said they feared the change of venue was a "tactic" to divide them before moving them.

They also expressed fears that the people were being processed very slowly so as to force some of them to miss the deadline.

Residential rights

Mr Bezuidenhoud who estimated there were about 1 200 people outside the WCAB offices yesterday, said he had now appointed a committee of inquiry to assess the residential rights of the people who were not named on the list of Crossroads residents made in 1979.

This committee (which was promised to the residents by Dr Piet Koornhof in 1979) was due to begin work "soon", he said.

He declined to name the members of the committee "yet", adding that he was "waiting for something" from his head office before getting in contact with "the parties concerned" and inviting them to supply

affidavits from those who claimed they had been residents of Crossroads "on 31 December 1978".

● Residents said yesterday that they were not prepared to be moved to Khayelitsha "under any circumstances". They demanded the rest of the development of New Crossroads promised to them by Dr Koornhof in 1979.

The chairwoman of the Residents' Committee, Mrs Regina Ntongana, said the community demanded of Dr Koornhof that he carry out the promise he had made to them in 1979. The residents were not prepared to be split up, they had been promised homes at New Crossroads and would not settle for others, she said.

The "mayor" of Crossroads, Mr Jackson Ngxobongwana, called on Dr Koornhof to meet his promises, saying peaceful consultation and negotiation were needed. People could not simply be thrown "like bits of paper into a wastebin".

Controls 'forced on Natal farmers'

Pietermaritzburg Bureau

THE Government seemed determined to force an unwanted system of labour control on Natal farmers, according to the president of the Natal Agricultural Union, Mr Donald Sinclair. In a front-page article in the latest issue of Naunlu, the union's mouthpiece, Mr Sinclair slams the authorities for their 'cavalier treatment' of the NAU in ignoring its unanimous call in 1982 for the abolition of administration

boards in the rural areas of Natal

The Department of Co-Operation and Development, which controlled the boards, was 'perhaps the most misnamed department in the Government service since there seems to be little co-operation and less development,' he said

In an interview later, Mr Sinclair said the article arose out of his presidential address at the recent NAU congress

However, shortly before making the speech he had received a letter from the Deputy Minister, Dr G de V Morrison, saying he believed in the administration board system but was prepared to meet a delegation from the NAU to discuss the issue

'The feeling among our members is that boards contribute little to labour relationships and in fact cost farmers money,' Mr Sinclair said

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Self-help shelter offer for Crossroads



Mr Bezuidenhoud

Staff Reporter

AN offer of temporary self-help shelter for the people of Crossroads has been made by the Urban Foundation's Western Cape regional board to the Chief Commissioner for Co-operation and Development, Mr Timo Bezuidenhoud.

This was disclosed yesterday by the foundation's regional director, Mr C S Appleton. He said the foundation would also seek an interview with Dr Piet Koornhof, Minister of Co-operation and Development, to clarify a speech made by his Deputy Minister, Dr G Morrison, at the Cape National Party congress last week, referring to the relocation of the people of Old Crossroads to Khayelitsha.

In a statement at the weekend, the foundation recalled that in 1979 it had acted as an intermediary between the Crossroads committees and Dr Koornhof.

On April 5, 1979, the minister had announced a scheme for the proper housing of all residents of Crossroads, subject to certain criteria, "with a view to better mutual understanding, and securing the maximum of trust and co-operation".

In its statement the foundation said: "The foundation fears that parts of the speech at last week's congress, as reported, run the risk of destroying what remains of the spirit of mutual understanding, trust and co-operation. "The foundation is not oblivious to problems which have arisen, but feels sure that nobody would wish to see innocent people suffer as a result."

The statement added that the foundation had for some time been offering to organize and finance a self-help scheme for providing temporary shelter for the people living in the open.

"This is what humanity requires right now, whatever the ultimate political solutions to be negotiated with the community," it said. (Report by Clare Stern, 77 Burg St, Cape Town)

Crossroads vote to resist move

Staff Reporter

Mitchells Plain

IN AN angry response to the government's vow to destroy Crossroads, the residents of the shanty town yesterday voted to resist being moved to Khayelitsha, the resettlement township being built east of

Several thousand residents attended a meeting to discuss a statement by Dr George Morrison, Deputy Minister of Co-operation and Development, that the residents of Crossroads would be dispersed in

Khayelitsha

Dr Morrison told the Cape National Party congress last week that Crossroads was a "symbol of provocation and blackmail of the government and we want to destroy that symbolism at all costs"

A statement issued by the Crossroads committee after yesterday's meeting said the residents were not prepared to be moved

"We say that Dr Morrison can come and kill us and take our dead bodies to Khayelitsha — because that's the only way we'll go there," the committee said

The residents of Crossroads called on Dr Piet Koornhof, Minister of Co-operation and Development, to honour his promises — made in 1978 and 1979 — and go ahead with the construction of New Crossroads phases two and three

Earlier this year, the government said the promised development of New Crossroads phases two and three had been scrapped

The committee said Dr Morrison must "first destroy the people" before he could destroy Crossroads. They warned that the Cape Town Community Council were "burning their fingers" by supporting the "cruelty" of Dr Morrison

Housing problem

"Dr Morrison can move his councillors to Khayelitsha and we would like to see his house there as well. He cannot solve the housing problem in the Western Cape by dumping us in Khayelitsha

"We think he is trying to use hatred to win votes in the November 2 referendum"

The committee's statement said the black people of the Western Cape did not belong to Dr Morrison, they belonged to God, who had not made a mistake by putting black people on the earth

(Report by P van Niekerk, 77 Burg Street, Cape Town)

Baton charge: 60

Argus Correspondent

ARGUS

5/10/83

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JOHANNESBURG — A baton charge on about 60 East Rand squatters was followed today by a court appearance of the squatters, and charges and counter charges being laid by East Rand Administration Board officials, journalists and a clergyman

Two men were injured, one seriously, after the baton charge and other violence at the Katlehong squatter site yesterday afternoon

The Rev Cecil Begbie, of the Witwatersrand Council of Churches, was among those injured

Mr Montshiwa Moroke, 27, a Rand Daily Mail reporter, and Mr Edward Maffa, 50, a Star driver, were injured when reporters were chased from the scene and later detained for questioning

A Natalspruit Hospital spokesman said Mr Moroke had two fractures of the right arm, a cut to the head and severe bruising all over his body Mr Maffa was not admitted to hospital but said he had been cut above the eye after he was butted

Charges of attempted murder

East Rand police said today charges of attempted murder had been laid against Star staff by board officials

The editor of the Star said today charges would probably be lodged against at least one black and one white board official

"Sworn affidavits are now being taken so that we may act on behalf of our staff It is obvious, however, that the issue is far more grave than the physical injury of one or two individual observers at the scene"

A spokesman for police headquarters in Pretoria said several complaints by board officials, a clergyman and journalists were being investigated

Mr Abel Mabelane, a Star reporter, said he, Mr Maffa, and a photographer, Mr Jacob Rykliff, were at the scene after the squatters were given an ultimatum to move

About 2 20pm board officials armed with sticks arrived in vans Mr Rykliff took photographs of people being beaten

They were told to get away

Mr Mabelane said he and his colleagues were attacked and tried to get away in their car They stopped when a police car drew alongside They were taken to the Katlehong Police Station at 3pm and held until 7pm.

Butted in the face

Mr Maffa said he was butted in the face

Mr Rykliff said he had been hit on the chest repeatedly and both pairs of glasses he had with him were broken

A spokesman for the Rand Daily Mail said the car in which Mr Moroke had been travelling was damaged severely All but one of the windows were broken

Mr Begbie said he was hit on the neck and body and had laid charges of assault "I am also planning to lay claims for damages against the board," he said



The scene at the Katlehong squatter site yesterday charged 60 "illegal" squatters. Charges and counter charges followed the baton charge.

Charge: 60 in court

10/83 (343) (370) (379) (386)



The scene at the Katlehong squatter site yesterday where East Rand Administration Board officials baton-charged 60 "illegal" squatters. Charges and counter-charges by board officials, journalists and a clergyman followed the baton charge and subsequent violence.

Six die as bus

SQUATTERS

ARCS 6/10/83

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The violent round-up

Argus Johannesburg Correspondent

THE violence that erupted on Tuesday at the Katlehong squatter camp has been simmering for almost two months, with the threat of deportation constantly levelled at the homeless

The 90 people encamped at the East Rand Administration Board training centre were made homeless in mid-August when officials demolished their shacks

Erab's deputy director, Mr JH Opperman, then explained the squatters had been overloading the township's services since they had moved in three years ago and they could not be allowed to stay.

He made it clear that the squatter action was an influx control measure rather than one of health and housing, say-

ing only the shacks of illegal urban residents had been torn down

Reef church and community organisations — including the local branch of the Transvaal Indian Congress and the East Rand People's Organisation — had rallied to aid the families who had taken shelter in cardboard boxes in a coalyard in the Motloutloung section

The Witwatersrand Council of Churches pitched 10 tents as temporary shelter and immediately sought talks with Erab.

Two weeks after the eviction the chief director of Erab, Mr RE Marx, acceded to a meeting with the WCC. The outcome was an agreement to move the tents and their occupants to a

training centre owned by the board, where toilet and water facilities would be available

Mr Opperman said families would be accommodated there until their documents had been examined and it was established which of the families were legally in the area. "We will try to accommodate them and then help the illegal families to go back to the homelands"

Just a week later it was announced that all but seven men were to be sent to various homelands

The squatters stated emphatically that the option of returning to family in the homelands did not exist for them. Many said they had worked

years on the Reef and had no rural links.

"What do they expect us to live on in these drought stricken areas? Here we at least have something to live on," said one of the group who resolved to defy the order.

Mr Vincent Francis, speaking for the Squatters' Support Committee, an ad hoc grouping of the organisations aiding the families, said "as peace and freedom-loving South Africans it is our duty to resist evil (influx) laws".

The D-day for deportation was first set at September 9. But it was repeatedly rescheduled.

On September 16 Erab police raided the camp at dawn. A

woman later laid a charge of assault against the Erab workers. Residents claimed they had been prevented from leaving the camp on the day of the raid and had missed work. Pressmen found Erab guards barring the entry to the camp

In the next few days three or four individuals were warned to leave the area within 72 hours.

There were repeated ultimatums to various families to leave. On September 26 Mr GJ Snyman of Erab informed the squatters they had a day in which to avail themselves of the offer of transport to the homelands.

The defiant squatters were issued with just one more warning before the authorities' violent round-up on Tuesday

Squatters in court after baton charge

CAPL Times 6/10/83

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JOHANNESBURG. — An East Rand Administration Board baton charge on about 60 East Rand squatters on Tuesday was followed yesterday by court appearances by the squatters

Two men were injured, one seriously, when Erab officials attacked squatters, journalists and a clergyman at the Katlehong squatter site on Tuesday

Most of the squatters appeared in the Germiston Commissioner's Court yesterday charged with being in a pre-

scribed area for more than 72 hours. They were not asked to plead and the trial was postponed to November 9. They were all released and warned to appear. Rand Daily Mail journalists and South African Associated Newspapers have laid charges against Erab officials

Reporter Mr Montshiwa Moroke, who is still in Natal spruit Hospital, has laid charges of assault with intent to do serious bodily harm, and of wrongful arrest

Mail photographer Mr Tladi Khuele has filed charges of assault and of wrongful arrest

Saan has laid a charge of malicious damage to property after the windows of the car in which Mr Moroke and Mr Khuele were travelling were smashed

Erab officials have laid two charges of attempted murder against Johannesburg journalists

A police spokesman said that detectives were investigating complaints made by the Chief Inspector of Erab, Mr G J Snyman, who alleged that journalists from the Star newspaper had made an attempt on his life

Erab has agreed to give the Katlehong squatter families temporary accommodation and documents until their court case is over

This was agreed at a meeting yesterday between the chief director of Erab, Mr F E Marx, a

senior official, Mr Jan Opperman, the Suffragan Bishop of Johannesburg East, the Rt Rev Simeon Nkoane, and the Rev Cecil Begbie, vice-chairman of the Witwatersrand Council of Churches

They also agreed to permit families in Katlehong to have tents pitched up in their backyards to accommodate one family at a time

The Minister of Co-operation and Development, Dr Piet Koornhof, said yesterday at his weekly news conference in Pretoria that allegations of hard-handedness by some staff members of the Erab were being investigated — Own Correspondent and Sapa

Squatters given only 72 hours

Cape Times 6/16/83

By MARTINE BARKER

ALMOST all the Crossroads residents who responded to a call to report to the Western Cape Administration Board offices so that they might be "indemnified against arrest" received permission to be in the area for only 72 hours, residents of the camp said yesterday.

This was despite an explanation given to the Cape Times last week by the Chief Commissioner for Co-operation and Development, Mr Timo Bezuidenhoud, that the people were being granted permission to stay in the area until their status had been clarified by a committee of inquiry.

Only people whose names were submitted as residents after the official census was taken in 1979 had been asked

to report to the board offices, he said.

The committee, whose members Mr Bezuidenhoud has not yet announced, would decide the status of each claimant by examining affidavits from them.

While none of them has yet been instructed to submit an affidavit the three-day endorsement means that almost all these Crossroads residents are again without a formalized right to be in the area.

Residents said yesterday the last permits issued to people awaiting the long-promised committee's decision expired in September last year. They could not understand why, a year later, people had been told to report to the WCAB — and then been given only three-day stamps.

One person who spoke

to the Cape Times at Crossroads yesterday said he had heard of "three or maybe four people" who had been given permission to be in the Peninsula for periods of two weeks and one month.

All the others had been given three days — and most of them were people with WCAB lodger cards which proved their right to be in the area, he said.

The deadline for residents to report to the board to have their books stamped expired on Friday.

A spokesman for the Athlone Advice Office said that Crossroads residents with three-day endorsements had approached the office for assistance and advice.

Mr Bezuidenhoud was not available for comment yesterday.

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'Silent' change to Urban Areas Act

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S. Post 7/10/13

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Post Reporter

A NEW sub-section to Section 10 of the Urban Areas Act which removes the rights of thousands of families to live together was promulgated recently, virtually without publicity

In essence the legislation prevents families of migrant workers, not yet living in the prescribed area, from joining their husbands or fathers in the urban area

A statement issued today by Mrs Sheena Duncan, National President of the Black Sash, said that the "Laws on Co-operation and Development Amendment Act" was promulgated on August 26

This Act contained a clause adding a new sub-section to Section 10 of the Urban Areas Act determining the right of a contract worker to live in an urban area

The effect of the new sub-section is that a wife, unmarried daughter, or son who is still under 18 years of age of a black person who has a Section 10 (1) B qualification will have no legal right to remain in the prescribed area unless they can prove that

- They were already residing in a black township in the prescribed area before August 26 and that they were residing with the 10 (1) B husband or parents before that date

- The husband or parent must have completed the full 10 year or 15 year period required by Section 10(1) B before August 26 This section requires a contract worker to have worked for the same employer for at least 10 years in the urban area or for various employers for an unbroken 15 years

Any dependents who could not prove that they were living with a husband or parent with Section 10 (1) B rights before August 26 or who came to the urban area after that date would have no rights in terms of Section 10(1) C unless the father or husband had a house of his own

"This is a major deprivation of rights and once again removes the rights of thousands of families to live together It is obviously the Government's response to the Rikhotso judgement, but it applies to the families of all Section 10 (1) B people," the statement said

Mrs Duncan said because of the limited amount of vacant land in urban black townships, Section 10 (1) B people who did not already have a house had a small chance of getting one unless their employers became actively involved in negotiating with the Administration Boards for sites to be made available

"This amendment is disastrous and must be seen as part of the process of excluding black South Africans from political and economic participation in their own country It is part of the mechanism which seeks to lock them into the homelands, to confine them there and to erect walls around so-called 'white' South Africa to exclude them permanently," she said

3-day notice for 4 000 squatters

By MARTINE BARKER
Staff Reporter

ABOUT 4 000 Crossroads residents who responded to an "invitation" from the Western Cape Administration Board (WCAB) to see if their names were on official lists of people claiming the right to live in the Peninsula came away from the board's offices last week with stamps giving them 72 hours to get out of the area

Yesterday Mr Timo Bezuidenhoud, Chief Commissioner for Co-operation and Development, said claims from numerous Crossroads residents that they had received the 72-hour endorsement in spite of being in the area legally and having their names

on the lists were "difficult to believe"

Last week he told the Cape Times that residents were being given stamps allowing them to be in the area until a committee of inquiry had met to assess their claims to be here. The names of only "30 to 40" of the 4 000 who went to the WCAB offices had corresponded with those on the lists, he said

Notices

The residents received notices at the end of August telling them that people who "are of the opinion or allege" that their names appeared on the lists would "be indemnified against arrest provided they have their identification documents endorsed at the Administration Board offices in Langa on or before 30 September 1983"

Mr Bezuidenhoud said he had extended the deadline for Crossroads residents to have their passes stamped to October 14 because the Transkei Consul was having difficulty making travel arrangements for so many people

Mr G Lawrence, director of labour and housing for the WCAB, said yesterday that it was

"not true" that people were told to come to the offices to have their pass books stamped. Those who were "in doubt" had merely been "invited" to come to the offices to look at the lists to check if their names were included

Thousands

Asked why in that case thousands of people had had their pass books endorsed with 72-hour stamps he said "We are required by law to give a 72-hour stamp to a person who announces his presence to us"

He added that by giving them such a stamp, the board was "advising them that their presence is illegal"

He said the board had acted on strict instructions from the chief commissioner that the only basis for deciding on the endorsements was whether names in pass books corresponded with those on the lists

Tents donated

● THE Western Cape Administration Board has refused to allow squatters at Nyanga Bush to put up tents donated to them by the Red Cross "until lists giving the names of those who will live in the tents have been supplied"

Yesterday Mr Bezuidenhoud confirmed that the squatters had been ordered to dismantle five tents erected this week and has prohibited the erection of others until lists are supplied

This was because the board wanted to make sure that those using the tents were there legally and that their names corresponded with the original list of residents of the area handed to the Minister of Co-operation and Development, Dr Piet Koornhof, he said

Car kills boys: Man in court

Staff Reporter
MOMENTS after hearing a crash, a Mitchells Plain woman saw two boys being flung into the air, one then falling on to a car and being dragged a distance before the vehicle stopped, a Wynberg magistrate was told yesterday

This was evidence given in the trial of Mr Edward Adams, 42, of Carnation Street, Beacon Valley, Mitchells Plain, who pleaded not guilty to two counts of culpable homicide and one of driving under the influence of alcohol

He appeared in connection with the death of Ricardo Faro, 6, and Mario Lewis, 10, who were killed crossing A Z

Berman Drive in Mitchells Plain

The accident took place on Christmas Day last year

Mr Adams also pleaded not guilty to two alternative charges of reckless or negligent driving and one of driving while his alcohol level was 0,15g per 100ml of blood

Miss Pauline Ward testified that she had seen the two boys on a field next to the road Mario had taken Ricardo's hand and after checking that there was no oncoming traffic, they had run across the double-carriage road

"They were near the island in the road when a car appeared and smashed into them I saw both boys being flung into the air The older, Mario, landed on the traffic island and Ricardo rebounded on to the bonnet of the car and was dragged for a few metres

"I screamed and ran to the assistance of the injured boys"

Miss Ward said the car was speeding and she could not remember Mr Adams braking or using his hooter

The hearing was adjourned to December 12 and Mr Adams' bail of R50 was extended

Mr J A B Nel was the magistrate Mr A J Basson appeared for the State and Mr J Kudo for Mr Adams

Transkei not aware of plan to move 4 000

By MARTINE BARKER
TRANSKEI's Foreign Minister Mr Mtutuzeli Lujabe says he knows nothing of travel arrangements that are supposedly being made by the Transkei Consul in Cape Town for some 4 000 Crossroads residents who have been given until the end of this week to return to Transkei

Last week Mr Timo Bezuidenhoud, Chief Commissioner for Co-operation and Development, said the Transkei Consul was "having difficulty" making travel arrangements for so many people

Mr Lujabe said yesterday that questions put to him by the Cape Times were the first he had heard about the matter He said that if claims on the matter were true, South Africa was engaged in "foul play" which "could never get the blessing of my government"

He said he would immediately investigate through the Transkei Consul in Cape Town

If South Africa was endorsing the passports of Transkeians with 72-hour stamps, they were "not honouring the agreement between us that a Trans-

keian may be in South Africa for 14 days without being required to seek permission"

Transkei had made it "very clear" to South Africa that it considered the squatter problem in the Western Cape to be South Africa's problem, not Transkei's

Mr G Lawrence, director for housing and labour for the Western Cape Administration Board (WCAB), said the board had "invited" all the residents of Crossroads to report to WCAB to see if they had a right to be in the area They had had to do this by September 30

At the same time, however, by "announcing" themselves at the WCAB offices they had forced the board in terms of the law to give them permission to be in the area for only 72 hours, he said

Mr Bezuidenhoud announced that he had granted a 14-day extension on the September 30 deadline because the Transkei Consul was having difficulty making the necessary travel arrangements for so many people

The Transkei Consul in Cape Town could not be reached for comment yesterday

Ratepayers back Garvin

Staff Reporter

THE Rondebosch Ratepayers' Association last night elected Mr Michael Garvin as its official candidate for the City Council seat which became vacant on the death of Mr Manfred Muller

Mr Garvin, a property developer and Rondebosch resident, is chairman of the Community Chest finance committee

n denies 'espionage' cl

WELL
MUELLER, a industrialist — a weekend — is being best German — denied the — decided to re- "until the cleared up", — rday.

her husband on Sunday night "I read the report to my husband when he called," Mrs Mueller said "He told me similar allegations had been broadcast on TV in Germany and that he had decided to stay there.

"I asked him if he had ever had any dealings with East Germany, to which he replied 'no' He also assured me that he had not been to the United States in 1976"

The report said Mr Mueller is alleged to have had illicit technology tradings with East

Germany. Together with another German businessman, Mr Volker Nast, he was "being investigated in connection with strategic computers sent to East Germany".

It said Mr Mueller and Mr Nast had fled to Germany after being indicted by a federal court in San Francisco in 1976 for alleged violations of the American Export Administration Act.

Mrs Mueller said she had not asked her husband whether he had "reported" to West

German police yet "But he is travelling widely in Germany — if the police are looking for him, why hasn't he been stopped at airports?"

"He sounded upset and sad that I had been confronted with the allegations — he has always been very protective towards his family. My husband will not return to South Africa on October 19 He wants to settle the case in Germany

"I don't think there is any substance to the allegations — otherwise he wouldn't face

them," Frie been ' the re main l separa for toc "He ness to hope b ● A South, ate of Pretor was no tigatio

Mid-Week Homefinder Inside

THE Transkei Consul-General in Cape Town, Mr B B Sidwaba, today disputed the findings of the Western Cape Administration Board (WCAB) that more than 4 000 Crossroads people screened at the board's offices were in the Cape illegally

Crossroads residents, who claimed they appeared on lists compiled by Crossroads leaders, were asked to report to the board to have their reference books endorsed. More than 4 000 people responded and most were given until the end of the week to return to Transkei.

"People are being robbed of their rights. My government is not going to accept people being dumped in Transkei," he said.

"Playing for time"

Mr Sidwaba also criticised the way the screening was being done. He said the board had given the people a deadline to report, but they had been processing people at a slow rate, making it impossible for people to meet the deadline.

"My impression is that the South African Government is playing for time so they will be able to say they gave people a chance to have their positions legalised but the people did not come," he said.

He had requested an extension to the September 30 deadline for people to report to the board offices. He was disappointed that only a two-week extension had been granted.

Torn up

There were allegations that people's documents were being torn up when they reported at the offices.

He offered to help Crossroads people under pressure from the South African authorities by putting himself and his office staff at the disposal of people who claim they have rights to be in Cape Town but are rejected by the authorities.

Mr Timo Bezudenhoud, chief commissioner of the Department of Co-operation and Development of the Western Cape, said he had agreed to Mr Sidwaba's request for an extension because he realised the Transkei Consul "had many people coming to him for travel documents".

Crossroads: Transkei Consul slams WCAB 'illegal' findings

Staff Reporter

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REFERENDUM

NATIONAL

Transkei to help squatters

CAPE TIMES 13/10/83 206

Staff Reporter

THE Transkei Government will "leave no stone unturned" to get to the bottom of allegations that Crossroads residents with a legal claim to be in Cape Town have been endorsed out of the area, the Transkei Consul General, Mr B B Sidwaba, said yesterday.

Mr Sidwaba was responding to reports that some 4 000 residents of the camp who reported to the Western Cape Administration Board (WCAB) were "invited" to inspect lists of names to see if they had a claim to be in the Peninsula. They were then given 72 hours to get out of the area if they did not. WCAB officials said the names of only 30 to 40 of the people who reported were on the lists.

The lists, of about 6 000 names, were compiled by the Crossroads Committee after a number of residents missed an official census of the camp in 1979. The Minister of Co-operation and Development promised that these people's claims would be investigated.

Mr Sidwaba said yesterday that he "could not believe" that so few people with a rightful claim to be in Cape Town had responded to the WCAB "invitation". The "invitation" promised that people whose

names were on the lists would be "indemnified against arrest".

He said any of the people who had received a 72-hour endorsement and felt that they had a legal claim to be in the area should report to the Transkei Consulate offices, where they would be given all possible assistance to establish their rights.

Mr Sidwaba wished to point out that, contrary to reports, his government had not been involved "at any stage" in making travel arrangements for the people who were endorsed out. The consulate's only involvement in the matter had been in supplying travel documents by which the residents could prove their identity.

He had requested that the WCAB extend the deadline for people to report to the board by 14 days because he could not cope with arranging documents for so many people within the given time. This was not, as reported, because he was having difficulty in arranging travel facilities for them.

'Uproot people'

"We regret this misunderstanding and wish to make quite clear that the Transkei government and its Consul in Cape Town will not, at any stage, be party to any move that will uproot people from the Western Cape".

Mr Bezuidenhoud, Chief Commissioner for Co-operation and Development, who was quoted in earlier reports on the matter, could not be reached for comment yesterday.

Removal of rights almost unnoticed, Bracher tells Sash

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13/10/83

Post Reporter

THERE was so much ado about the referendum that the recent legislation which removed the rights of thousands of families to be together had passed almost unnoticed

Speaking at the Black Sash Advice Office in Port Elizabeth yesterday, Mr Patrick Bracher described the new sub-section to Section 10 of the Urban Areas Act as a drastic piece of legislation negating some of the rights highlighted in the Rikhoto judgment

The Laws on Co-operation and Development Amendment Act, promulgated on August 26, substantially reduced the rights of multitudes of contract workers to have their families with them

Families of migrant workers not yet living in prescribed areas were prevented from joining their husbands or fathers in the urban area unless their relatives had approved accommodation

Houses could be bought, rented, built on a site allotted by a community council or

administration board, or could be family accommodation provided by employers

But, said Mr Bracher, the problem was aggravated because of the present backlog of housing in urban areas

There would be a clampdown by the authorities in restricting the granting of houses to those people who had already received Section 10(1)(b) qualifications

The effect of the new sub-section was that a wife, unmarried daughter or son under 18 years old of a black person who had a Section 10(1)(b) qualification would have no legal right to remain in a prescribed area unless

- They could prove they were already living in the black township in the prescribed area before August 26, 1983, with the 10(1)(b) husband or parents

- The husband or parents had completed the full 10-year or 15-year period required by Section 10(1)(b) before August 26, 1983

Mr Bracher called on opinion leaders to encourage eligible workers to have their reference books stamped for those rights

Squatters: Govt set to act

By PHILLIP VAN NIEKERK

THE government is set to take action against more than 6 000 Crossroads residents who have been endorsed out of the Peninsula

Mr Timo Bezuidenhoud, Chief Commissioner for Co-operation and Development in the Western Cape, said yesterday that the "law would take its course" against the residents, whom he described as "out-and-out illegals".

Yesterday was the deadline for people with a claim to permanent residence in Crossroads to report to the Western Cape Administration Board (WCAB) offices for stamps in their pass books

According to Dr Gert du Preez, chief liaison officer of the WCAB, 6 388 people — the vast majority of those reporting — have been given 72 hours to get out of the Peninsula.

Very few of those reporting have been allowed to stay — in spite of claims by squatters that they are

among people whose right to remain in the Peninsula is to be investigated by a Department of Co-operation and Development appeals committee

Squatter leaders fear that a massive operation is pending

The Consul-General of Transkei, Mr B B Sidwaba, said yesterday that his information officer had placed radio advertisements inviting people who believed they had a legal claim to be in the area and had been endorsed out to inform his office

He promised to investigate all such cases which came to his notice

● Meanwhile, WCAB demolitions of shelters are continuing at the Crossroads "bed" camp, scene of an intensive demolition campaign last month when more than 1 000 homes were torn down, and at the Cathedral tent camp. According to Dr Du Preez, 39 structures were demolished at the Cathedral camp on Thursday, while 12 were taken down at the bed camp yesterday and on Thursday

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UDF VOWS to support squatters

Labour Reporter

MR Oscar Mpetha, a president of the United Democratic Front (UDF), yesterday pledged solidarity with the people of Crossroads and called on them to support the UDF

Speaking before a crowd of several thousand people at a joint UDF-Crossroads committee meeting — the first of its kind — Mr Mpetha said that without the support of the people, the UDF would be just a name

The meeting, held at Noxolo School in Crossroads, was called following a resolution at an anti-Ciskei rally two weeks ago in which the UDF pledged itself to actively support the people of Crossroads in their "struggle against government harassment".

Standing ovation

Mr Mpetha, who was given a five-minute standing ovation, praised the people of Crossroads for their strength and unity and said it reminded him of his vow that if his involvement in the struggle meant dying in jail, "then so be it"

However, he said, he would not die before the day of liberation

Mr Johnson Ngxobogwana, chairman of the Crossroads committee, said the government was mistaken if it believed it could move the people of Crossroads to Khayelitsha

"This dream will never materialize," he

said "We will resist the removal We will die in Crossroads"

Mrs M Luke, of the Crossroads women's committee, appealed to the women of Crossroads to be united and strong She reminded them of how strong they had been when they "started the fight" from Modderdam Road

The Crossroads residents resolved that instead of supporting the community council elections, they would actively support the UDF-inspired "People's Weekend" which is to be held on the weekend before the referendum

Three days

In a statement after the meeting, the Crossroads committee said that if the government took action against the more than 6 000 Crossroads residents who have been given three days to get out of the Western Cape, "we are also going to take action".

On Friday Mr Timo Bezuidenhoud, Chief Commissioner for Cooperation and Development in the Western Cape, said the "law would take its course" against the 6 388 who have been endorsed out. He did not say when the government would act.

The committee called on the government not to take action before consulting with Mr Ngxobogwana and the committee and establishing who had the right to be in Crossroads

(Report by P van Niekerk, 77 Burg St, Cape Town)

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85 000 a month ~~General~~ flood to SA cities

Star
206 17/10/83

Collapse of black subsistence agriculture through drought and over-population is pushing a tide of 85 000 people a month into South African cities

It is an irreversible flood that in another two decades will have seen another 20 million blacks cram urban areas.

Homeland authorities report that two thirds of the cattle and most of the pasture have died during the drought of the past two years

Much of the funds needed for development in the homelands have had to be channelled into relief work — just to help people survive

Scores of thousands coming into cities each month are lodging with friends and relatives in places like Soweto and squatting in Katlehong

The huge influx is worsening already severe unemployment and causing unbearable strain on housing and other municipal services, the 24 Hours team was told.

A Human Sciences Research Council (HRSC) report has warned that in 17 years the black population will be 37 million — 75 percent living in vast settlements around main cities

The trend will continue despite Government efforts to bulldoze squatters and their shanty towns back into the distant veld

Dr Flip Smit, who co-authored the HRSC report, said that, next to nuclear warfare and massive hunger, "urbanisation" was the third biggest threat facing not only South Africa but the world.

In most cases blacks were leaving behind a life of poverty and starvation on dying lands ruined by generations of over-use.

Dr Smit said by that by the year 2000 an extra seven million jobs had to be created for black migrants — which will cost the nation R166 000



Mrs Nosecond Semela, from Lady Frere in the Transkei, feeds her child at the Anglican Church camp in Katlehong

The partial failure of the Government's industrialisation initiatives in the homelands has increased pressure on metropolitan areas

Row upon row of houses built for black workers and their families stand empty because of the Government's inability to attract sufficient industry to the area. Meanwhile, in crowded townships on the East Rand authorities are forcing away people who are adding to the critical housing shortages.

Dr David Webster, senior lecturer in social anthropology at the University of the Witwatersrand, said that in the past migrant males would go to the city for work. Now they were bringing their families

● See Page 12, World section

Blacks pour into SA's major towns

Black people are moving in numbers equal to the white population of five of South Africa's biggest cities

The equivalent of the white populations of Durban, Pretoria, Port Elizabeth, Bloemfontein and East London will pour into the cities this year — and every year from now on.

In many cases these rural dwellers will search vainly for work, for homes and for food

These million men, women and children are trying to flee poverty and disease in their drought-ravaged lands

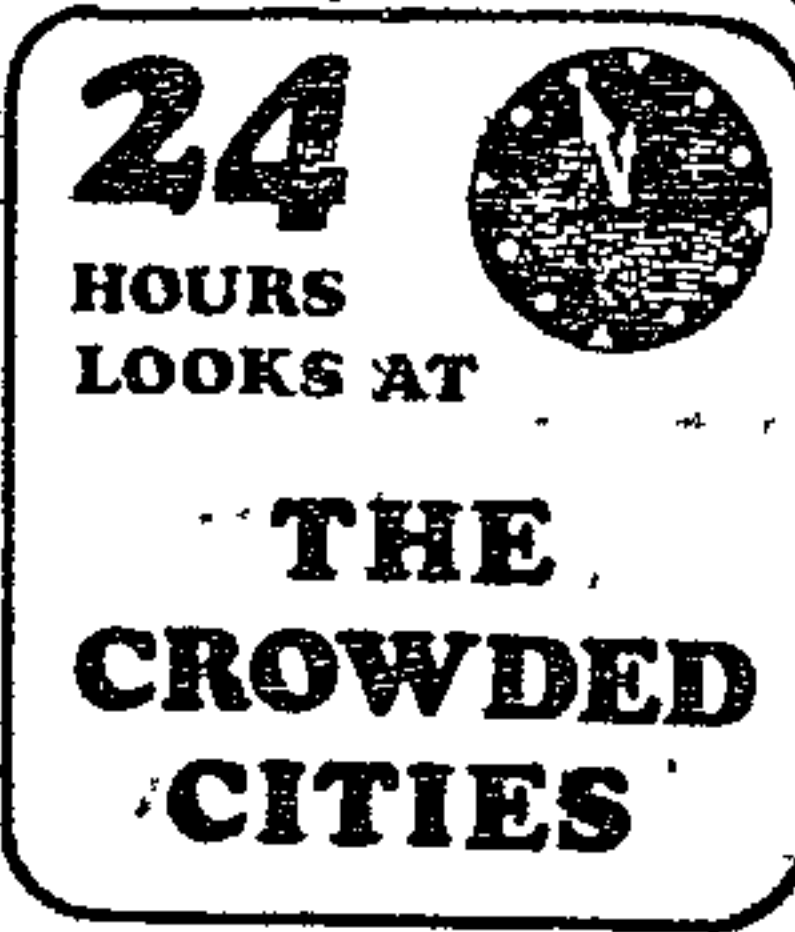
But the Government still has no clear positive strategy on urbanisation, according to Dr "Flip" Smit, an influential expert on the subject

He said the Government had refrained from clarifying the position of urban blacks despite the increasingly rapid migration of such people to South African cities

Dr Smit urged the development of a positive urbanisation strategy and acceptance of controlled informal settlements in towns and cities as inevitable

Few people had realised the enormous socio-economic and political forces which black urbanisation would unleash, he said.

South Africa had about 1.5 million squatters or informal settlers yet the nation's rate of urbanisation was 60 percent slower



than that of other developing countries. This was caused by influx control and the relatively recent development of urban areas in the homelands, he said.

Nearly 75 percent of South Africa's blacks would soon be living in towns and 20-million more blacks — including those in the independent homelands — would have to be accommodated in urban areas before

the end of the century, he said

"The major reason for urbanisation is not the collapse of black subsistence agriculture or pressure on the land, although these are factors," said Dr Smit

"In all countries when you improve socio-economic conditions, and especially if you educate people, they opt out of making a living from agriculture. They favour blue and white collar jobs which they hope to find in towns and cities"

Dr David Webster, senior lecturer in social anthropology at Wits, said if blacks could not get a job, they drifted into the "informal sector" of the economy — street hawking, watch and shoe repairing, gambling, shebeen running and theft

The 24 Hours inquiry found that the number of arrests under pass laws (206 000 last year) was an indication of the huge urban drift problem confronting police and municipal authorities in South Africa

● See Page 7. World section

Rikhoto's wife gets her rights

18/10/83
By Rashid Chopdat

The wife of Mr Tom Rikhoto was granted urban rights by a Rand Supreme Court judge today to live with her husband in Germiston after the East Rand Administration Board did not oppose the application

Mr Justice P J van der Walt granted an order declaring that Mrs Rosinah Rikhoto was entitled to reside with her husband in terms of the Blacks Consolidation Act

The judge also directed the Municipal Labour Officer in Germiston to endorse her reference book

In papers before court, Mr Rikhoto said that in 1980 he became entitled to remain in Germiston

His wife joined him in July and the following month he went to the labour office to have her reference book endorsed

When this was not done he instituted proceedings

Mr Rikhoto won residential rights after a successful court case and an Appeal Court decision

CAPE TOWN

19/10/83

(206)

Rikhoto's wife can also stay

Own Correspondent

JOHANNESBURG — Mrs Rosinah Rikhoto was legally entitled to live with her husband, Mr Mehlotu Tom Rikhoto, in the prescribed area of Germiston, the Rand Supreme Court ruled yesterday.

Mr Rikhoto, who brought the unopposed application on behalf of his wife, became entitled to remain in the area in terms of the Black (Urban Areas) Consolidation Act after an Appeal Court decision in his favour was handed down in May of this year.

Mr Rikhoto told the court in papers yesterday that his wife had a right to remain in the area as they were married, she had lawfully entered the area and she lived with him.

Mr Justice P J van der Walt yesterday ordered the East Rand Administration Board and the Municipal Labour Officer of Germiston to declare that Mrs Rikhoto was entitled to live in the area, and to endorse her Reference Book to that effect.

Mr Rikhoto, a machine-operator living in Katlehong, said in papers that he was qualified to live in the area as prescribed by the Act. He also held a "lodger's permit" issued by Erab.

Because he had worked as a migrant labourer under contract in Germiston for the past 10 years, his wife had not been entitled to join him and had lived near Tzaneen, he said.

When he became entitled to live in the prescribed area, Mrs Rikhoto moved to Katlehong on July 29.

Mr Rikhoto said he went to see a Mr Kruger of Germiston's Municipal Labour Office to have his wife's reference book endorsed on August 25.

However, Mr Kruger told him it was first necessary to enter his wife's name on his lodger's permit, Mr Rikhoto said. The superintendent in Katlehong entered Mrs Rikhoto's name and those of their four eldest children

Hester, 10, Helen, 7, Tony 5, and Terrance, 3.

Mr Rikhoto said he returned the permit to Mr Kruger on September 1 who made a copy of it and told him to return the following week.

Mr Rikhoto said he visited the offices on two subsequent occasions. He was told each time that the computer had broken down and he should return at a later date.

He then contacted his attorney, Mr Geoffrey Budlender, because he was not achieving anything with his repeated visits to the labour offices.

Mr Budlender telephoned Mr Kruger on September 12. Mr Kruger acknowledged that he had seen Mr Rikhoto's marriage certificate and lodger's permit bearing Mrs Rikhoto's name. He said the application had been referred to the Chief Commissioner because of "internal arrangements", and that Mr Rikhoto should return to his office after September 20.

Mr Kruger agreed with Mr Budlender that it was the labour officer's decision whether to grant residence in the area and that the Chief Commissioner had no interest in the matter.

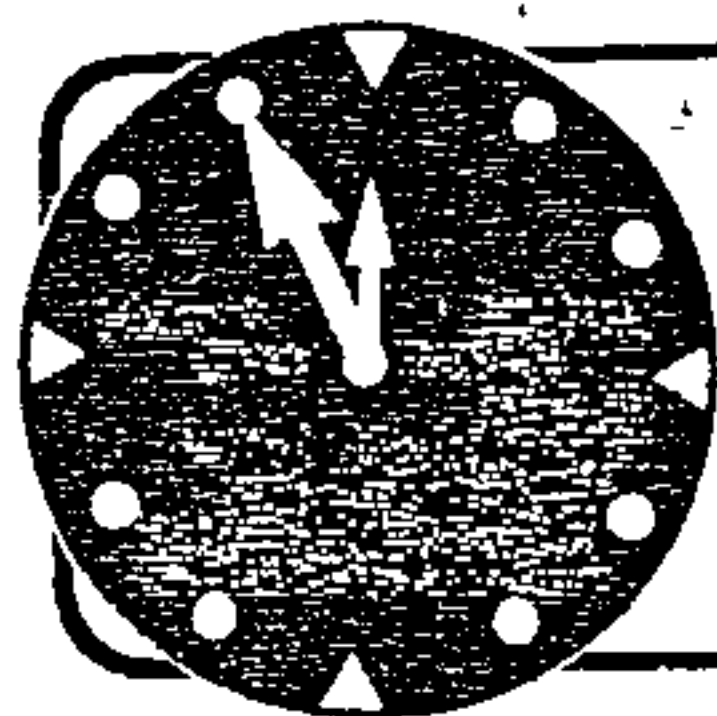
Mr Rikhoto said it was clear from the conversation that the labour officer did not dispute that he was qualified to remain in Germiston, or that he had a lodger's permit, or that his wife was living with him, or that her name was on the permit.

"I have been to the labour officer four times to have my wife's rights recognized. I have complied with all his requirements, but despite this he continues to fail to recognize my wife's rights. He also refuses to give any intelligible explanation for this failure," Mr Rikhoto said.

He said it was of great importance that Mrs Rikhoto's rights be recognized as she was liable to summary arrest by any authorized person because she was unable to prove that she was entitled to be in the area.

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200



24 HOURS LOOKS AT THE CROWDED CITIES

By the end of this century urban populations in the Third World will have quadrupled and the squatter population is expected to double every four to six years. South Africa is also caught up in the process.

Squatting has come to stay and must be planned

By Sheryl Raine, Pretoria Bureau

South Africa's black urban policies can be likened to little barriers to keep the sea out and when the sea advances the barriers come down and the Government retreats a few yards inland to erect more

This was one of the ways in which Dr P Smit described Government policy this century on urbanisation in his book "Black Urbanisation"

He concluded that the Government's policies had been negative strategies since the early 1920s and the time had come for change.

Although the present Government had thought long and hard about the position of urban blacks, there had certainly been no clear thinking. Uncertainty still hung like a dark cloud over the future of urban blacks.

Nevertheless, the concept of 99-year leasehold in urban black areas had placed the permanence of these people in the cities beyond all doubt.

Too many towns were being developed simultaneously in the homelands for the homeland's level of economic development.

Black commuters were beginning to build up a resistance

to long daily commutes to work.

Rising transport costs were also placing serious limitations to long daily commutes to work

Rising transport costs were also placing serious limitations on urbanisation in rural areas

Plans for rapid transport systems to help homeland commuters did not go to the heart of the problem.

As long as blacks could still improve their financial position by coming to town, they would continue to do so, even at the risk of facing arrest.

The result was the inevitable increase in the number of squatters and informal settlers around established and developing cities

Until recently, the present government tried to shoulder the entire burden of providing houses for urban blacks and supplied 89 percent of the funds for this purpose

But more houses than have been built since Jan Van Riebeeck landed at the Cape will have to be built in South Africa in the next 20 years and the Government cannot shoulder the burden alone

"It would be a mistake to think that whites could direct or be wholly responsible for

black urbanisation in all respects," wrote Dr Smit.

Since 1971 black housing had been the responsibility of 22 black administration boards. Some of these boards had interpreted and carried out government policies in their own way

The various boards differed considerably in their plans for housing and the development of housing in the homelands

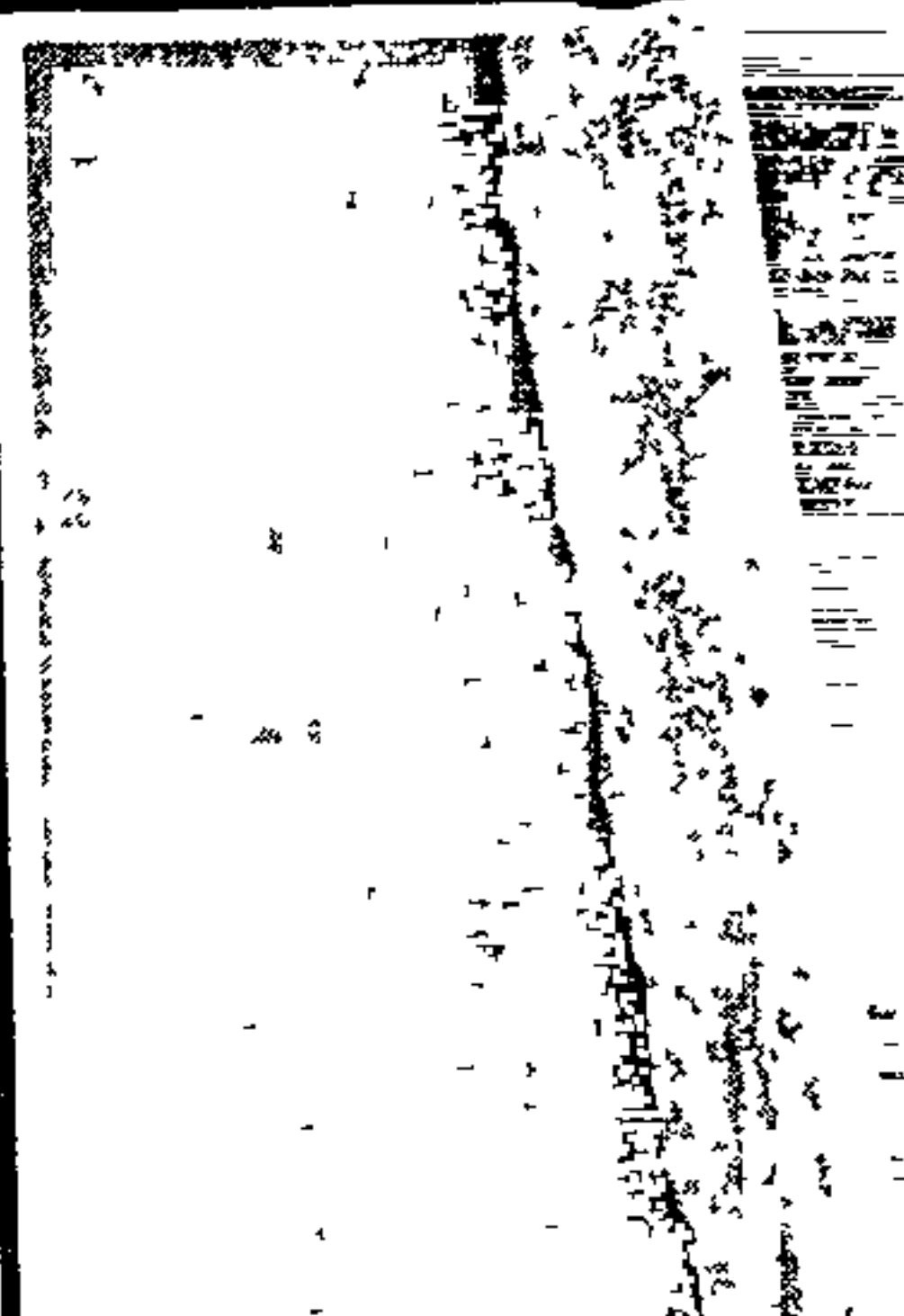
Since 1972 the homeland Governments have themselves had more say in urban development.

"With so many different authorities involved an integrated urban strategy is difficult to establish or implement," said Dr Smit.

Planning by the administration boards was largely concerned with housing needs in specific places. This of necessity led to ad-hoc planning

"If urbanisation is seen as an inevitable result of population growth and as part of economic development, the process can be incorporated in a development strategy to achieve specific goals," he said

The committee of investigation into the financing of local administration in South Africa has recommended that every administration board establish financial blueprints up to at



By Sol Makgabutlane

It is difficult to tell that she is only 35 years old.

Her face reflects the scars of cold winds and sweltering heat.

Her dark eyes — always wary of newcomers — dart endlessly as she tries to figure out if it is danger or friendship that the newcomer brings.

Her strong, muscular arms indicate that she works hard to earn her living

Miss Nothenjwa Mlahleki (not her real name) is a squatter. She arrived on the Reef in June last year and has experienced the comfort of a normal home for only three months during that period. Since then she has lived in a derelict car, a shack, a tent, and in the open.

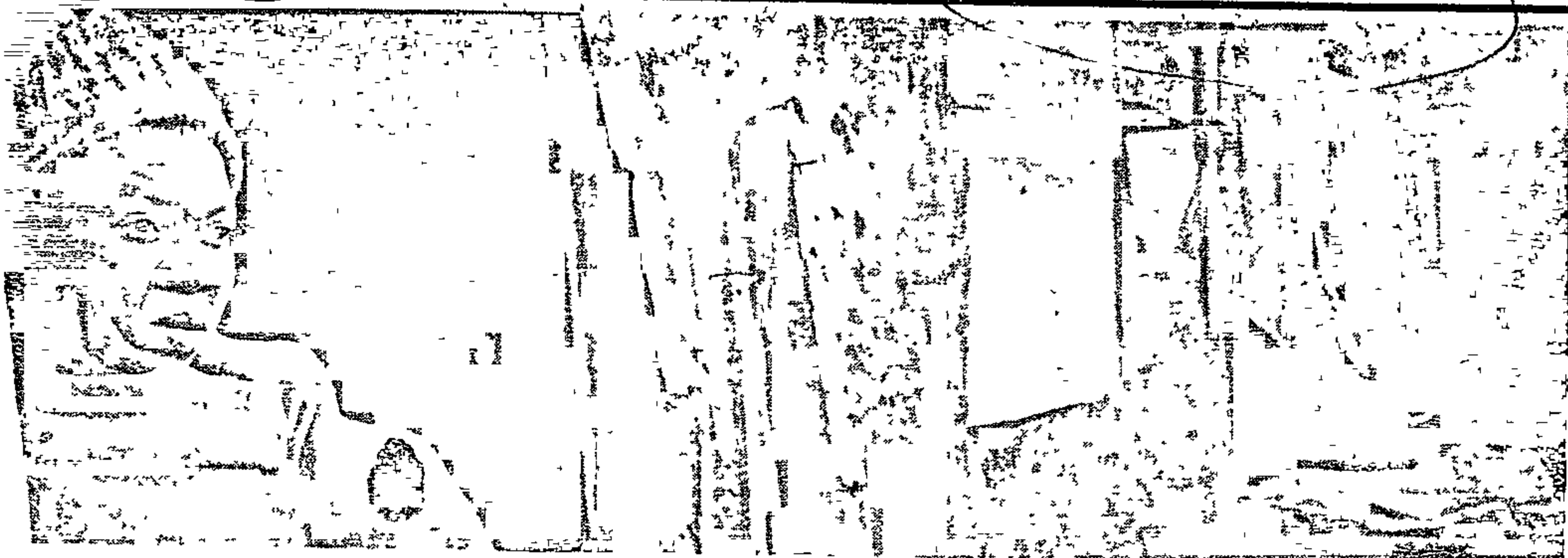
"At home in Cofimvaba, Transkei, we were living in absolute misery. There was no food, no water and no jobs. And worst of all, our crop failed dismally because of the

least 1989/90 which would form part of a master plan of the Departments of Finance and Co-operation and Development

Homeland governments, according to Dr Smit, should be involved in a national urbanisation strategy.

As regards squatter camps Dr Smit has urged the halt of mass removals in favour of orderly informal settlement

"It is difficult to see how squatting can be prevented the homelands and in the light of expected urbanisation and limited resources squatting



Squatter from Transkei sees no hope on Reef . . . or back home

current killer drought. Apart from these crops, we had no other source of food.

"We sat down and thought — 'what are we going to do?' — and decided to look for jobs. This we did. There were none.

"When we wanted water we had to travel long distances to the stream, and the water was often impure. Women wash clothing in the stream, cattle help themselves while householders collect the very same water for cooking purposes. It was terrible."

They had to walk several kilometres through the bushlands to fetch firewood. They had no coal — and firewood was of vital importance for their supply of energy.

Faction feuds, although on a limited scale, were also a constant source of discomfort.

Grouping all these factors together, Miss Mlahleki, who is an orphan and mother of four children, cast her sights northwards, and finally decided to try her luck there.

Like countless others before her, her thoughts bordered on the erroneous belief that the Witwatersrand offered unlimited opportunities. Reports seeping through to the Transkei held that there were ample job opportunities, modern homes, and education for all on the Witwatersrand.

When Miss Mlahleki arrived on the Rand she found to her astonishment, that this

was not the case.

"Fortunately I found a temporary job in Germiston and I stayed with my relative in Katlehong. Things went fine for a while. But I lost my job — and then my accommodation — when I subsequently fell pregnant. I had nowhere to stay.

"I joined some people who were staying in old cars next to Katlehong railway station. Later we decided to build 'nice' shacks, but these structures were demolished in mid-August. Some kind churchmen (members of the Witwatersrand Council of Churches) pitched tents for us in the same area. These were later moved to a training camp inside Katlehong.

"But later we got ultimatums to go back to the homelands. These were defied until some of us were arrested last week. Fortunately, I was out looking for a job and I wasn't among those arrested."

Does she want to go back to Transkei?

"I think all of us here would like to go back home. Personally I'd like to see my three children — Siabonga (17), Vuyisa (13) and Bongiswa (9) — who are staying with their aunt in Cofimvaba. I'd also like my seven-month-old child, Mzabo, who was born here, to know the warmth of a decent home.

"But, regretfully, all this I cannot do because we shall all starve to death in Transkei. We shall have no food to eat and no water to drink. That is why we are not prepared to go back home."

Shrugging her huge shoulders, Miss Mlahleki declared: "We've resigned ourselves to any prospect we may encounter."

is something we will have to accept.

"I don't see urbanisation as a problem if it is properly organised.

"The positive potential of squatter camps in the first phase of urbanisation is considerable," said Dr Smit. "The dangers of squatter areas must not be underestimated, but they are not necessarily socially disorganised or cauldrons for revolution."

Many such squatter camps had considerable community support structures, and an im-

petus for self-improvement.

"We need to anticipate such camps and plan for them by providing basic services including, in order of priority, clean drinking water, jobs, transport and housing.

"If properly handled, squatter camps can form important bridges of the enormous gap which exists between rural and city living."

The squatter issue could not be solved with social welfare.

A broad strategy was needed, including strong emphasis on self-help and technological

know-how to help people build their own houses.

If correctly handled and channelled, squatter communities need not become slums around South African cities and towns.

Socio-economic development and political stability, relied largely on the establishment of viable urban structures and the government alone could not finance it all.

South Africa was not an exception in its lack of an urban strategy and the situation here was better than in most other

nations.

"It is no use comparing South Africa with the rest of Africa," remarked Dr Smit. "Blacks here have their own frame of reference. South Africa is not black Africa. We have Houghtons and Waterkloofs.

"If we accept orderly informal settlement and then set aside land and give people the chance to move up from one area to better areas in the urbanisation process, we can help solve the accommodation shortage and the problem of rising expectations.

MPs blast 'tortoises' of Erab

By Peter Sullivan
Political Correspondent

It was "disgraceful" that the East Rand Administration Board (Erab) had not honoured the court's ruling and immediately granted Mrs Rosinah Rikhoto her legal rights, Mr Peter Soal, MP for Johannesburg North, said today.

And Mrs Helen Suzman, PFP spokesman on Black Affairs, said it was "a form of civil disobedience" for Erab officials not to obey the letter of the law.

Mrs Rikhoto was granted the right to live with her husband by the Rand Supreme Court yesterday.

Mr Soal said that, after the court had granted Mr Rikhoto the right to live in an urban area, he took his wife to the Erab office on August 25 so that she could have her passbook stamped.

"This is important because, on August 26, they passed a new regulation to say wives could be brought in only if the applicant occupied a home.

"Mr Rikhoto is a lodger and, with 22 000 on the waiting list for homes, he stands no chance of getting one.

"It is disgraceful that the 'tortoises' of Erab did not honour the court ruling," Mr Soal said.

● See Page 2, Metro.

Mrs Rikhoto wins right to live in city

By Rashid Chopdat.

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JFV
19/10/83

Mrs Rosinah Rikhoto yesterday won the right to live in Germiston with her husband, Mr Mehlolo Tom Rikhoto, who set a precedent last May when the Appeal Court upheld his appeal for urban rights.

Mr Rikhoto had brought an application on behalf of his wife to the Rand Supreme Court as he alleged the East Rand Administration Board was withholding her rights to live with him at Katlehong, Germiston. The application was unopposed.

Mr Justice P J van der Walt granted an order declaring that Mrs Rikhoto was entitled to reside with her husband and directed the board to endorse her reference book accordingly.

Mr Rikhoto told the court that after the Appeal Court had dismissed the board's appeal in May against a 1981 court order which gave him urban rights, his wife had joined him with the intention of living with him in July.

He went to the board's office about five times to have her reference book endorsed, allowing her to live with him.

Later his attorney was told by a Mr Kruger that the application had been referred to the Chief Commissioner because of "internal arrangements".

The attorney said the matter had nothing to do with the Chief Commissioner and that it was he (the labour officer) who had to make the decision. Mr Kruger agreed with that but insisted the application had to be referred to the Chief Commissioner.

Mr Rikhoto said he had complied with the labour officer's requirements "but despite this, he continues to fail to recognise my wife's rights. He refuses to give any intelligible explanations for this failure".

He said his wife had a right to live with him and it was important for them that her rights be recognised as she could be arrested if she could not prove she was entitled to live in the area.

Mr Rikhoto said it had not been disputed that he was qualified to live in Germiston.

The respondents were ordered to pay the costs of the action.

Mr K Tipp, instructed by the Legal Resources Centre, represented Mr Rikhoto.

● The Rikhoto decision set a precedent in that it opened the door for thousands of migrant workers to be granted permanent urban rights.

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19/10/83

Rikhoto can live with her husband, says court

Court Reporter

MRS ROSINAH RIKHOTO is legally entitled to live with her husband, Mr Mehloti Tom Rikhoto in the prescribed area of Germiston, the Rand Supreme Court ruled yesterday.

Mr Rikhoto who brought the unopposed application on behalf of his wife, became entitled to remain in the area in terms of the Black (Urban Areas) Consolidation Act after an Appeal Court decision in his favour was handed down in May of this year.

Mr Rikhoto told the court in papers yesterday his wife, who had their fifth child a few days ago, had a right to remain in the area as they were married, and she had lawfully entered the area and had lived with him since August 29.

Mr Justice P J van der Walt yesterday ordered the East Rand Administration Board and the Municipal Labour Officer of Germiston to declare Mrs Rikhoto is entitled to live in the area and to endorse her Reference Book to that effect.

Mr Rikhoto, a machine operator of 213 Makula Section, Katlehong, said in papers he was qualified to live in the area as prescribed by the act. He also held a "Lodgers Permit" issued by ERAB.

Mr Rikhoto said he went to see a Mr Kruger of Germiston's Municipal Labour office to have his wife's Reference Book endorsed on August 25. Mr Kruger told him it was first necessary to enter his wife's name on his lodger's permit. Mr Rikhoto said The Superintendent in Katlehong entered Mrs Rikhoto's name and those of their four oldest children.

Mr Rikhoto said he returned the permit to Mr Kruger on September 1 who made a copy of it and told him to return the next week.

Mr Rikhoto said he visited the offices on two subsequent occasions. He was told each time the computer had broken down and he should return on either September 14, 15 or 16.

He said he then decided to contact his attorney, Mr Geoffrey Budlender.

Mr Budlender phoned Mr Kruger on September 12. He acknowledged he had seen Mr Rikhoto's marriage certificate and lodger's permit bearing Mrs Rikhoto's name. Mr Kruger said the application had been referred to the Chief Commissioner because of "internal arrangements" and that Mr Rikhoto should return to his office after September 20.

Mr Rikhoto said it was clear from the conversation the labour officer does not dispute that he is qualified to remain in Germiston, or that he has a lodger's permit or that his wife is living with him, or that her name is on the permit.

"Despite this, the labour officer's attitude is that the matter is being investigated. But he refuses to indicate precisely what is being investigated."

"I have been to the labour officer four times to have my wife's rights recognised. I have complied with all his requirements, but despite this he continues to fail to recognise my wife's rights."

● See Page 3

'Rural migration can't be halted'

206 Rev 20/10/83

The migration of people from the rural areas is an ongoing, historical process which cannot be halted, according to the Association of Chambers of Commerce of South Africa (Assocom)

"Laws and regulations, penalties and punishments might slow it down but the social and economic forces which impel this inexorable movement of people cannot be stayed," says an article in the "Assocom Review"

Cities were seen as centres of opportunity for people to better themselves

"That very urge which is the motivating force behind private enterprise drives them to seek a better life than their present lot.

"The creation of slums, squatters' camps and shanty towns is proof of the hollow illusion that many find at the end of the rainbow trail to the cities

"But this does not daunt the migrants, it never has," the article states

A developing, expanding society must adapt to the process

There were two courses of action which

could be adopted

- Accepting the process of social change by providing facilities which "give a feeling of permanence and a stake in society"

- Providing an attraction for quasi-rural areas

"The Government appears to be realising this, not only by its change in attitude towards permanent residence in established urban areas, but also by the policy of regionalisation which will create new towns where there were none before the article states

Rikhoto's wife gets rights

THOUSANDS of black women whose residential qualifications are similar to those of Mrs Rosina Rikhoto, will still not qualify to live with their husbands in the urban areas, because of a law recently passed in Parliament.

The law will nullify the application of this week's Supreme Court ruling which compelled the last Rand Administration Board (I.rab) to grant Mrs Rikhoto the right to reside with her husband - Mr Mehlolo Rikhoto.

Mrs Rikhoto is probably the only person lucky enough to have been saved from the tentacles of the law so far - only because her husband acted 24 hours before the law

(206) By SAM MABE 22/1/83
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was passed.

The law passed on August 26 this year says a person with 10(1)(b) qualifications as is the case with Mr Rikhoto will only be allowed to bring his wife and children to town from the rural areas if he has a house of his own.

It can be a house rented, bought or built on a site allotted to him by a community council or administration board or a family accommodation provided by his employer. Those who hold a lodger's permit in someone else's house will not qualify

Prior to the passing of this law it was automatic for wives and children to qualify for a 10(1)(c) stamp if their husbands or fathers had a Section 10(1)(b) stamp.

Mrs Rikhoto was saved from this law because her husband went to the Germiston Municipal Labour Office to apply for 10(1)(c) qualifications for his wife on August 25, only a day before the law that denies wives and children such qualifications, was passed in Parliament.

According to Mrs Sheena Duncan of the Black Sash, husbands

who want to apply for their wives and children's qualifications now will only be successful if they can prove that they had been living together before August 26.

But for a person who has been living in the urban area unofficially it can be very difficult to prove that they have indeed been living in the urban areas, said Mrs Duncan.

• Meanwhile Mzikayise I dom reports that a spokesman for I rab denied yesterday that Mrs Rikhoto had been refused permission to live with her husband and that this was demonstrated by the fact that they did not oppose the action.

<p>People's Poll — PAGE 6</p>	<p>INSIDE TODAY The Rearing Silence — PAGE 10</p>	<p>Racing results — PAGE 17</p>
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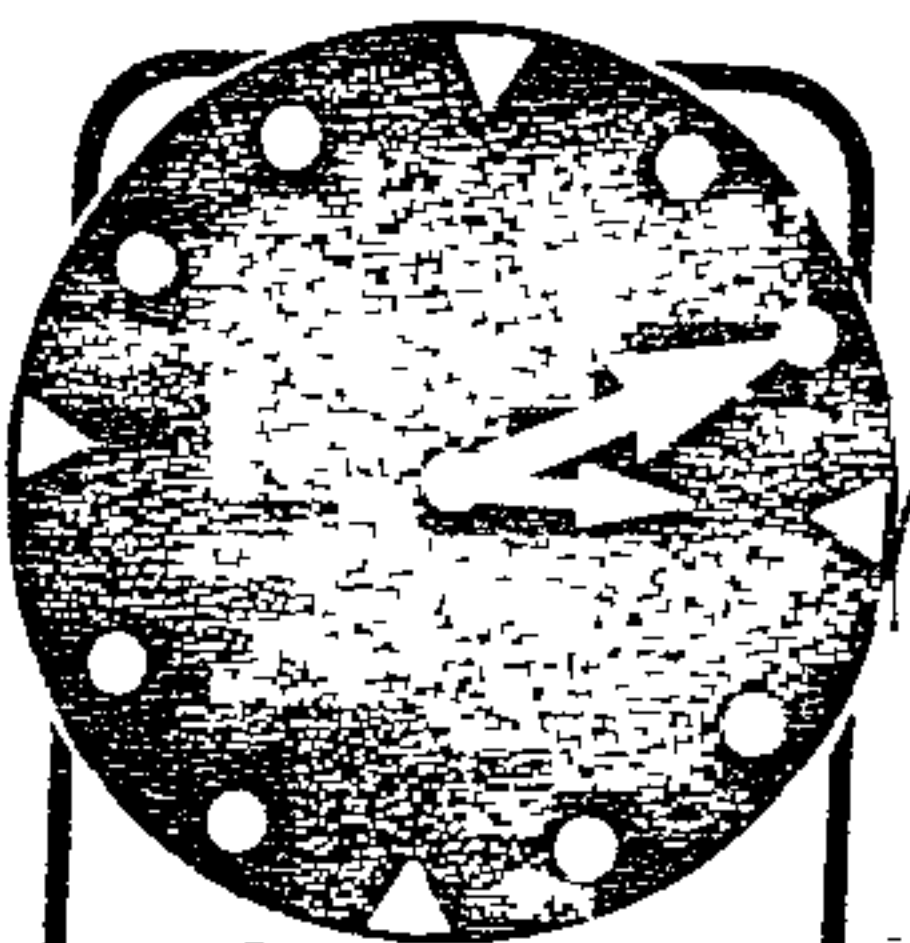
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USING CRISIS

LONG WAY



24 HOURS LOOKS AT

THE CROWDED CITIES

Under the Director of Housing, Mr. A.J. Archbald, the housing programme was accelerated at an unbelievable rate, greatly helped by the training of Africans under the Bantu Building Workers Act of 1951 which allowed them to build houses for their own people.

Assuming that land is available, Dr Lewis feels that the site and service concept should be continued in the 1980's to people legally living here.

"We proved that the Africans were prepared to put up liveable shacks if they knew that this step was the beginning of a permanent home on the site allotted to them," he said. "Building, of course, is far more expensive today than it was in 1953 but, then, incomes are higher."

Another way to solve the problem might be by doubling the size of existing houses by simple alteration to be done at a fixed price. This would relieve overcrowding to a large extent without terrific cost because the land and services were already present.

Dr Lewis does not favour the building of multi-storey flats. "They would be very costly and in any case are not suited to the African lifestyle."

Asked for his views on influx control in the current situation, Dr Lewis said:

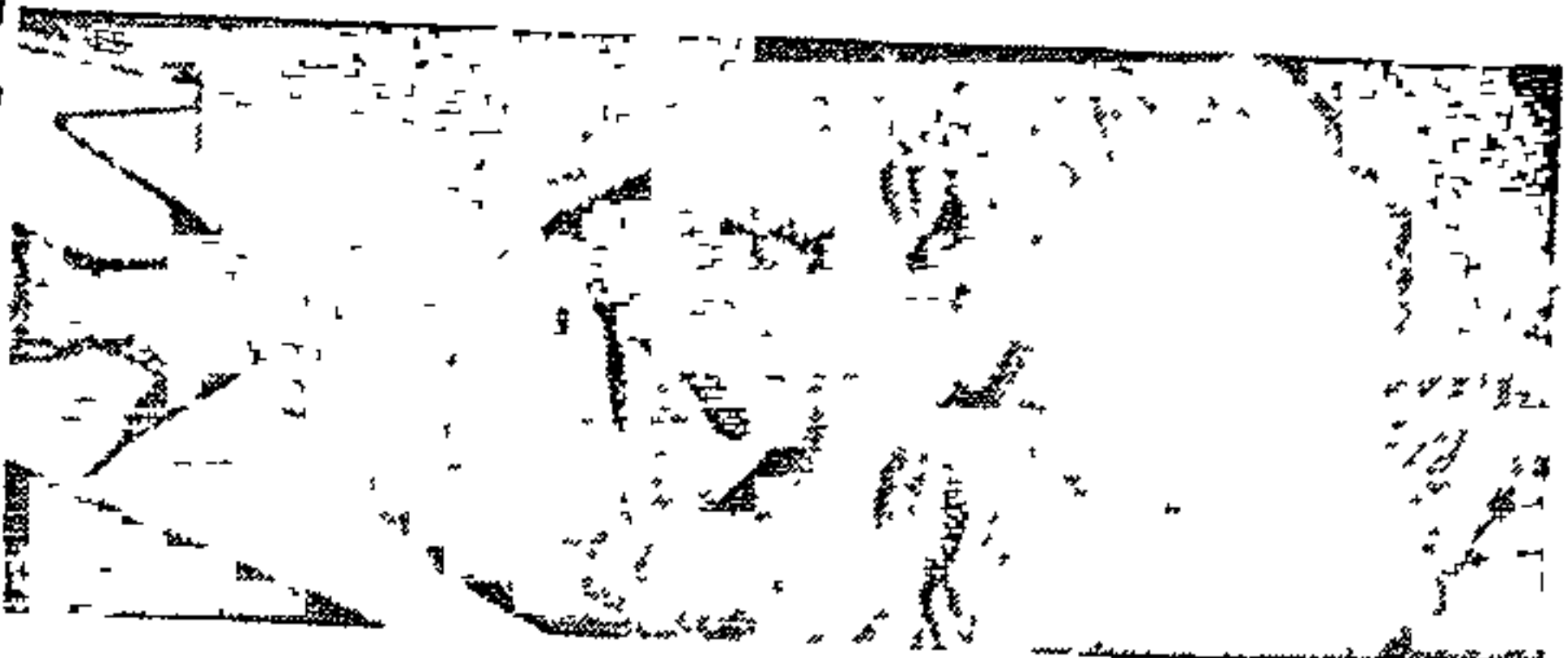
"It is obvious with people flooding into the cities for work that elaborate influx control procedures are not working. Equally obvious is the fact that employment must be created in the rural areas from which the people are coming. Not only has influx control failed to keep people out of the cities but it has created a great deal of hostility."

"The Government's original intention of the homeland catering for its own people is just not working out. A solution must be found to make the homelands viable. If the huge sums spent on defence could be spent on the development of the black rural areas the necessity would be removed for people coming to the cities for work. Why are we building up this massive war machine? Are we not creating a war against ourselves?" said Dr Lewis.

No 'solution' to squatter problem

Own Correspondent
EAST LONDON — The squatter problem facing East London and Ciskei seemed intractable. South African Institute of Race Relations local director said.

Mrs. Roselle Frasca said the city, unlike many other areas, not only had to try to provide employment for thousands but also had to deal with a high unemployment problem. She said



Dr Patrick Lewis, former Mayor and chairman of the Management Committee, who made a remarkable contribution to black housing in Soweto

Katlehong's churches are providing tent shelter

By Jon Qwelane

Seventeen days ago today the relatively quiet township of Katlehong in the East Rand suddenly found itself in the headlines of newspapers across the country.

It faced the limelight of notoriety because officials of the East Rand Administration Board (Erab) dispersed a band of squatters and newsmen with sjamboks and kleries.

In the confusion that followed several people were arrested and some had to be treated for injuries. The squatters, who were forcefully removed by the authorities from a small clearing on the outskirts of Katlehong, were but a drop in the ocean of thousands of squatters who daily flock to the cities in search of work.

The Katlehong squatters have since been rehoused in tents supplied by the Witwatersrand Council of Churches under the Right Reverend Simeon Nkoane (president) and Reverend Cecil Begbie (vice-president).

The tents are at three churches in the township: the Catholic, Anglican and Lutheran parishes. Each church has two large tents, each tent houses a number of families.

Those with beds sleep on them and those without sleep on the canvas-covered floors of the tents. "At least we are now free from harassment. We no longer go to bed fearing we will be



Mr Sikolathe Mkingizane has his daily wash in the yard of the Anglican Church in Katlehong

are among the families staying in tents and she says their temporary accommodation at the churches is many times better than the open space from where they were forcefully removed.

Outside some of the tents, squatters' possessions that cannot be accommodated inside can be seen

ment Committee, who made a remarkable contribution to black housing in Soweto

er problem

— mainly around Mdantsane and Potsdam — was the "gut-level type".

"These people have no high ideals of getting jobs. They are dying of starvation."

of squatters who daily flock to the cities in search of work

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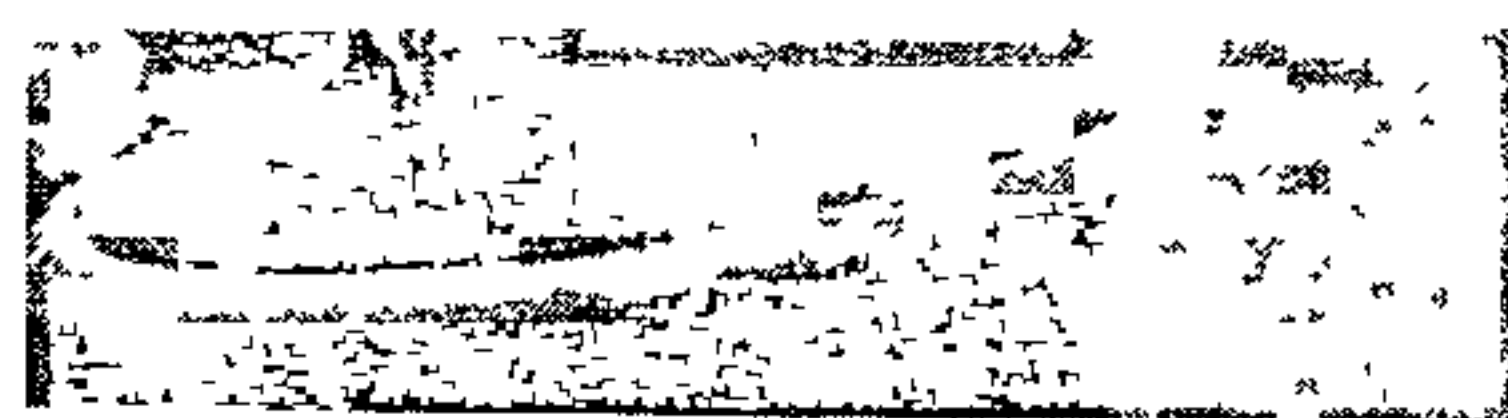
Those with beds sleep on them and those without sleep on the canvas-covered floors of the tents

"At least we are now free from harassment. We no longer go to bed fearing we will be awakened by blackjacks (administration board policemen) in the dead of night. Neither do we move about with the threat of arrest for faulty reference books hanging over us because they have been temporarily stamped properly," said contract worker, Mr Sikolakhe Mkingizane

He stays at the Anglican Church with his wife and their 14-month-old baby. He sent the three older children to Transkei after the Erab raids two weeks ago. "And those children were born and raised in Katlehong, not Transkei," he said.

Mrs Maria Resha said her husband worked in Johannesburg and only returned to Katlehong on Fridays to spend the weekends with her

Mrs Nomhlelo Buku, her husband and their baby



Mr Sikolakhe Mkingizane has his daily wash in the yard of the Anglican Church in Katlehong.

are among the families staying in tents and she says their temporary accommodation at the churches is many times better than the open space from where they were forcefully removed

Outside some of the tents, squatters' possessions that cannot be accommodated inside can be seen, coal stoves, tables and chairs, radiogram speakers, a heater and a kitchen unit.

The squatters said they came from different areas. Some came from the Free State, others from Natal and the rest from Transkei.

They said the rains of the past few days did not bother them much and any clothing or bedding which was soaked in the rain was taken out in the morning and spread outside to dry

— A little problem with sharing a single tent, though, was what to do when one wants to change one's clothes

"Simple. The men simply take their clothes to the toilets and change there. When it is women who want to change, the menfolk normally take a walk and leave the women to themselves," said Mr Mkingizane

Clergyman carries fight for migrant township dwellers

By Jon Qwelane

He was born and raised in the Transkei and he now spearheads the battle waged by squatters of Transkeian origin to remain with their families in the urban areas

He is an ordained minister of the Methodist Church, yet has a "criminal" record. A suspended sentence ended this year after his conviction in 1980 in terms of the Riotous Assemblies Act.

The Reverend Cecil Begbie (37) was found guilty of addressing an illegal gathering of Bosmont students in 1980 and was sentenced to four months' imprisonment, suspended for three years

Rev Begbie has earned himself the tags "Peacemaker of Bosmont" and "Good Samaritan of Klip-town"

He was given the "Peacemaker" label after his untiring efforts to restore peace in Bosmont by bringing together warring gang members in the Johannesburg West township during the height of a reign of terror by both the Spaldings and Fast Guns gangs

Rev Begbie managed to bring the gangs' leaders together at the New-

lands police station, and in the presence of a senior police officer, hostilities were resolved

The "Good Samaritan" label followed soon afterwards when the West Rand Administration Board began removing squatters in Klip-town

Rev Begbie strongly objected to the removals, saying they were part and parcel of the migratory labour system to which the Church was strongly opposed.

Earlier this year he was back in action when Wrab again began removing squatters whom he in turn temporarily housed in tents

And now he now may find he has been tagged the "Good Samaritan of Katlehong"

More than two weeks ago when squatters in Katlehong faced removal it was Rev Begbie who spent many long hours pleading their cases with the authorities

When the squatters were arrested, Rev Begbie, vice-president of the Witwatersrand Council of Churches was there with his president, Bishop Simeon Nkoane

The young London-educated clergyman only says he sees the events at Katlehong as part of his calling



The Rev Cecil Begbie

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22/10/83
misses rights

Mr GAVIN RELLY ... book on
influx control.

BY LINDA GALLOWAY

SEVEN months was all that stood between Nelson P and his realisation of a 10-year dream — the all-important Section 10 1 (b) stamp in his passbook — the right to live and work with his family beside him, in Port Elizabeth

To obtain the essential stamp a rural worker living in the city must work for the same employer for an uninterrupted period of 10 years

Nelson is from Port Alfred He is not a contract worker, but was transferred He worked as a moulder in Port Elizabeth for nine years and five months — and then the company closed down

He was described by the company as a stable, reliable worker and was issued with a letter from the company asking the East Cape Administration Board's labour department to grant him a residential permit, as he had no control over the circumstances which had lost him his job

Ten years to the day had passed before he entered the Labour Department office, nervously proffering the letter which could have been the key to a secure future for his wife and two children as well as himself

He left the office, the letter in his hand, with the words "Only completed nine years five months — does not qualify", written across it

He was, however, given verbal permission to seek employment elsewhere, which he has attempted to do, without success

No company will employ him without the appropriate stamp in his passbook, because it risks a R500 fine for hiring a worker with no permit to be there

"If Nelson can remain in Port Elizabeth for another five years he will receive a permit on residential grounds," said Mrs Judy Chalmers, a Black Sash advice-centre worker.

"But he cannot remain here indefinitely without a job. He is a technically skilled worker, which the centre needs. If the trend to exclude rural people from the cities continues it can only be bad for our economy," she said

Nelson has not been told to return to Port Alfred as he has approved accommodation with an uncle in Kwazakele and his children are at school in Port Elizabeth, but the board would not give him a work-seeking permit

"Of course, there is the argument that there are already too many unemployed people in Port Elizabeth," said Mrs Chalmers, "but these people are not here to see the bright city lights, only to make enough money to survive"

Another recent influx control casualty is Henry M, who has a stamp in his passbook which officially evicted him from Port Elizabeth two weeks ago. But he is still here because it is his only hope for employment "There are no jobs in Middeldrift," he said

He has lived in Port Elizabeth for more than 20 years but has not been granted permanent resident status. He has worked for continuous periods of three and nine years — which do not qualify him to stay

"We are turning good, law-abiding people into criminals because of the pass laws," said Mrs Chalmers

"These men are victims of a situation

and although the officials are sympathetic, they cannot break the law," she said.

A query on his behalf brought a reply from the personnel officer of a local company stating "We may not employ contract workers any more. We used to have a large number but we have been informed that if a contract worker leaves we must employ a local man"

The arguments for an against influx control are dealt with in a book by the new chairman of Anglo American, Mr Gavin Relly, says there is no doubt the system is central to South African affairs in general and economic development in particular.

In his book, *Influx Control and Economic Growth*, Mr Relly gives three examples which might prove justification for influx control

One, he says, is the security case which would seek to keep the unemployed from out of the towns

"But I doubt very much whether, in the long run, the creation of impoverished, excluded rural populations is less dangerous than urbanisation," he said

Another argument is the environmental case which has to do with keeping towns clean and healthy for the residents.

"The argument about keeping towns clean and healthy at first seems to have considerable validity, but it is ironic that in South Africa the controls we impose do much to create the very conditions we seek to avoid

"The price we pay for having fewer blacks in towns is, first, a higher proportion of unattached males more prone to crime than they would be if their families were with them and secondly, conditions of overcrowding, which are breeding grounds for nefarious activity", perpetuated by a failure to build proper homes.

The last is the case which argues that the unemployed are better off in the country than in the towns, with the explanation that influx control is a way of evading the cost of social infrastructure.

"In any event I presume that given modern defensive mechanisms and weaponry, it is easier to control town dwellers than rural people"

Mr Relly argues that squatter camps are in fact a less dangerous health hazard than overcrowded townships. "The tendency, it seems, has been for epidemics — including outbreaks of cholera — to take place in rural areas and not in squatter camps."

There is another aspect we must take into account, says Mr Relly, and that is that the retention of influx control is necessary because the economic and political costs of increased concentration of people in the urban areas are too high.

The flow of black people with new-found freedom to the towns would have a detrimental effect on the quality of life for those already there

"Restricting the supply of unskilled people enhances the demand for, and the price of, skilled labour. So it stands to reason that organised labour, including black unions, could have a vested interest in supporting influx control.

"But how long could we expect to nurture the 'quality of life' of a few privileged town dwellers at the expense of the many impoverished rural people, held in that state by State coercion?"

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S. Times

Influx control under attack

By DIRK VAN ZYL

INFLUX control came under sharp attack at the annual congress of the Association of Chambers of Commerce (Assocom) in Pretoria this week

Influx control was highlighted by the Johannesburg chamber in a background document to a motion, accepted by the congress, calling on the Government "to develop and implement, in the closest possible collaboration with the private sector, a vigorous and imaginative urbanisation policy"

Successive governments had introduced or maintained some form of influx control measures, which were the cornerstone of black urbanisation policy, the paper said.

"They all have one thing in common — none of them succeeded in stemming the flow of work-seekers from the rural to the urban areas", and they increased the pressure on an already over-extended police force to enforce pass laws

Inevitable

Urbanisation had to be accepted "as an inevitable consequence" of the development of an industrial economy, the paper said

"Unfortunately the present situation is that the Government generally still pursues an ideological strategy aimed at preventing the natural process of urbanisation."

The paper concluded with a plea that "we must provide the urbanised black man with security of tenure instead of seeing him only as a wage-earning unit within an industrial society"

In another motion, the congress expressed its concern at possible financial implications of a devolution of powers to metropolitan and local authorities in the proposed new constitution

This could lead to an undermining of overall financial control and discipline, additional taxes and damage South Africa's economic performance, the motion stated

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Influx 'horror' proved wrong

By Barry Streek

HORROR stories about black people flocking to the cities in the wake of the historic Rikhoto judgment have been shown to be incorrect.

Wild estimates of the costs involved have also been challenged by Charles Simkins, a University of Cape Town economist.

He says the costs of implementing the Rikhoto judgment are small because a mere 145 000 people could come to the cities as a result of the judgment.

In the Rikhoto case, the Appeal Court ruled that migrant workers could get permanent rights in the cities, provided they had lived there for 15 years or had worked for a single employer for ten years, even if they had to renew their contracts annually.

In his 15-page analysis of the costs, Mr Simkins challenges estimates of the numbers and costs involved made at the time in Government circles.

After looking at the age structure of the migrant labour force — very few people under the age of 30 could qualify under the Rikhoto judgment because they could not have worked for ten continuous years in the urban areas — Simkins says a mere 130 000 could gain urban rights.

This would not imply new immigration into the cities because these people are already there. He believes the implied immigration of dependents through males would total 123 000 and through women a further 22 000.

Government spending would go up by R23,1 million — R2,6 million for education, R2,9 million for health, R3,2 million for transport, and R14,4 million for housing.

His study — The Economic implications of the Rikhoto judgment — is published by the Southern Africa Labour and Development Research Unit (Saldru) at the University of Cape Town.

1983 ★

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Anglican clergy attack removals

By MARTINE BARKER
Staff Reporter

CAPE Town's Anglican churchmen have resolved to support actively the communities of Langa, Nyanga, Guguletu and Crossroads in their determination to resist relocation to Khayelitsha

During the 53rd session of the Synod of the Cape Town Diocese of

the Church of the Province of South Africa, which ended last night, the gathering of about 300 clergy and senior churchmen noted "with deep concern and dismay" that the government intended relocating these communities in Khayelitsha

Such relocation would "uproot and destroy settled communities and cause further divisions among the poor and oppressed"

As this had been done without any consultation with the communities concerned, the synod believed it to be "a grave injustice" which conflicted with a Christian understanding of just government

The synod therefore called urgently on the Minister of Co-operation and Development, Dr Piet Koornhof, to reverse his decision

● In another motion, the synod declared its "total opposition to the authorities that the government has set up over the Ciskei region"

It gave its "full moral support" to the workers and residents of Mdantsane in their bus boycott and called on the government to immediately reverse its homeland policy by divesting the "so-called governments" of their authority

The motion, which noted the contents of the Haysom report on incidents surrounding the boycott with "dismay and concern", recognized that the boycott was the "climax of the simmering anger" of workers and students against Chief Sebe's despotism, and that popular resistance to Chief Sebe's "despotism" was a manifestation of wider resistance to the homeland system and to apartheid philosophy.

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A widow in need of work

CAPE TOWN 26/10/83

LIFE UNDER APARTHEID (1): The first of a series which highlight the effects of the system on the lives of ordinary people

MISS ELSIE SONJICA comes from Cofimvaba in the Transkei. Her husband Wellington was a contract worker with a construction company in Cape Town for many years and although life was not easy, they managed and the children grew up and started to go to school.

Mrs Sonjica came to Cape town a few times to visit Wellington, staying with her cousin in Guguletu and meeting her friends.

Tragedy hit the family in 1974 when Wellington was killed in a car crash. Fortunately for the Sonjica children, Elsie is a strong person and she pulled herself together and headed for Cape Town, the only place she could think of where one knew a few people and could possibly find a job. She was lucky in that her mother in Cofimvaba could look after the children.

Through her cousin she found a job as a living-in domestic worker. Gradually she learnt to speak English and being a strong, intelligent woman she was soon indispensable to Mrs Brown.

Every month Elsie sent money home for the children, but her heart ached as she picked up and tidied after the

Brown children. Once a year she went home for three weeks to see her own kids, taking new clothes (she had to guess how much they would have grown since last she had seen them).

Elsie's day off when she visited her cousin in Guguletu was always an anxious time because she did not have a pass and the inspectors often waited at the bus stop to stop people and demand to see their passes. Only once in 1981 was she caught, and suffering the indignity of being bundled into the van, driven around until the van was full, and then to the Commissioner's Court where she was fined R70.

Mrs Brown, who paid the R70, was horrified and only then realized that Elsie needed a permit to stay in Cape Town to work and support her family. They went to the Administration Board at Langa.

In January this year the Brown family was transferred out of Cape Town. Elsie was horrified — what was she to do? Her youngest son still at school and she needs to work. Fortunately Mrs Brown has a friend who is very pleased to inherit Elsie who has been such a re-

liable worker for the last nine years.

They go to Langa to the Administration Board offices to fix up Elsie's pass. They are met with a nasty shock. Before they can stop him, the official has stamped the book with "to report to employment officer Cofimvaba".

The contract that Elsie had with Mrs Brown is not transferable and contracts like that are not being granted anymore. A dazed Elsie sobs quietly in the back of Mrs Jones's car.

SUE JOYNT

(Written by Sue Joynt, 5 Long Street, Mowbray)

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for 10 years or longer

After his victory, Rikhoto set about obtaining permission for his wife to live legally with him in Germiston's Katlehong township in terms of another landmark case — the Appellate Division Komani judgment. This stipulates that the wife, unmarried daughters, or sons under 18 years of age with Section 10 qualifications are entitled to remain in urban areas once they have taken up residence with them (thus qualifying them as 10(1)(c) residents)

Numerous delays (some would call them obstructions) on the part of the East Rand Administration Board forced Rikhoto to resort to legal action yet again. Ironically, if Mrs Rikhoto's name had not been entered onto her husband's lodger's permit on August 25, she might not have won her case.

The Laws on Co-operation and Development Amendment Act adds a new paragraph with extremely rigid strictures to the Section 10 provisions. Central to it is that relatives of people with 10(1)(b) qualifications who wish to apply for 10(1)(c) qualifications must prove that they were living with them before August 26 — the day the amendment was promulgated. But there are other provisions — related to the highly vexed area of housing.

- The 10(1)(b) person must live in either
- A house bought under the 99-year leasehold scheme,
 - A house built by the person on a site for which leasehold has been obtained,
 - A rented house of which the person is the registered tenant (not a lodger), or
 - Married quarters made available by their employer.

These factors clearly indicate that government is requiring extraordinarily high standards of accommodation for people who wish to qualify for urban rights. The waiting list for housing in all black townships is enormous. However, large numbers

URBANISATION Tighter control

The Rand Supreme Court's recent affirmation of Rosinah Rikhoto's claim to urban rights has thrown attention on a little publicised new amendment to the Laws on Co-operation and Development Amendment Act. It has ominous implications for those who believe black urbanisation is inevitable.

Rikhoto is the wife of Tom Rikhoto, who made legal history in May when he became the first migrant worker to be awarded permanent urban residence rights in terms of Section 10(1)(b) of the Blacks (Urban Areas) Consolidation Act. To do so he had to prove that he had worked for one employer

of blacks manage to live in townships by lodging with others. Now these people will not be able to get their families to join them unless they can prove that they were there before August 26. This will invariably be extremely difficult to do, especially as there will be no records of their presence in urban areas because people who are illegal quite naturally tend to stay out of the way of officialdom.

According to Black Sash national president Sheena Duncan, the amendment undoes the Komani judgment in relation to 10(1)(b) people — the most significant proportion of families wanting to come to towns. "This represents an almost total clampdown on any future black urbanisation," she told the *FM*.

Duncan predicts that the approximately 143 000 people who government has said would qualify for urban rights in terms of the Rikhoto judgement will be the last to qualify. (According to statements made in Parliament just before it rose, only 9 000 people have obtained rights through this mechanism.)

She points out that the Orderly Movement and Settlement of Black Persons Bill, which Co-operation and Development Minister Piet Koornhof has said will be introduced in Parliament next year, eliminates Section 10 rights and any chance of migrants obtaining urban rights.

"The amendment anticipates the Orderly

Movement Bill which creates a new way of defining what an urban resident is. Black urban rights are subject to accommodation. This means urban rights will no longer be legal rights," she says.

- Meanwhile, news of another limitation on migrant workers' tenuous ability to remain in urban areas emerged last week. The Steel and Engineering Federation of SA (Seifsa) has told its members that they are legally entitled to alter migrants' contracts (which usually apply for a year) allowing them to terminate employment with a day's notice.

Metal industry trade unions have reacted strongly against this move. Seifsa, however, says it has merely brought migrants' conditions of service in line with other employees in the metal industry whose service can also be terminated in a day.

Transfer casts a pall on hopes of urban rights

By Jo-Anne Collinge

Contract worker Papa Bethuel Ndzakana was a hair's breadth from qualifying for urban residence rights — just a few weeks short of the required 10 years' service with one employer in one area — when he was transferred in December last year.

He realised that this routine transfer from Benoni to Boksburg might continue to separate him from his family only when he approached East Rand Administration Board officials in Boksburg in August expecting to get an urban residence rights stamp in his reference book.

He had gone there in high spirits — “for the first time I had real hopes of getting my stamp” — because fellow Sentra Rand hostel dwellers who had won their urban rights after the Rikhoto case told him that he, too, should qualify. After all, he had seen more than 10 years' service for the Railways.

But Mr Ndzakana came away empty-handed. Two months and another Erab visit later he is still without the precious stamp, which will allow him to hunt for a family home and bring his wife, Mavis, and their four little girls to join him.

Black Sash president Mrs Sheena Duncan said she feared that officials were sticking to the letter of the law and granting urban rights only where 10 years' service had been completed within a single prescribed area — as laid down in the Black Urban Areas Consolidation Act.

She said the Sash advice office in Johannesburg had experienced little success in assisting workers such as Mr Ndzakana, who claimed several of his workmates were in a similar position.

But the chief director of the East Rand Administration Board, Mr Frans Marx, has agreed to review Mr Ndzakana's case and expressed surprise that he had experienced difficulty obtaining a 10 (1) (b) classification.

“I see no real difficulty if he has worked all the time in the East Rand administration area. I would be happy to go into this case,” he said.

At present Mr Ndzakana, who works in the carriage and coach section at the Sentra Rand Marshalling yard, sees his family in Herschel, Transkei, once a year during his annual leave.

Sometimes his wife comes to visit him on the Reef.

“But then we have no place to stay together. I have to hire a place or use the house of a friend.”

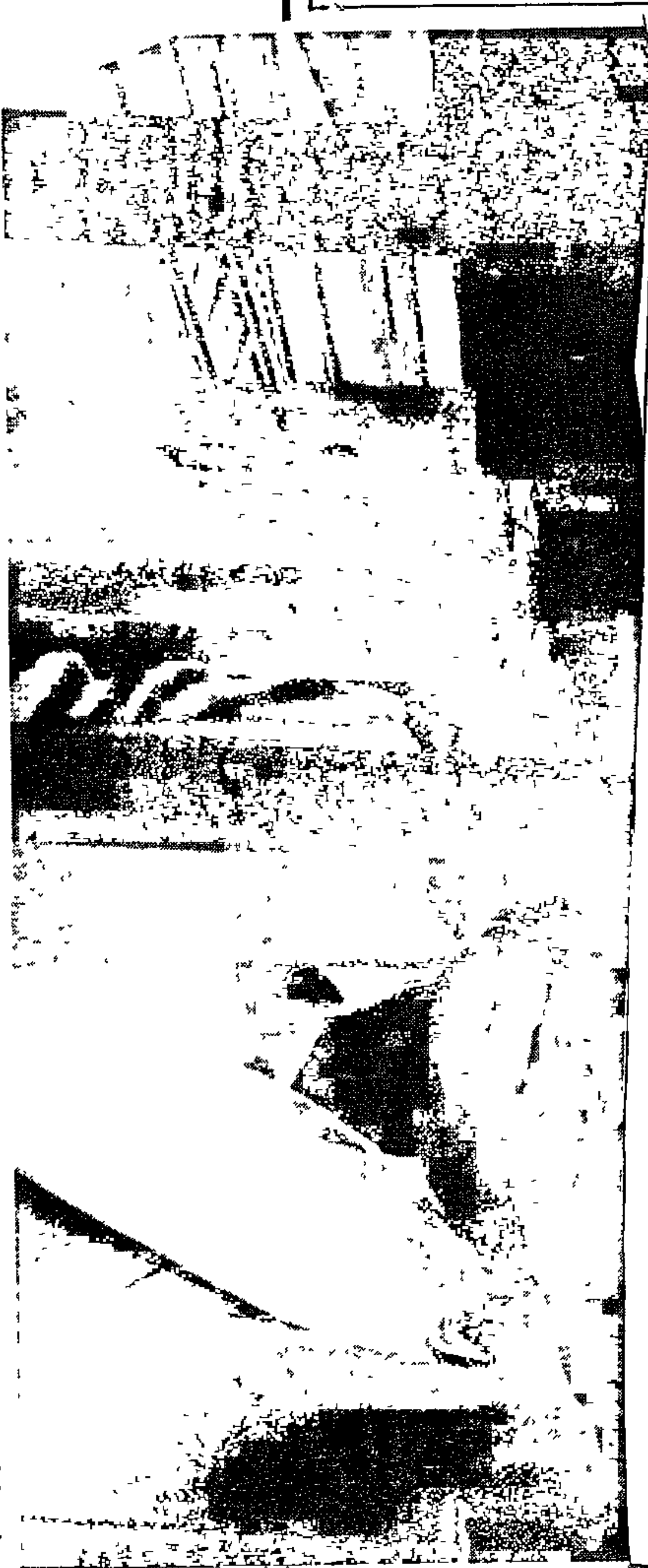
“And even then there is no peace of mind because they can catch my wife any time for being here.”

He has not yet told his wife that their hopes of getting the family together have suffered a setback — or perhaps been dashed. “I'll tell her when I see her in December.”

The Black Sash is hoping that by then Mr Marx will have reviewed the case, with a favourable outcome for Mr Ndzakana.

Mrs Duncan said the decision could affect a large class of workers who were subject to repeated transfer.

Papa Bethuel Ndzakana after more than 10 years' service in shunting yards on the East Rand he must face the possibility that a reunion with his wife and family in a home of their own may be turned down. ● Picture by Alf Kumalo



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'Many forced to break law to survive'

Staff Reporter

THREE quarters of the people in South Africa have to break the law to survive, according to Cape Town criminologist Mrs Mana Slabbert

Mrs Slabbert was speaking at a function today organised by the Cape Town executive committee of the Union of Jewish Women

Mrs Slabbert and four others were named the union's women personalities of the year

Families

She said the Group Areas Act and influx control placed restrictions on three quarters of the South African population and broke up family life. This break-up and its results interested her as a criminologist

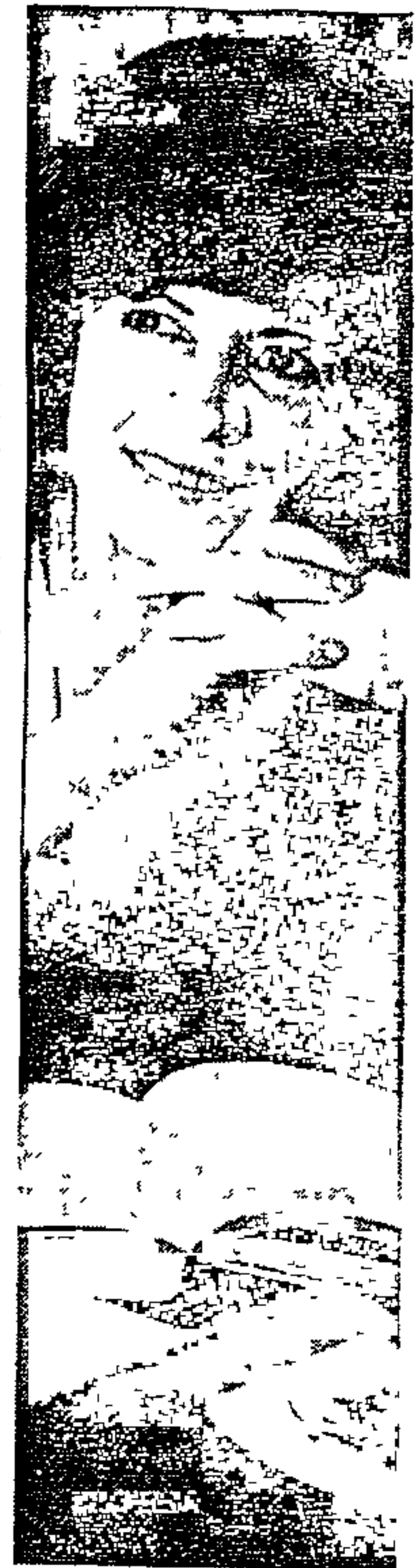
While many people regarded criminals as those responsible for serious crimes such as murder and rape, many became criminals in South Africa because they broke laws such as the Group Areas Act and influx control legislation

The Group Areas Act had led to the break-up of the extended family which meant young children who no longer had relations to look after them drifted into gangs or state institutions, while influx control also meant families were broken up

Potential

Most children were born with potential which should be encouraged, but if their legitimate needs were not realised, they often drifted into crime

The others named personalities of the year were Moyra Fine for her work in the theatre, Brenda Kreiner for her work in civic affairs, Madeleine van Biljon for her work in journalism and Nosizwa Nyakaya for her work as a nutritionist at Crossroads



Mrs Mana Slabbert

Mrs Nyakaya said the clinic at Crossroads cared for an average of 350 children at a time from a population of about 23 000

Malnutrition

The main problem was malnutrition and malnutrition-related diseases such as kwashiorkor, rickets and TB

Malnutrition and its related diseases often resulted from overcrowding and unemployment as well as desertion by a parent

She said the number of children cared for always increased during raids because during the destruction of houses and shacks, cooking facilities were often lost

Welcome to Vryburg



● The different faces of Vryburg — a sign of welcome, but for whom? Blacks living in the 'hovels' of nearby Huhudi face

(But if you're black, not after 9pm. An

By ARLENE GETZ

BLACK people are not allowed to walk the streets of Vryburg after nine at night — but half of the town's council would like to hear a siren or a bell ringing to remind them about it.

They would also like to see the 20 000 residents of the nearby Huhudi township moved lock, stock and barrel to the Bophuthatswana town of Pudimoe, 50km away, and fences built around the town's parks to keep out black servants

Clearly the Northern Cape town is one of the bastions of the far-Right. It is also a prime example of the schizophrenic results of trying to 'reform' apartheid.

While town councillors who support the far-Right Herstigte Nasionale Party and the Conservative Party are quite open about their hard-line black policies, National Party members toe a more enlightened line.

"We're the Left-wing here," remarked an NP councillor wryly this week.

Yet they aren't quite 'liberal' enough to reject totally the racist moves advocated by those they term "the ungodly"

Last year the Vryburg town council unanimously decided to ask for the return of the curfew which forbids blacks to be on the streets between 9pm and 4am without special permission from their employers.

The motion was introduced by HNP supporter Mr Willem Kotze and supported by the NP "because they felt the people of the town wanted the curfew brought back".

NP members were not, however, in favour of such an unsubtle device as a bell or a siren. A curfew already on the statute books was acceptable as a device against "inadequate" vagrancy laws and "suspicious" behaviour, but the Nats did not want to act against "well-behaved blacks"

The issue surfaced again with the September induction

ROW OVER AXING OF LAWYERS

VRYBURG was rocked when the town council axed its legal firm at a meeting this week

The dismissal — which had immediate effect — has caused a bitter political row in a town council split between supporters of the National Party and the far-Right parties

NP sources have accused Herstigte Nasionale Party councillor Mr I A Mollentze of suggesting the change because a member of the former legal firm, Mr Jo-

han Scheepers, successfully opposed him in the last provincial council elections

HNP members have decried this

The mayor, Mr Willem Kotze, said this week he had agreed to dismiss the former lawyers because one of the members of the newly-appointed firm was experienced in council work.

"There was nothing political about the move," said Mr Kotze

of Mr Kotze as mayor His appointment gave him the casting vote in a council deadlocked by an equal number of Right-wing and NP supporters.

But in an interview this week he said his plea for a siren had continued to fall on

the deaf ears of police and administration board officials.

"It is out of our hands now," he said with regret.

More optimistic was fellow HNP councillor Mr Phillip 'Flip' Venter, who said the curfew had been re-intro-

● Mayor Willem Kotze backs curfew

duced although police seldom made arrests

Certainly, local blacks interviewed this week appeared unconcerned about their 9pm deadline and few attempted to move off the streets as the bewitching hour approached.

Explained life-long NP member and immediate-past mayor Dr W C Annandale. "At the moment the curfew law is used by police when a black person is seen acting suspiciously after 9pm.

"To my mind the police are too busy with serious crime to

● Mr Phillip Venter "few arrests"

waste their time with unglorious, petty commission of a law"

A Vryburg police man confirmed this — was the case, but police would question body — black or white acting suspiciously

The issue of 'whites only' signs and off Vryburg's parks blacks — rejected because of the R... involved — is also be resurrected.

It's not that they're

The dam that's destroying

ORDER a meal in Vryburg and you're likely to find yourself facing a portion of food overflowing from the plate

Vryburg's like that

Situated in the far northern reaches of the Cape. It is a place where everybody thinks big

The town itself isn't that big — it has about 30 000 people of all races — but the 200km-long Vryburg district is so large residents jokingly claim it is bigger than the Free State

HNP town councillor Mr 'Flip' Venter has lived in Vryburg for 22 years and has stood as a parliamentary candidate in several

general elections

For him the prosperous little town has plenty of activities to offer its residents

"There are lots of political meetings and sometimes we have wrestling matches," he explains, adding with a smile "Of course, a lot of drinking goes on too"

The town's younger generation don't agree with all of this

Apart from the Saturday night 'sokkie' and the odd production at the local theatre they often find the only entertainment is several hundred kilometres away in Sun City or on the coast.

But recently white Vryburg residents

have had more lack of entertainment

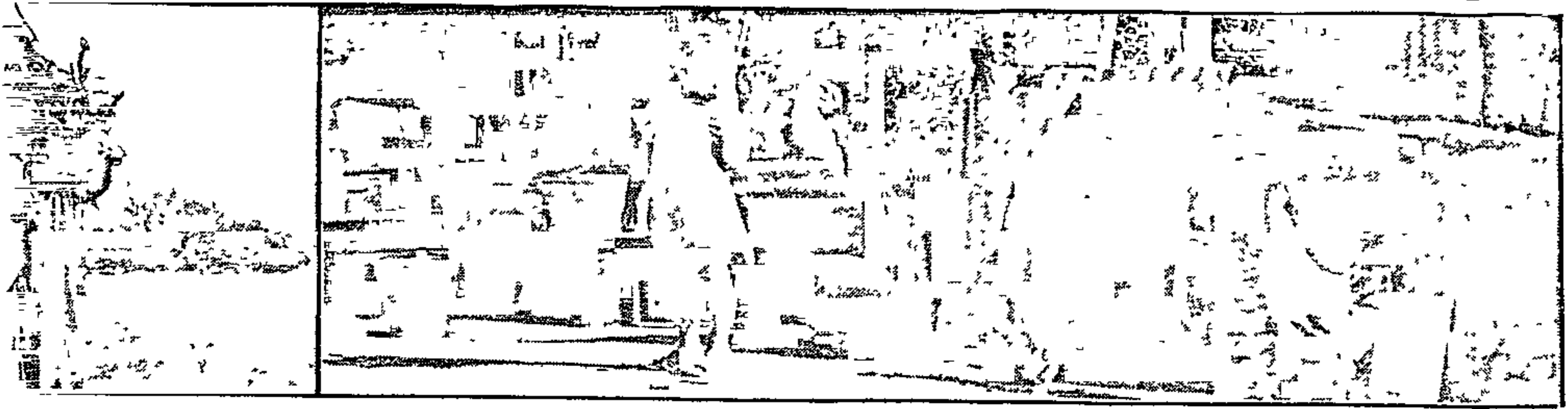
One of the current in the city council

10km-long dam at Consultant eng would not be viable years to fill, but HNP mined to go ahead.

NP councillors and decided last year litre reservoir for R4

However, the Mr Willem Kotze has cillors again trying to

me to Vryburg



... but for whom? Blacks living in the 'hovels' of nearby Huhudi face removal to Bophuthatswana

Pictures DEENA SHAPIRO

ack, not after 9pm. And do avoid parks)

206 (206) of Vryburg, after nine at a siren or a bell ring-

nearby Huhudi township of Pudimoe, 50km away, servants

OF LAWYERS

Scheepers, successfully dismissed him in the last provincial council elections

HNP members have de-

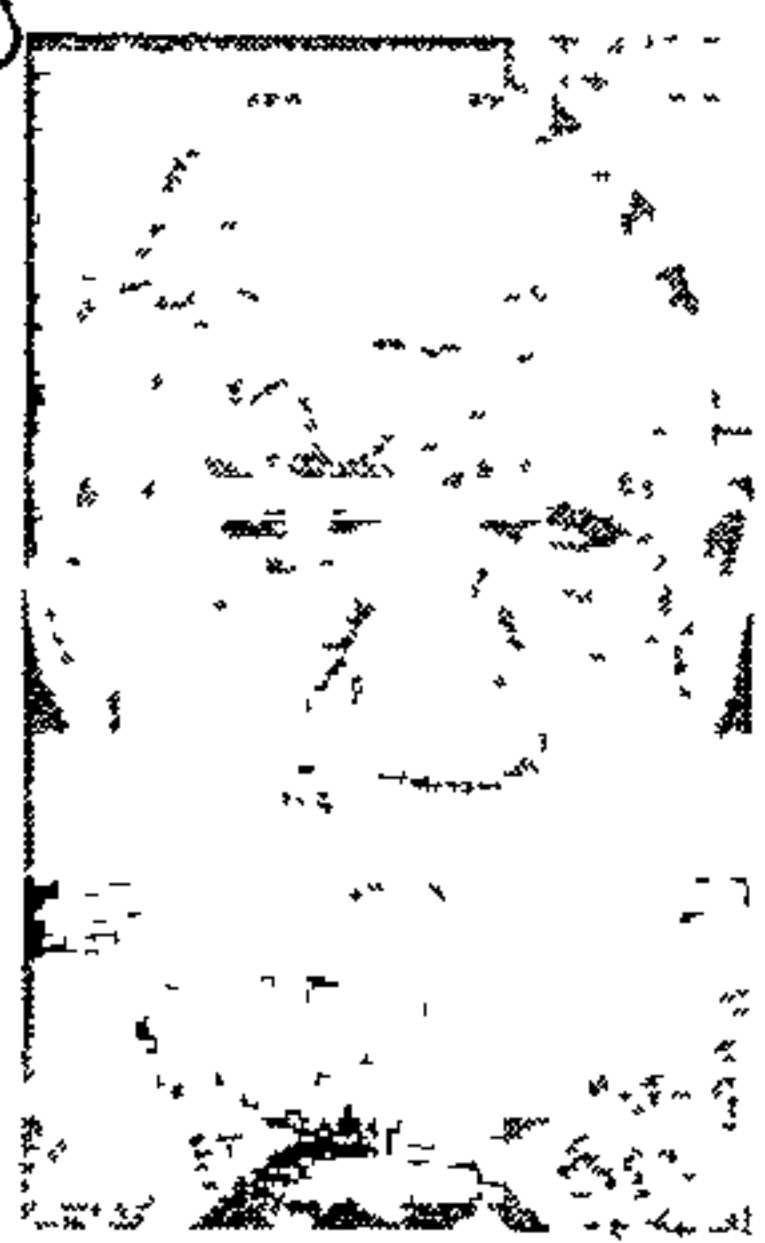
thus The mayor, Mr Willem Kotze, said this week he agreed to dismiss the former lawyers because of the members of the newly-appointed firm was criticised in council

There was nothing political about the move," said Kotze

the deaf ears of police and administration board officials.

"It is out of our hands now," he said with regret.

More optimistic was fellow HNP councillor Mr Phillip 'Flip' Venter, who said the curfew had been re-intro-



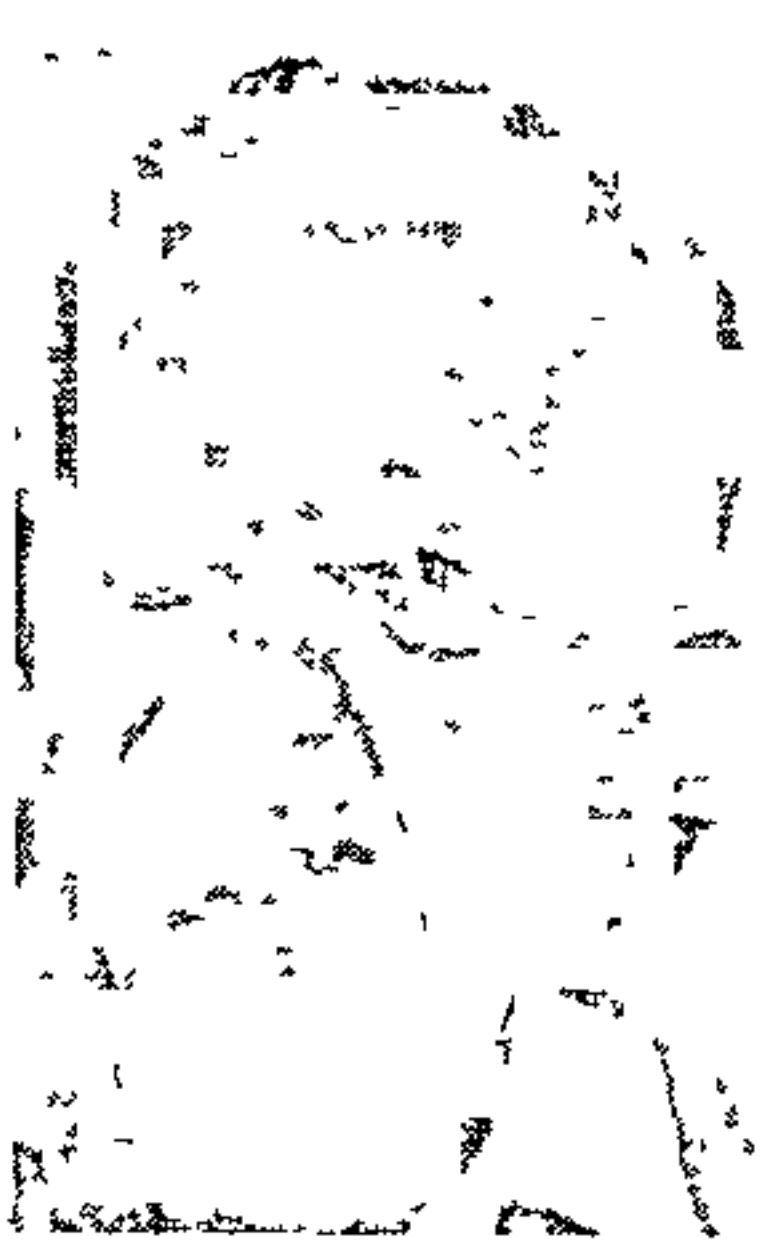
● Mayor Willem Kotze backs curfew

duced although police seldom made arrests

Certainly, local blacks interviewed this week appeared unconcerned about their 9pm deadline and few attempted to move off the streets as the bewitching hour approached.

Explained life-long NP member and immediate-past mayor Dr W C Annandale. "At the moment the curfew law is used by police when a black person is seen acting suspiciously after 9pm

"To my mind the police are too busy with serious crime to



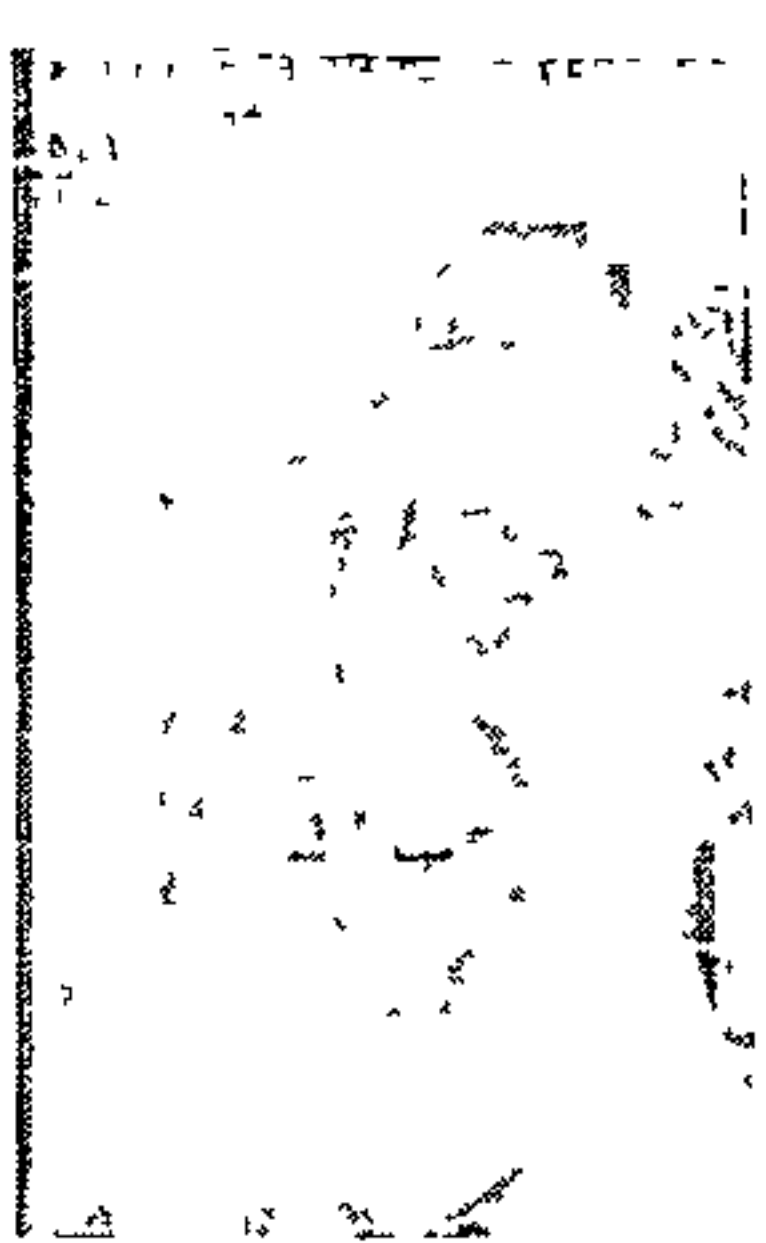
● Mr Phillip Venter "few arrests"

waste their time with meaningless, petty contraventions of a law"

A Vryburg police spokesman confirmed this week this was the case, but added that police would question anybody — black or white — seen acting suspiciously

The issue of putting up 'whites only' signs and fencing off Vryburg's parks to bar blacks — rejected last year because of the R30 000 cost involved — is also expected to be resurrected.

It's not that they're open to



● Mr Edwin Frylink .. backed by Nats

all races — NP policy dictates that parks should only be used by residents in their own group areas — but the occasional black nanny does visit with her white charges.

"We would still like to see the parks closed to blacks," HNP councillor Venter said.

Also high on the HNP's list of priorities is the removal of residents from Huhudi.

The move was first placed on the government's agenda almost 10 years ago, but a 1981 Sunday Express investi-

gation highlighting the seven years of uncertainty for Huhudi residents elicited a promise from the Department of Co-operation and Development that people would not be moved against their will

The move was vigorously opposed by the local business community, but, according to the HNP's Mr Venter, trade would not be adversely affected.

"Live-in workers and hostel residents would still be in Vryburg and the people would still come here to work and shop," he said

Again local NP members are reluctant to condemn it completely and speak of "a gradual and responsible movement" of people living in "hovels"

Huhudi was the scene of unrest in July when a secondary school was forced to close for a month and 31 people were arrested after more than 500 pupils complained of corporal punishment for overdue school fees, medical and library fees and a shortage of textbooks

It is not known exactly how many Huhudi residents have already agreed to move to Pudimoe.

n that's destroying council concord

...re likely of food ... of the ... thinks ... It has ... but the large resi- than the Venter has ... has stood in several

general elections For him the prosperous little town has plenty of activities to offer its residents. "There are lots of political meetings and sometimes we have wrestling matches," he explains, adding with a smile: "Of course, a lot of drinking goes on too" The town's younger generation don't agree with all of this Apart from the Saturday night 'sokkie' and the odd production at the local theatre they often find the only entertainment is several hundred kilometres away in Sun City or on the coast. But recently white Vryburg residents

have had more pressing concerns than the lack of entertainment One of the current issues is division within the city council over the building of a 10km-long dam at nearby Tiger Kloof. Consultant engineers have reported it would not be viable and could take seven years to fill, but HNP councillors are determined to go ahead NP councillors claim the idea is ludicrous and decided last year to build a 100-megalitre reservoir for R42-million However, the appointment of HNP mayor Mr Willem Kotze has seen Right-wing councillors again trying to obtain council appro-

val for a dam and holiday resorts The issue was almost resolved this week when former bank manager Mr Hennie Venter — a supporter of the proposed dam — stood as an independent candidate in a municipal by-election Had Mr Venter been elected, he would have held a deciding vote in a council evenly split between HNP and NP supporters, but he was narrowly beaten by former councillor Mr Edwin Frylink Although Mr Frylink also stood as an independent, his candidature was supported by the National Party and he has refused to state his position on the dam issue

ATTEMPT IS TO WIN CITY RIGHTS FOR WORKERS IN TERMS
of the Rikhotso judgment received a boost last week
— or did they? (203) (206)

In an out-of-court settlement, the West Rand
Administration Board agreed to grant rights to Mr
Samson Maluleka, a Johannesburg municipal work-
er

At issue was Wrab's unwillingness to grant rights
to workers who have taken unpaid leave during their
10-year qualifying period as contract workers

Hundreds of workers have been refused rights
because of Wrab's stance. At the Johannesburg City
Council, for example, it has been standard practice
to grant contract workers two weeks' unpaid leave a
year.

Workers in this position — and their employers —
had been waiting for the Maluleka case in the hope
that a precedent would be set.

Although some have seen the settlement as a sign
that Wrab has conceded that these workers are
entitled to rights, this is, of course, not the case in
law.

By settling, Wrab has prevented a precedent —
and it has said it will use its discretion in deciding
whether to grant rights to others in the same posi-
tion.

Wrab could now avoid a precedent by settling
each unpaid leave case against it just as it is going to
court.

Litigation is a lengthy business and, if it does this,
it could ensure that many workers in the same
position as Mr Maluleka continue to be refused
rights — without the courts intervening.

□□□

WHAT seemed certain to be a crunch emerging-
union unity meeting was postponed at the weekend,
averting a possible showdown.

The unions were due to meet to continue feasibil-
ity talks on a new union federation and it had been
expected that tensions between older and newer
union groups would come to a head.

Unionists insist the postponement — to February
— is unrelated to these tensions.

But it seems likely that the postponement will
only delay the showdown.

Cape Times 16/11/83 206

26 Vrygrond pass arrests

Staff Reporter
INSPECTORS of the Western Cape Administration Board (WCAB) yesterday arrested 26 people for pass-law offences in the Steenberg Vrygrond area

The chief liaison officer for the WCAB, Dr Gert du Preez, confirmed this, saying that 10 of those arrested

were women and 16 were men

He said the 26, who were arrested on the street and in raids on sleeping quarters, were arrested in terms of influx-control regulations

No further pass raids were conducted in Crossroads yesterday and no demolition of squatter dwellings took place, said Dr Du Preez

Expert says Rikhoto judgment good for all

Relaxing influx control will bring modest benefits

Star 12/11/83

By Jo-Anne Collinge

Relaxation of influx control would bring about a range of economic and social benefits at "moderate" cost, a Cape Town economist said

After studying the financial implications of the Rikhoto judgment, which secured permanent urban rights for long-term contract workers, Mr Charles Simkins of Cape Town University said the judgment would benefit workers and employers

In a paper, published by the South African Labour and Development Research, Mr Simkins said

- Contract workers would enjoy occupational mobility. They were free to change jobs and risk occasional spells of unemployment without the fear of being endorsed out of the cities. Therefore the worker could look for the job where he was likely to be most productive

- The employer, reassured by the worker's permanence, would view him as a better training prospect and be more likely to find staff for skilled positions

- Wives of long-term migrants qualifying for urban residence along with their husbands, would gain access to urban markets offering thrice the number of jobs available in rural areas

- The worker's household costs would be reduced as there was no longer the burden of maintaining two homes

- The worker's family would enjoy improved educational and other social services

"The Rikhoto judgment will, in a modest way, con-

tribute to the spread of urban life styles and urban values. We look to education and training to make possible further economic development," Mr Simkins said

"But there is more than an industrialised work force than that. A new sense of time and work is needed and a shift to an achievement based system"

Mr Simkins calculated that 130 000 temporary workers stood to gain permanent residence rights if the Rikhoto judgment was fully implemented

He said it would not trigger an influx of labour to the towns as "Rikhoto rights" candidates were already employed. The only increase in immigration would be about 145 000 dependents who could legally live in the urban areas. That population growth, about 2,4 percent of the urban population outside the homelands, was described as modest

He calculated the cost to the public sector of providing health, housing and educational facilities for the increased population to be about R5 million a year

"In a country where the gross national product was about R76 billion in 1982, the economic implications of the Rikhoto judgment are small. The demographic and economic changes are easily affordable and would bring considerable benefits to the individuals involved and to employers," Mr Simkins said

"Indeed, this study points beyond itself to advocating relaxation of influx control which would bring further benefits at moderate costs"

~~SALDRU~~

INFLUX CONTROL
After Rikhoto

200
~~219~~

The total urban black population outside the homelands will rise by only 2,4% if government fully implements the Rikhoto judgment, says University of Cape Town (UCT) labour economist, Charles Simkins.

In May this year the Appeal Court held that Mehlolo Tom Rikhoto was entitled to urban residence rights under section 10(1)(b) of the Blacks (Urban Areas) Act. This section allows any migrant who has worked "continuously" for one employer for 10 years, or for several for 15, to obtain city rights. However, since 1968 government officials have insisted that because migrants leave their employers every year to renew their contracts, they never work continuously for one employer for more than a year.

However, the court said Rikhoto earned these rights by working for one employer for more than 10 years — even though he had been forced to return to rural areas each year to renew his contract.

From within government there have been predictions that this decision could result in a massive flow of blacks to the cities. However, in a paper published by the SA Labour and Development Research Unit (Saldru), Simkins argues that the costs of implementing the judgment would be negligible in comparison to the considerable benefits gained by employers and contract workers.

Mobility

Workers gain the obvious advantage of greater occupational mobility. But Simkins points out that employers are likely to regard the worker with permanent residence rights as a better training prospect. "As he gains training, he is able to advance into jobs that no one could fill before."

Simkins estimates that the cost to the public sector of providing housing, education and health facilities for the increased population will be about R5m a year — a figure which could possibly be offset against increased taxation.

He calculates that a total of 130 000 migrant workers, who currently work in the cities on temporary passes that need to be renewed each year, stand to gain permanent urban rights if the Rikhoto decision is fully implemented.

This, however, does not mean any increase in the number of black workers already in towns and cities. Simkins estimates that the only increase in immigration to the cities would be the additional 145 000 dependents of these people. This figure, he says, represents only 2,4% of the total urban black population outside the homelands — a very modest increase.

"In a country where the gnp was about R76 000m in 1982, the economic implications of the Rikhoto judgment are very small," he says.



INCORPORATED GENERAL INSURANCES LIMITED

DIRECTORS

L Nathan (Chairman) IMA Lewis (Managing Director)
 FW Hosken CJ Behrmann E Hughes JH Hosken G Nestadt
 RC Andrews CW Botha P Ghavalas

**INTERIM REPORT TO SHAREHOLDERS FOR THE
 SIX MONTHS ENDED 30 SEPTEMBER, 1983**

The following are the unaudited results of the Company and its subsidiary companies for the six months ended 30 September, 1983, together with the comparative figures

	Six months ended 30 September		Year ended 31 March
	1983	1982	1983
GROSS PREMIUM			
– Short-term	101 821 000	68 723 000	140 936 000
– Life	6 813 000	4 295 000	7 913 000
	<u>R108 634 000</u>	<u>R73 018 000</u>	<u>R148 849 000</u>
NET PREMIUM			
– Short-term	60 909 000	40 969 000	87 422 000
– Life	6 281 000	3 867 000	6 872 000
	<u>R67 190 000</u>	<u>R44 836 000</u>	<u>R94 294 000</u>
CONSOLIDATED PROFIT (Excluding extraordinary items)	4 952 000	3 149 000	7 859 000
Taxation	1 897 000	1 286 000	2 854 000
Profit after taxation	3 055 000	1 863 000	5 005 000
Attributable income/(loss) of foreign associated companies	62 000	67 000	(200 000)
	<u>3 117 000</u>	<u>1 930 000</u>	<u>4 805 000</u>
Minority interests	262 000	94 000	250 000
	<u>2 855 000</u>	<u>1 836 000</u>	<u>4 555 000</u>
Preference dividend	135 000	68 000	182 000
PROFIT ATTRIBUTABLE TO ORDINARY SHAREHOLDERS	<u>R2 720 000</u>	<u>R1 773 000</u>	<u>R4 373 000</u>
Number of ordinary shares in issue	5 362 500	5 362 000	5 362 000
Per ordinary share (cents)			
– Earnings	50,7	33,1	81,5
– Dividend paid	7,0	6,0	14,0
Dividend cover	7,2	5,5	5,8

BY ORDER OF THE BOARD OF DIRECTORS

L Nathan *Chairman*
 IMA Lewis *Managing Director*

AO Hawes *Secretary*

Johannesburg
 8 November, 1983

~~SALDRU~~
INFLUX CONTROL
After Rikhoto

206
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"In a country where the gnp was about R76 000m in 1982, the economic implications of the Rikhoto judgment are very small," he says.

S-Times 28/11/83 206

Rikhoto will pay off in millions

EMPLOYERS will save millions once permanent urban residential rights are extended to most of South Africa's 1,4-million migrant workers in terms of the recent Rikhoto judgment, says the SA Labour and Development Research Unit (Saldru).

In a fact sheet, Saldru says the greatest implication for some of the migrants will be free and increased occupational mobility.

This could mean workers finding jobs at more competitive wages and at the same time enjoying greater job satisfaction

According to Saldru this could mean significant pay-offs for the employer in terms of higher labour productivity through optimal disposition of manpower resources

The South African economy pays a considerable, though invisible, price for the restrictions placed on workers without permanent urban resident rights, according to Saldru

This cost could be considerably reduced as more workers gain section 10(1)b, or permanent urban rights.

Movement of workers could be considerably re-

By Amrit Manga

duced, enhancing training prospects now plagued by a high rate of labour turnover

Savings from household mergers could have a significant lowering effect on the cost of living

According to Saldru, savings of up to 12,7% in the supplemented living levels (SLL) could be affected through families being allowed to live together as a result of the

Rikhoto judgment.

The change in status removes the requirement that the worker travel to his place of origin each year to renew his contract

Permanent urban rights are expected to lead risk-averse workers to invest more in education than would be under temporary and insecure work conditions.

This attitude to education

on the part of the worker could make a valuable contribution to the substantial shortage of skills and formal education

The removal involves savings for workers as well as employers. Often special leave has to be granted at a time dictated not by convenience but by the expiry date of the contract

The cost to the employer in these terms of production time, though not accurately quantified by Saldru, could be millions of man hours

During the five-year period from 1975 to 1981 the total number of migrant workers outside the homelands grew by 279 000 from just over a million to 1,4-million

This figure could grow to 1,5-million by the end of this year according to Saldru

It is estimated that the majority of these workers will be accorded permanent urban rights under Section 10(1)a and b of the Black Urban Areas Act

Cape Times 22/11/83

98 squatters held in Nyanga raid

By RIAAN
DE VILLIERS

NINETY-EIGHT people were arrested by Western Cape Administration Board officials in a raid on the Nyanga extension squatter camp on the perimeter of Crossroads early yesterday morning.

Officials also broke down 50 "illegal" plastic structures and confiscated their contents for safekeeping.

The WCAB's chief liaison officer, Dr Gert du Preez, said yesterday 51 men and 47 women had been arrested. Some of

them would appear on charges of illegal squatting and others for pass offences, he added.

Yesterday's raid was the second in which squatters have been arrested in terms of the Prevention of Illegal Squatting Act, and their possessions impounded, since large-scale raids resumed in the area after the referendum.

The first came on Thursday morning last week when 63 ex-KTC squatters living on the edge of Crossroads were arrested, their shelters demolished and their possessions removed.

BOARD MAY APPEAL

THE Black Affairs Administration Board in the Western Cape and the Municipal Labour Officer of Langa, have been granted leave by the Appeal Court in Bloemfontein to appeal against a judgment that held that Mr Mdanweni Elliot Mthiya of Gugulethu, was entitled to remain in the Cape Peninsula. The judgment was given in the Cape Supreme Court by Mr Justice Tebbutt on April 21, 1983. He found that Mr Mthiya was entitled in terms of

Section 10(1)(B) of the Black Urban Areas Consolidation Act to remain in the prescribed area of the Cape Peninsula. He directed the labour officer to endorse Mr Mthiya's reference book to that effect.

The petitioners submitted in their application that there was a marked difference in the facts of this case and those in the Rikhoto case, where Mr Tom Rikhoto was granted the right to be in the prescribed area of Germiston - Sapa

206
23/1/83
Sullivan

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C. Herold

22/4/83

OUT of the confusion and controversy surrounding the Supreme Court decision to grant permanent urban rights to contract labourer Mr Tom Rikhotso, now comes the first level-headed attempt to assess the implications of the Rikhotso judgement.

University of Cape Town economist Mr Charles Simkins has weighed up the economic gains and losses and has estimated that the costs of implementing the Rikhotso judgement would be negligible in comparison to the considerable benefits to be gained by both employers and contract labourers

In a paper published by the South African Labour and Development Research Unit (SALDRU) Mr Simkins has come out firmly in favour of the Rikhotso decision To him it

makes sound business sense — and he has made a strong call for even further relaxation of influx control as a move towards improving the productivity and combating the poverty of migrant labourers and enhancing their standard of living

ADVANTAGE

The greatest advantage for the worker who attains permanent urban status is a greater degree of occupational mobility He is now free to change jobs and risk occasional spells of unemployment, without the fear of being endorsed out of the cities, in his search for the job in which he is likely to be most productive

Employers are likely to regard the worker with permanent rights as a better training

prospect and as he gains education and training he is able to advance into jobs that no one could fill before

Dependents who are now permitted to live and work in the cities find themselves in a vastly different position Wives have a three times greater chance of finding work in the cities and their earnings further improve the living standards of the new Section 10(1)(b) qualifiers and their families

REDUCED

Household costs are reduced as there is no longer the burden of maintaining two homes one for the temporary migrant in town and one for the family that remained behind

In addition the cost involved in the migrant worker returning to his place of origin each year to renew his contract — estimated by Mr Simkins to be as much as R50 — would fall away

Families would enjoy a far wider range of services and amenities in town than in the rural areas and children growing up in the cities would enjoy better educational and other facilities

"Finally, the Rikhotso judgement will, in a modest way, contribute to the spread of urban lifestyles and urban values

"Moreover, although this change and its consequences have been greatly feared, the spread of urban culture which, to a great extent, overrides ethnic differences constitutes a basis for the political settlement South Africa so badly needs"

(206) 26/11/83
**Warrants issued for
21 absent from court**

Mercury Reporter

WARRANTS for the arrest of 21 of 93 former Umhlanga municipality workers were issued yesterday after they had failed to appear in the Verulam Magistrate's Court on charges of trespass

The magistrate, Mrs Renuka Subban, stayed the warrants until February 13 next year when the men are to appear again

Mr Kessi Naidu, for the men, said that some of the

accused who had failed to appear yesterday had been re-employed by the Umhlanga municipality

He said he had been told that men who had not been taken back were prevented from communicating with the re-employed workers following instructions from the municipality

The magistrate asked the accused not to communicate with the men as the Court would do so and get them to appear on February 13

CAPC Times 2/12/83

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Crossroads will be 'cleared up'

By RIAAN DE VILLIERS

AFTER months of uncertainty, the fate of Crossroads seems finally to have been sealed with a firm declaration by Dr George Morrison, Deputy Minister of Co-operation and Development, that the squatter camp will be "cleared up as a matter of priority"

In an interview yesterday, Dr Morrison said legal residents of Crossroads would be the first to be moved to the new township of Khayelitsha, together with people on waiting lists for houses in other black townships

He also disclosed that the government is investigating the possibility of granting 99-year leasehold to Khayelitsha residents, which has been ruled out until now in terms of the coloured preferential area policy

In a recent speech at the congress of the Cape

National Party, Dr Morrison said Crossroads had become a "symbol of defiance" that had to be destroyed "at all costs"

Yesterday he said no target date had been set for the final clearance of Crossroads and the "full strategy" for doing so had not yet been worked out.

"But Crossroads will be cleared up and there must be no doubt about that whatsoever"

Initially, people who volunteered to move would be resettled first and a campaign would be launched to persuade others to move voluntarily as well

"However, in the end we will sit with a number of obstinate people who will refuse to move. No decision has been taken about what we will do then. It is a sensitive situation and much will depend on the political climate

"But the impression must not be created that

Crossroads will be left to continue to exist"

In line with his speech at the NP congress, Dr Morrison reiterated that Crossroads residents would not be resettled together but would be dispersed among people from other areas, as a "spirit of resistance" had developed among them which could no longer be tolerated

"The emphasis will be on true community development and we don't want any cliques forming there," he said

● Dr Morrison also reiterated a policy statement by Dr Koornhof, Minister of Co-operation and Development, that residents of all established black townships in the Cape, including Langa, Nyanga and Guguletu, would eventually be resettled in Khayelitsha

But he emphasized that resettlement of blacks would be a "long-term, evolutionary process" which could take decades to complete and would "hopefully take place on a voluntary basis"

"We simply don't have the money to resettle, say, all 80 000 people in Guguletu within three years — it's physically impossible," he added

● Dr Morrison said it was hoped the development of Khayelitsha would gain a "momentum of its own" through self-help schemes

Asked whether development of the established black townships had been frozen, Dr Morrison said it was stated policy that no further "filling-in" would be allowed and no further housing would therefore be built.

However, the erection of other facilities may be allowed as they may be suitable for later use by "other population groups", and an application from the Small Business Corporation to build a shopping centre in Guguletu was being evaluated in this light

Influx controls 'failing' in Cape

Staff Reporter

PRESENT measures to combat the influx of "illegal" blacks into the Western Cape were failing, Dr George Morrison, Deputy Minister of Co-operation and Development, admitted yesterday.

He estimated the number of blacks illegally in the area at 94 000 — the highest known figure yet to be given by a government spokesman.

Dr Morrison disclosed that a new influx control strategy had been formulated to try to stem the tide of blacks streaming to the area from the rural areas.

He said it was already being implemented but declined to give details, saying it would "become apparent as it unfolded".

He added, however, that the new strategy contained "positive elements and not only negative elements", and referred to a recent controversial scheme in terms of which the government offered to create 4 000 jobs in Transkei on condition that 1 000 should go to "illegal" Transkeians in the Peninsula

Dr Morrison said no-one took the jobs offered, which showed that blacks had been "instigated to come to the Cape" and had come for "political purposes and not to find work".

He added that the government was continually monitoring influx control measures to see whether they were effective, and future strategies would be closely tied to new influx control legislation now under consideration by a Select Committee and due next year.

Summons stands on man who gave job

206
Mercury
3/12/83

By Don Bayley

MR HENNIE du Plessis, chief director of the Port Natal Administration Board, yesterday defended the actions of his officials in fining American Mr Conrad Boyce R30 for employing an unregistered worker at his Gillitts home.

'Mr Boyce was abusive and chased my official off his property,' said Mr du Plessis.

'We could have fined him R500 — instead of the R30 we did — you can't chase a policeman away'

Mr du Plessis said his official had tried to be understanding and had returned with his superior, who had explained the situation to Mr Boyce.

The officials had then taken action and issued the R30 summons.

But Mr Boyce said yesterday he had received a telephone apology from Dr Piet Koornhof, Minister of Co-operation and Development, who had promised to sort the whole thing out.

He said he had also been telephoned by Mrs Koornhof, who had said the affair was undoing everything she and her husband had tried to achieve all these years.

But Mr du Plessis said

he had investigated the matter at the behest of Dr Koornhof, and had decided the summons would stand.

Mr T J Meyer, Pinetown regional manager of the PNAB, said it had been established that the worker Mr Boyce employed was not registered, and therefore Mr Boyce had broken the law.

He explained that one could employ temporary labour only if 'the worker' is registered in the area, a school pupil, or already registered as someone else's part-time worker.

Mr du Plessis said the man had not even had a work-seeker's permit.

Mr Boyce has continued his efforts to telephone people overseas and tell them about the incident. He said he had spoken to Margaret Thatcher's private secretary, the BBC, and British national newspapers.

On Thursday he called two American television networks and was trying to speak to President Reagan, outraged that he had been fined for 'giving a man a chance to earn a bit of money'.

Mr Boyce said he had also told Australian and New Zealand newspapers about the incident.

Just a single hiccup as State meets Business

BY ARLENE GETZ

INFLUX control and other labour restrictions came under fire cautiously at the Prime Minister's glittering anti-inflation conference in Pretoria this week.

However, the brief criticism by several of the country's business leaders was only a small hiccup in the equilibrium of the slick public relations exercise organised to foster goodwill between state and business.

"It is and always will be the job of the government to combat inflation," the Minister of Constitutional Affairs, Mr Chris Heunis, assured the 300-strong gathering.

There had to be agreement between the private and public sectors over the importance of breaking the inflationary pattern, he said.

Mr Heunis was the last in an array of Cabinet Ministers paraded before the conference to express concern about South Africa's inflation rate, currently running at 10,7%, and reaffirm the government's commitment to free enterprise.

Controls

"In the official view, the answer to inflation does NOT lie in generalised direct controls over prices, wages, dividends, interest, imports, capital movements and so on," said the Minister of Finance, Mr Owen Horwood.

His announcement of the abolition of the 5% import surcharge was one of the few concrete decisions to emerge from a conference. Some observers criticised this as dodging the real issues.

Divided in six groups, delegates spent two hours discussing various monetary and fiscal policies. Later group chairmen briefly pointed out to Mr P W Botha that measures such as influx control created "unnecessary hardship" and could contribute to inflation.

The managing director of Old Mutual, Mr Frans Davin, reported that his group felt some aspects of influx control could be abolished.

Political

Anglo American head Mr Gavin Relly described the financial requirements of influx control and the homelands as two of the "structural" causes of inflation and Dr Simon Brand, executive director of the Development Bank of Southern Africa, said his group was concerned about the effect of expenditure for political purposes.

Top South African economist Dr Daniel Franzsen — a deputy governor of the Reserve Bank for 15 years and now a professor of economics at Stellenbosch University — reported concern over the government's failure to implement principles of the Riekert commission.

Although most of the Wiehahn commission's recommendations on labour legislation had been put into practice, little of the Riekert report — which included a recommendation that business areas should be non-racial — had been implemented, said Dr Franzsen.

CAPE LINK
4/12/83 (207)

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3 women with babies jailed

Squatter vow not to be moved

Staff Reporter
THREE black women carrying babies on their backs were jailed for five months after being convicted in the Wynberg Magistrates' Court yesterday of illegal squatting. They were among a group of eight women with small children who appeared in court yesterday, the first of 56 illegal squatting cases to

be heard over the next two weeks after a spate of raids at Crossroads two weeks ago. The three women sent to prison, Monica Mazala, 29, Noyekanye Benn, 36, and Alice Manyebese, 32, had been convicted previously for illegal squatting. All pleaded guilty. Pronouncing sentence, the magistrate, Mr P Koekemoer, said

he had taken their personal circumstances into consideration. Because their previous suspended sentences would probably come into effect as well, he would not enforce a clause in the Illegal Squatting Act in terms of which they could be sentenced to "phenomenal fines or very long prison sentences" on a cumulative daily basis since their previous offences.

Staff Reporter
THE residents of Old Crossroads have reiterated their determination to resist all attempts to move them to Khayelitsha. "They can bring in the army and shoot us and then take our dead bodies to Khayelitsha and bury them there," the squatters said in a statement issued after a meeting at Old Crossroads at the weekend.

The statement was drawn up by the Old Crossroads Committee.

The meeting was called in response to the confirmation last week by the deputy Minister of Co-operation and Development, Dr George de V Morrison, of the government's intention to move Crossroads people to Khayelitsha as a matter of priority.

The community was "very, very disappointed" that the government had taken the decision without consulting the committee which represented them, the squatters' statement said.

The committee again appealed to the authorities to discuss the matter with them in the light of the unfulfilled promises on development at Crossroads made by the Minister of Co-operation and Development, Dr Piet Koornhof, in 1979.

The statement rejected Dr Morrison's statement that people were coming to the Peninsula from Transkei for political reasons.

"They come to seek bread for life," it said. "We are here for the purpose of seeking work to be able to live. We are not prepared to be moved to Khayelitsha."

"We repeat that we are not moving from here alive."

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HERE ARE SOME GIFT SUGGESTIONS

GIFTS TO BEAUTIFY YOUR HOME

- New Liebermann Pottery and tiles
- Glassware, Vases, Bowls, etc, from Sweden
- 1984 Hanging Calendars from the East
- Attractive Bottles for fruit juice, milk, etc
- SA Novelty Tablecloths, Placemats, Oven Gloves, etc
- Christmas Crackers, Table Decorations, etc

GIVE HER A PERSONAL GIFT SHE WILL TREASURE

- Swiss boxed Hankies
- Beach Towels, Costumes and Fancy Caps
- Old English Lavender, Perfume sachets, Pomanders, etc
- Give her a Dress Length
- Attractive Nighties, Bedjackets and Shortie Pyjamas
- Cosmetic Bags, Manicure Sets, Sewing Baskets, etc

GIFT SUGGESTIONS IN OUR BRAND-NEW MEN'S SHOP

- Pyramid initial, striped or plain Hankies
- Pure Silk Ties
- Dress Shirts, Formal Shirts, Sports Shirts for the "with it" or conservative man
- Safari Suits in shorts, longs and portly fittings
- Speedos and Hang Ten Swimwear
- Paisley Dressing Gowns



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Union fights 'unfair' dismissals

By JOSHUA RABOROKO

THE entire black labour force at Screenex Wire Weaving Manufacturers in Alberton stopped work in protest against a management's treatment of migrant labourers during last December, a witness told the Johannesburg Industrial Court yesterday.

Mr Maxwell Mdakane, a shop steward of the Metal and Allied Workers' Union, was testifying in an application by the union that the retrenchment constituted an unfair labour practice.

In papers before the court, Mawu contends that on December 9 last year Screenex refused to renew the contracts of 14 migrant workers and signed off their reference books thereby purporting to retrench them with immediate effect.

The company's refusal to negotiate the issue with the union members and shop stewards was followed by the work stoppage by the entire labour force which was later dismissed, thus constituting an unfair labour practice.

Mr Mdakane told the court that on several occasions between Sep-

tember 1982 and January 1983, Mawu had requested to meet the management on a variety of issues but such meetings did not take place.

It had been a practice of the company to renew migrant labourers' contracts. The company had agreed that they would not retrench workers without notice.

On December 9 last year, Screenex informed some workers that it would not renew their contracts and shop stewards then went to talk to a Mr Fraser on the issue. He refused to talk to them and this was followed by a work stoppage. The following day the workers were warned if they did not return to work they would be discharged. The action was subsequently taken.

Mr P J Pretorius, for the union, contended that the retrenchments were unnecessary and unfair because they had taken place contrary to a prior undertaking by management not to do so, and that they took place in an unfair manner in which no procedure was followed.

Proceeding

Court told of unfair dismissals

By JOSHUA RABOROKO

A NEW unregistered work force recruited from Bushbuckridge was employed to replace the striking migrant labourers at Screenex Wire Weaving manufacturers on the East Rand, it was claimed in the Johannesburg Industrial Court yesterday.

The Transvaal organiser of the Metal and Allied Workers' Union (MAWU), Dr Bernard Fanaroff, told the court he raised this matter with East Rand Administration Board officials, who told him there was a shortage of manpower in urban areas and that this had contributed to the recruitment of migrants.

The Industrial Court hearing followed an application by the union that Screenex had refused to renew contracts of its workers and had retrenched them on December 2 last year.

The retrenchment of the workers was followed by labour unrest which culminated in the dismissal of the strikers by management. In papers before the court the union maintains that the company has constituted an unfair labour practice by retrenching the workers and dismissing others.

Dr Fanaroff said he had earlier made several attempts to contact the company with a view to talking to them about the situation at the plant. These attempts were to no avail.

He discovered that after the workers were dismissed management had recruited migrants from Bushbuckridge. He demanded an explanation and later wrote a letter demanding to meet management.

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Sowetan 8/12/83

MAWU hearing continues

By JOSHUA
RABOROKO

MIGRANT workers recruited by Screenex Wire Weaving Manufacturers in Alberton were registered in terms of (influx registrations) at the East Rand Administration Board offices, a court heard yesterday. This submission was

Some fan 9/12/72
made by the company's counsel, Mr Johan Gaushse, when cross-examining a Metal and Allied Workers' Union (MAWU) organiser, Dr Bernard Fanaroff, in the Johannesburg Industrial Court

He said it was "derogatory" to suggest that the company did not register its employees

because in terms of the law a migrant should be registered

Earlier Dr Fanaroff had said that after the retrenchment of migrants which was followed by a work stoppage, Screenex had employed a new workforce which was recruited from Bushbuckridge and was not registered

Influx control seen as 'an injustice'

206 per cent
12/12/83
INFLUX-CONTROL laws based on racial discrimination have been criticised by Dr Willem Nicol, a leading verligte NG dominee.

These laws, said Dr Nicol in a letter to Beeld based on an inter-church study, exercised strict control over the movements of blacks, but not of whites

'Is this not blatant discrimination? Where do we derive the right to decide off our own bat what the movements of members of other races should be?'

'The view that South Africa's cities belong to the whites looks to me like nothing less than an injustice

'The legislation that was presented to Parliament and then withdrawn was not a real improvement on the present legislation, and in some respects exacerbated the situation'

'He hoped the legislation now being prepared would provide reassurance

Rapport, in an editorial, said the most urgent item on the reform agenda was to reach an accommodation with the blacks. In the long run such an accommodation would be reached only through sustained consultations between the Government and black leaders

The black leaders' proposition was clearly a unitary state. From the white side this concept had been convincingly rejected with tenable arguments

'In the political bargaining that lies ahead we shall have to advance proposals that can be accepted by both blacks and whites. These proposals will need to have a lot more to them than the present quadripartite policy of independent states, national states, autonomous municipalities and development aid'

★ ★ ★

COMMENTING on the Croft incident, both the Vaderland and Rapport emphasised that the conductor who made the visiting West Indian cricketer move from a first-class to a second-class railway compartment was doing no more than his duty in enforcing a discriminatory law

The Vaderland said the Croft affair was embarrassing but a small matter compared with the damage that 'amenity apartheid' did to racial and human relations in South Africa

While there was justification for separate residential areas and schools, so far as the other amenities were concerned it believed that the time was upon us when these discriminatory laws should be removed

The Volksblad suggested as one possible solution to the problem that colour no longer be made the basis for discrimination but, instead, all those who wished for first-class service and could afford it should be fully entitled to it

Although the incident occurred in the Cape Peninsula, where The Burger is published, that newspaper did not comment on it. Its report on the incident was headlined 'Incident on train doesn't bother him, says Croft'

★ ★ ★

EXCESSIVE discipline is undermining the self-confidence and initiative of Afrikaans children. This is the message of an article in The Vaderland by Sybelle Albrecht

With few exceptions, she said, South African educators refused to distinguish between stimulation and conditioning

'You can, of course, condition a child to conform unthinkingly and to pursue the norm of mediocrity — usually in the sacred name of discipline. That is naturally the best

way to make canon-fodder out of him

'But you can instead stimulate him to use his God-given brain cells and at least make a small contribution to the solution of a few of the frightening problems facing this country

'Before we reach that point, though, we shall have to sort out our ideas about discipline and obedience, and realise

the Patriot (it was not directly owned or operated by the CP) has since said it was being closed only temporarily to permit of a 'staff reconstruction'

This has been seen as indicating dissatisfaction with Dr Jooste, but the future of the paper appears uncertain

A comment from Dawie, political columnist of the Nasionale group 'Few

The Afrikaans Press
by James McClurg



what a formidable weapon they are in the hands of a megalomaniac, be he a fuhrer, a general or a primary-school principal'

voters will shed a tear because this little paper, with its sordid politics, has had to be buried because of lack of support'

★ ★ ★

THE BURGER, which tends to specialise in the environment of the Western Cape and has given much space to critics of the planned missile-testing range in the vicinity of the De Hoop nature reserve, has welcomed the Hey Committee's report on the subject. This report approved the project and found that there was no other suitable site for the range

The Government's unconditional acceptance of the report, the Burger said, would do much to reassure those who had reacted with alarm to the original announcement of Armscor's plan

It was extremely unfortunate, however, that an independent investigation like that conducted by the Hey Committee had been instituted only after strong public reaction

'If things had been done the other way round there would probably have been no question of a "storm"

★ ★ ★

A STRONG official organ has always been regarded as one of the foundation stones of an Afrikaner political party

The Nationalist newspapers are therefore making much of the sudden death of the Conservative Party's short-lived newspaper, the Patriot, and interpreting it as a sign of the party's fatal weakness

The Patriot, whose name has been criticised because of reverence towards the original newspaper of that name, which played a large part in the rise of the Afrikaans language, has been appearing twice a month for the past two years

Its staff of 18, including the editor, Dr Chris Jooste, are reported to have been astonished when they were all given a month's notice and told that the paper was being closed down because of growing financial problems

The chairman of the company that published

Woman jailed, children left 'alone in bush'

Staff Reporter

THREE women — one eight months pregnant — yesterday received the first jail sentences meted out in the Commissioner's Court in Langa for illegal squatting.

The pregnant woman, 23-year-old Priscilla Ndamande, who also has three young children, was jailed for five months without the option of a fine after pleading guilty to charges of illegal squatting and contravening the pass laws.

In mitigation, Ndamande's pro Deo lawyer, Mr Stephen Dewar, said she was unmarried and without the support of the father of her children. She had come to Cape Town because there was "nothing for her in the Transkei".

Under cross-examination by the Commissioner, Mr W Fourie, she said her three children, aged 7, 4 and 2, were "alone in the bush".

'Died'

Bukelwa Jiya, 25, was also jailed for five months for similar offences. In mitigation, it was pointed out that she had two young children and had come to Cape Town because all her family in Transkei had died.

A mother of three, Nondumiso Mgatyelwa, 21, who is legally in Cape Town, was jailed for three months for illegal squatting. The court was told that her husband was in Polls-

moor awaiting trial.

All three had previous convictions for illegal squatting.

The sentences follow similar prison terms handed down in the Wynberg Magistrates' Court last week. Mr Fourie said he had been guided by the Wynberg sentences.

Widow

A 55-year-old widow, Nosagini Nomfulana, was fined R90 (or 90 days) for illegal squatting, suspended for three years on condition that she left the prescribed area "forthwith".

Mr Fourie told the three mothers he jailed there were social workers who could try to contact their children.

Mr Dewar said the situation of the four women could be "likened to the aborted foetus of inhumane laws operating in South Africa".

He added that the court hearing was a "travesty of human values in the civilized Western world".

'Unhappy'

Mr Fourie said later he was "unhappy" with these remarks as squatting was a world-wide problem.

Three men and a 15-year-old boy received fines varying from R30 (or 30 days) to R90 (or 90 days) for illegal squatting, suspended for three years on condition they leave the area within three days.

Mr L Loock appeared for the State.

300 workers win city rights

206 RAM 14/12/83

Labour Correspondent
ABOUT 300 workers at a Mooi River plant, Mooi River Textiles, have won permanent city rights in terms of the Rikhotso judgment after a campaign by their union, the National Union of Textile Workers

The union is affiliated to the Federation of SA Trade Unions, whose newspaper, Fosatu Worker News, claims this is "the largest single group of workers to be given (city) rights" since emerging unions, together with the Black Sash, began urging workers to apply for these rights

Fosatu Worker News notes that, although these workers

can now stay permanently in the Natal town, a recent change to the law means that they cannot live with their families

It says that the key benefit they will enjoy is that they cannot be sent back to the "homelands" if they lose their jobs

In cities such as Maritzburg and Durban, the "homeland" area to which workers must return in terms of influx control laws is often a black township only a few kilometres outside the city

However, according to Fosatu Worker News, it is becoming "increasingly difficult" for workers sent to these townships when they lose their jobs to return to the

cities such as Maritzburg to work

It says that, in one case, this affected the job prospects of a worker in a plant where Fosatu's Sweet, Food and Allied Workers Union had negotiated an agreement with the company, which allowed retrenched workers to have first claim on jobs when these became available

The company had offered the worker his job back, but an administration board official attempted to prevent the worker taking the job because the wages were too high for a "rural" person, it said

The board had only allowed the worker to take up

the job after the union threatened legal action on the grounds that officials were "interfering in a legal agreement" between the company and union, it said

It says the union believes there is "little point having a clause in a retrenchment procedure which guaranteed first option on employment if your non-urban status prohibits you from returning to the same job"

It is therefore now including a clause in the retrenchment procedures it negotiates with employers which says the company must inform its local administration board that it intends taking the workers back

Garage owner says Erab used 'Gestapo tactics'

By Erik Larsen,
East Rand Bureau

14/12/73

A Germiston filling station owner has slated the East Rand Administration Board for using, what he terms "Gestapo tactics"

Mr John Rawlins of Homestead Motors in Rietfontein Road, Primrose, said Erab inspectors carried out a raid at his premises early yesterday and arrested all his pump attendants.

"They (Erab officials) did not even have the decency to telephone me to tell me what they had done"

Mr Rawlins said he arrived at work at about 9.30 am to find his six pump attendants missing. After some enquiries he found they had been arrested.

"There was absolute chaos at the filling station. Cars were queueing-up for petrol, but I could not even unlock the pumps to serve them as my attendants had the keys. My office was also locked and the day's takings of about R2 500 missing"

Mr Rawlins explained that although his staff were not legally allowed to sleep at his premises, he had given them permission to do so because they had worked until about 9 pm the previous evening.

"They had also just been paid and were afraid to go into the township at that time of night in case they were attacked and robbed"

He said the arrest of his employees had resulted in a loss of about R700 worth of business. "I had to turn away people all day"

Erab's chief director, Mr F E Marx, confirmed that his inspectors had carried out a raid at Homestead Motors.

"They had received complaints from people in the vicinity," he explained.

According to Mr Marx, only four people were arrested — two unregistered workers and two trespassers who had no right to be on the premises.

"There was also a student on the premises, but he was not arrested"

Mr Marx said action would be taken against the four men.

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ARGUS 16/12/83

'Pass raids often trap the innocent'

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Staff Reporter

ABOUT 10 percent of African adults in the Peninsula are likely to be arrested in any given year under South Africa's influx-control laws, a University of Cape Town study has shown

It says pass raids frequently trap innocent people — legal residents, the handicapped and mothers with babies — who pay fines simply to get out of court and back to family life

The report says there is a "special assault" against black women in the Peninsula to enforce Government policy that wants to prevent black family life from being established in the area

Can't pay

The findings by Professor Martin West of the UCT social anthropology department have been published by the Southern African Labour and Development Research Unit (Saldru)

Professor West found that about 30 to 40 percent of Africans arrested for influx-control offences would have to serve prison sentences as they could not pay their fines

He found that in 1981, pass-law offenders spent a total of 250 000 days in jail, totalling 684 years of imprisonment

While pass-law arrests

had become an occupational hazard for Africans in the Western Cape, it was worthwhile for them to risk occasional arrest and imprisonment in order to find work of any kind

He estimated that about half the African population in the greater Cape Town area was "illegal".

He said that while official statistics suggested that the number of pass-law arrests in South Africa had decreased, in the Western Cape they had increased

'Shocking'

This applied particularly to women, he added. Nearly 30 percent of all arrests for pass offences of women in South Africa's major centres were in the Peninsula, which was the only place where more women than men were arrested

"It is clear that there is a special assault against women in the area, in line with Government policy of preventing black family life taking further root in the Cape Peninsula," he added

"These figures would be shocking in almost any situation, given that the offenders are not guilty of any criminal offence, but simply of trying to live — often as

families — where work is available

"The fact that the de facto black population of the Cape Peninsula is only about 200 000 gives an indication of the tremendously heavy burden this population has to bear in terms of fines, imprisonment and loss of wages," he stated

Pass raids often netted legal residents, minors, handicapped people and mothers with babies. They would have the strongest defence, but most preferred to plead guilty, whatever the merits of their case, in order to ensure a fast return to work and families

BETWEEN ten and eleven percent of the adult black population of the Cape Peninsula is likely to be arrested in any given year under the influx control regulations. And about 30 to 40 percent of those arrested will have to serve prison sentences. They are unlikely to be able to pay their fines. In 1981, for example, pass law offenders spent a total of 250 000 days in jail. These are some of the findings of Professor Martin West of the Department of Social Anthropology at the University of Cape Town. They are published in a booklet edited by Mr Dudley Horner of the South African Labour and Development Research Unit.

The statistics, shocking as they are, cannot convey a flesh-and-blood impression of the disruption and suffering caused by the draconian system of movement control which underpins the apartheid society. Only a visit to the Commissioner's Courts in full swing could do that. Sausage-machine justice it has been called, with justification. Professor West's findings deserve to be widely known so that the human and economic cost of the pass laws may be better appreciated by those sections of the community which are privileged to enjoy full political rights, residential security and freedom of movement and employment.

The pass laws have become an occupational hazard for black labourers in the Western Cape. Yet, as Professor West points out, for most blacks it is worthwhile risking occasional arrest and spells of imprisonment in order to find work of any kind in the urban areas. Roughly half of the black population of greater Cape Town is illegal. While official statistics suggest that country-wide the number of pass arrests has decreased, in the Western Cape the figures have increased. The number of women arrested in the Western Cape has increased in dramatic fashion. Nearly 30 percent of all arrests of black women in the country take place in the Cape Peninsula. This is the only area where more women than men are

arrested. Professor West concludes that there is a special drive against women in the Peninsula. Thus, he believes, is in line with the policy of preventing black family life taking further root in the region. He comments, "These figures would be shocking in almost any situation, given that the offenders are not guilty of any criminal offence, but of simply trying to live — often as families — where work is available".

Professor West also considers the legal procedures associated with influx control which, he says, make a mockery of the rights to a fair trial and legal defence. Legal representation is available, in theory, and the Athlone Advice Office has a lawyer available each day the court is in session. Yet the lawyers are unable to act as they struggle to get the names of those waiting to be defended. And while the pass laws often net legal residents, minors, handicapped people and mothers with babies, most victims of the system prefer to plead guilty whatever the merits of their case — in order to ensure a fast return to their work and their families. An undefended trial can result in a sentence of two months — yet the proceedings may only last three minutes from start to finish. It is also possible for blacks to be summarily deported from the urban area without trial on the grounds that they are "foreigners" or citizens of so-called independent homelands.

In few places this side of the Iron Curtain, surely, can there be a comparable system of movement control in force in which personal and vocational liberty counts for so little. Professor West concludes, nevertheless, that the most stringent application of influx control cannot arrest the stream of blacks seeking employment and accommodation in the Western Cape. The grand design of apartheid, which envisaged the Western Cape as a "coloured labour preference area", is as far away from realization as ever. Apartheid has failed, Professor West concludes. "Only a Berlin Wall could act as a deterrent to those desperate for work and family life."

children intensifies

Hunt for missing squatter

By RIAAN DE VILLIERS

THREE young children are still missing after being separated from their mother during a raid by the Western Cape Administration Board on a squatter camp near Crossroads more than a month ago. Red Cross and WCAB personnel have intensified their search for the children, aged 2, 4

and 7, after interviewing their mother, Mrs Priscilla Ndamane, in Pollsmoor prison earlier this week.

However, they have found no trace of the children or Mrs Ndamane, who Mrs Ndama said might be looking after them. A special meeting of "dune" squatters was held on Monday night at the request of the Red

Cross and the board, in an attempt to find the children or Mrs Polisa.

But Mr Melford Yamile, chairman of the "dune" squatter committee, said yesterday that no-one at the meeting knew anything about her or the children. Mr Getti Mercurio, assistant director of the Cape region of the Red Cross Society, said he was "extremely con-

cerned" that the children had not yet been found.

Mr Gerald Lawrence, the WCAB's director of Housing and Labour, said a senior inspector assigned to investigate the matter was continuing with his search. Mr Les Strydom, acting Chief Commissioner of Co-operation and Development, said social workers of the depart-

ment would also continue looking for the children.

The search began after Mrs Ndamane, who is eight months pregnant, appeared in the Langa Commissioner's Court on Monday last week charged with illegal squatting. She was arrested with other ex-KTC squatters living under plastic shelters on the edge of

Crossroads on November 17, and was held in custody until her trial.

Under cross-examination, she said her three children were "alone in the bush". She was sentenced to five months in jail. On Monday, Mrs Ndamane told Red Cross and WCAB officials permitted to interview her in Pollsmoor that during the raid she had shout-

ed to a friend named Noma Polisa from the adjacent "dune" squatter camp to take care of her children.

Mr Lawrence said earlier this week WCAB inspectors had "standing instructions" to let mothers being arrested choose whether they wanted to take their children with them to prison or leave them in someone's care

While being arrested, Mrs Ndamane had not mentioned her children to inspectors. She had also not mentioned any problems regarding their care during interviews with Aid Centre officials before her trial, he said.

However, in interviews at the squatter camp earlier this week, women arrested with Mrs Ndamane said "We

were just rushed to the vans and we went as quickly as we could, because we think they will shoot us if we don't go".

They confirmed that the children had been missing since November 17. A spokesman for the Department of Prisons at Pollsmoor said Mrs Ndamane had not mentioned any problems regarding her children to the prison authorities

till she was interviewed last Thursday as a result of press reports.

●The Red Cross has appealed to anyone with any knowledge relating to the children's whereabouts to contact their nearest police station, or to telephone Mr Mercurio at 717170. They are two girls, Vuyisile, 7, and Phindile, 4, and a two-year-old boy, Nohuvuyo.

Dilemma of the squatters

LAST week and the week before, the local law enforcement machinery has been getting on with its task of stamping out illegal squatting

Some 56 blacks have been up for trial. Almost all of them have come from two small "plastics" enclaves on the edge of Crossroads which were mopped up by the Western Cape Administration Board about a month ago

One day, the people are still there, sitting on their possessions in the open after yet another raid in which their shelters are torn down, but still undaunted

Women carry on household tasks and children play in the sand

A committee member says they are ex-KTC squatters and are waiting for their futures to be clarified after appeals to Dr Piet Koornhof

The next morning, the little community has disappeared, wiped out almost without trace. Only household rubble shows they have been there at all, tyre tracks in the sand and a smouldering pile of wattle poles are the only indications of what has happened to them

Special sessions

There has been another raid, but this time, everybody who has not run away has been arrested. Inspectors have destroyed the shelters and confiscated their contents

A board spokesman says those arrested are in custody

The trials duly start in a special session laid on in the Wynberg Magistrate's Court.

The court proceedings are marked by the formality and ceremony characteristic of the highly esteemed South African legal system

Women with babies on their backs appear first, in lots of eight a day, represented by rotating pro amico lawyers briefed by the Black Sash

A pattern develops. All plead guilty and previous offences are proved against some. The defence lawyer leads evidence in mitigation

A divorced mother of five carrying an infant says she came to the Cape to provide for her children. There is no work in the Transkei. People are starving and there is no water. She lives by "broking" — petty trading — in the squatter areas

The accused are closely cross-questioned by the prosecutor and magistrate. The more they probe, the worse it gets

For how long have you been here? — eight years

When last did you return to the Transkei? — I haven't been back since then

What are your plans for the future? — I will go back to Lady Frere

Why do you now see your way clear to go back and not before? — I have no other choice

She has a previous conviction and is later sent to jail

Another woman with a baby on her back says her husband has been receiving treatment for epilepsy at Groote Schuur since 1974. Borrowing her bus fare, she came to care for him last year when she heard he was very ill. He was arrested with her and is in Pollsmoor

Her husband is jobless. She lives by buying and selling chicken legs. In the Transkei, she stayed with her elder brother but he died

Wasn't it better when you stayed with your brother in the Transkei?

It was better, when he was still alive

Who is there now in the Transkei who can care for you? — Nobody

Will you go home now? — Yes. I will just have to leave my husband here

She is also sent to jail

A divorced mother of six says, she has been in Cape Town since 1971. Her husband came here to work but did not send money home, and the children suffered from hunger

Who cares for you now? — Nobody. I borrow money from people to buy and sell things

Aren't there better ways of making a living in the Transkei? — No, it is better here

What are your future plans? — I have no choice. If the court says I must go back, I must go

She also has a previous conviction and is sent to jail

A woman with a two-week-old baby says she came to the Cape to join her husband. She presumes her other child, a year old, is with her husband, but says she doesn't know who cares for it while he is at work

A mother of five with a month-old baby says she also came to join her contract-worker husband. She also does not know who cares for her two younger children in the Cape with her while her husband is at work.

Both are sent to jail

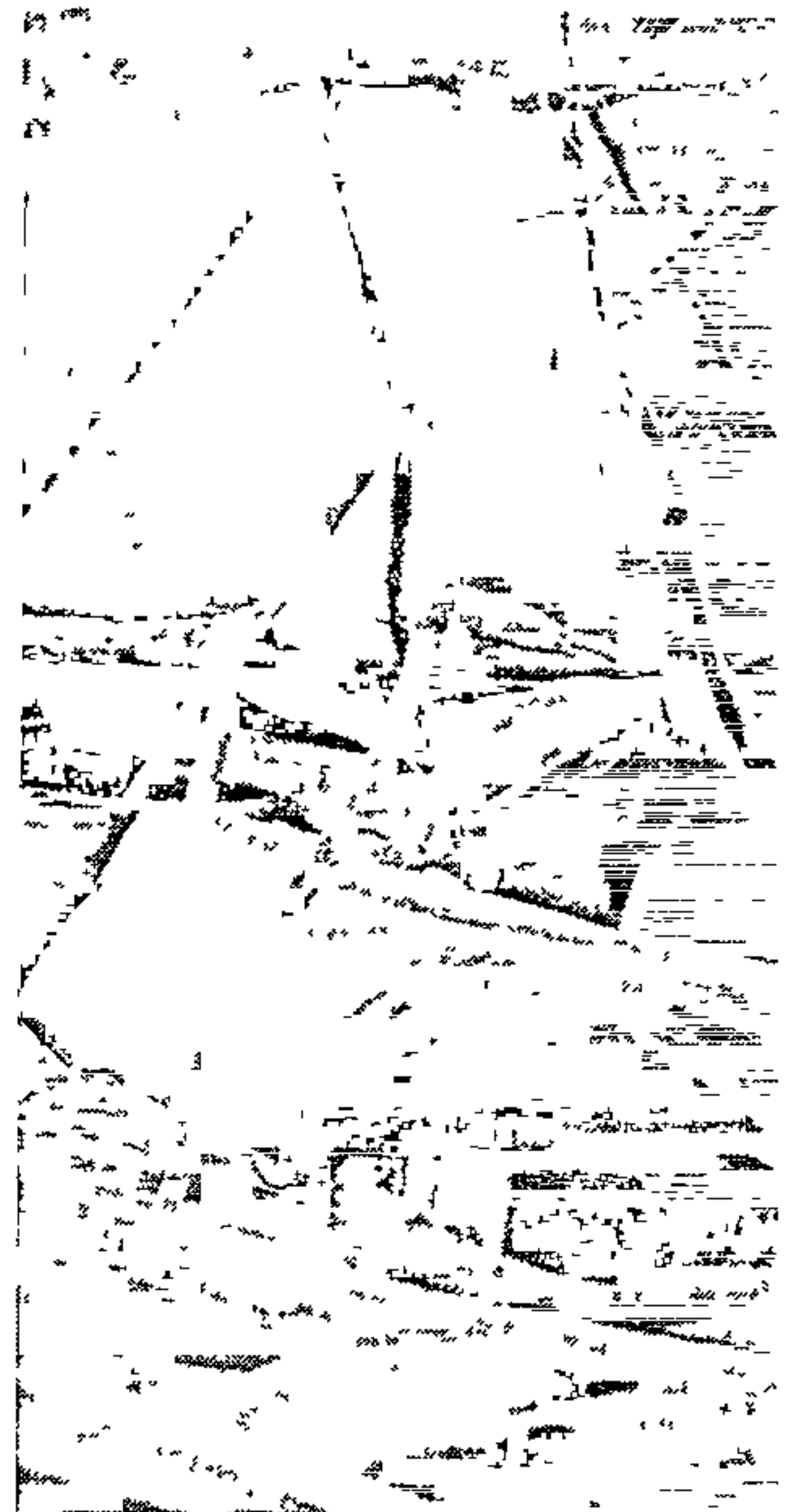
A mother of four says she came to Cape Town to find work as she was struggling to make a living in the Transkei

Don't you have a home in the Transkei to return to? — No, there is no one to return to, and no house

What do you intend doing now? — I will go to family in Crossroads

What if the court says you can't? — I

The courts in Wynberg are handling several cases of illegal squatting in the past weeks. The human rights activists of the Peninsula have gathered evidence. RIAAN DE VRIES reports on the plight of the women who have been brought to these courts.



A woman of Crossroads next

don't know. I am not prepared to go to the Transkei. I ask permission to stay in Cape Town

Her refusal to return is later noted in judgment and she is warned that she will face spiralling penalties if she is convicted again

A board inspector testifies for the state. He says the board used to transport squatters back to the homelands, but this was not effective and they returned as

307
201
206
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Wynberg squatters who are told to go

Wynberg and Langa have been centres of illegal squatting over the years. The woman suffering in the squatter area of Langa has been highlighted in the DE VILLIERS reports on the women who have had to appear before



Shelters next to her primitive shelter

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fast as they were taken
"You see, the big thing about these people is, they just don't want to go back," he explains
The lawyers argue in mitigation. One says the appearance of the accused is the result of a socio-economic problem rather than a criminal offence. Their situation is a social tragedy with which, he submits, the court is not suited to deal.
"Their crime amounts to a desire to live

a normal family life and to escape the impoverishment of Transkei," he says

In carefully reasoned judgments, the magistrate explains to the accused that he takes their circumstances into consideration

He also takes into account the interests of the community, in this case the rightful residents of the Peninsula. The act protects their interests by preventing people from staying just where they want to, and also counteracts the moral, economic and social decline of mankind

But he also explains that the act is the interests of the accused and their children as well, by preventing them from living under poor and unhealthy conditions

"The sentences will therefore also protect the accused," he adds

He tells first offenders to return to where they came from as quickly as possible

Those with previous convictions have disregarded their suspended sentences and committed contempt of court, he says. If this is allowed it will lead to chaos

Sentences are pronounced. The lawyer helps explain to first offenders that they have been given suspended sentences which will come into operation if they are caught again

To the others, he explains that they are going to jail for five months

Towards the end of the week, board inspectors demolish 45 new shelters in the same area. Among the people who have put them up are women who appeared in court earlier in the week

The next week, the trials are transferred to the Commissioner's Court in Langa. Procedure is a great deal more informal but the evidence is much the same

A young mother of three, eight months pregnant, says she came to Cape Town because there is nothing for her in Transkei. She is unmarried and the children's father has gone. Her lawyer asks for a suspended sentence on condition she leaves within 48 hours

Commissioner "Where will you go if you are released?"

"I don't know where I can go"

Commissioner "Where are your three children?"

A mother of two says she came to Cape Town because she has no family left in the Transkei. She doesn't know where her husband is

Where do you come from? — I have no people in the Transkei, they have died

All of them? — Yes

Where can you go if you are told to leave within 48 hours? — I have nowhere to go

A lawyer says the hearing is a travesty of all that is regarded as civilized Western values. The commissioner says he is unhappy about this remark as squatting is a world-wide problem

To the accused, he points out that people aren't allowed to live where they like in their countries either

The final outcome is also much the same. First offenders receive suspended sentences on condition they leave Cape Town immediately

Following the examples set in Wynberg, the two pregnant women, who have previous offences, are sent to jail — the first time this is done at the Commissioner's Court

Profile emerges

● A profile emerges. You come from the Transkei or Ciskei to escape poverty or join your husband. You squat under a plastic shelter because there is nowhere else to go. The shelter is repeatedly torn down. One day you are arrested and may be separated from your children. You may not know who cares for them while you are in jail. Your possessions are confiscated

You are tried and released on a suspended sentence. You try to find your family and reclaim your possessions

You now face the following choice: you continue to squat, facing more raids, arrests and spiralling sentences, or you give up, get on a bus and return to the conditions which drove you to Cape Town in the first place

With that, this treadmill of oppression finally comes full circle

● Most of the women who received suspended sentences have been found squatting in the same area this week

A spokesman says they have no choice but to stay

"We know we're wrong, but what can we do? We have been in the Cape for a long time. We have no relatives left in the homelands, and there is no work. Also, we cannot leave our husbands, sisters and friends behind

"Let them do what they like, we can't go back. They can shoot us or anything. We don't mind"

Illegal
Cape Times 12/6/83
worker:
206
Woman
warned

Staff Reporter

A 67-YEAR-OLD Camps Bay woman who illegally employed a gardener without the permission of the local labour bureau, was yesterday cautioned and discharged in the Magistrate's Court.

Ethel Saw, of Camps Bay Drive, had pleaded not guilty to the charge.

Inspector Martinus Johannes Burger, of the Western Cape Administration Board, told the court that on October 17 he had found Mr William Zinto working in the Camps Bay garden.

Inspector Burger said the gardener had been in the Peninsula illegally and had come from Kentani in Transkei. He was subsequently prosecuted and convicted.

Saw said she had been living in the Peninsula for 30 years but was unaware that she required a permit to employ Mr Zinto. She had employed him on a casual basis and he had worked for her once a month and at times once in six weeks.

In mitigation, Saw said her husband was an invalid and their only source of income was a pension.

Passing sentence, the magistrate, Mr E Smith, said "The accused acted very negligently as far as this court is concerned by not going through William's pass to find out if he was entitled to be in the Cape Peninsula."

Miss T White appeared for the State. Saw was not represented.

'Missing' children safe in Transkei

By RIAAN DE VILLIERS

THE hunt for three young children of a jailed squatter ended abruptly yesterday when their mother declared they were "safe" in Transkei, in a sworn statement obtained from her by the Western Cape Administration Board in Pollsmoor Prison.

The Red Cross, the WCAB and the Department of Co-operation and

Development have been searching for the children, who were believed to have been lost since their mother's arrest near Crossroads on November 17.

In the statement, Mrs Priscilla Ndamane admitted she had lied to the court, her lawyer, Red Cross officials, WCAB inspectors and prison authorities at Pollsmoor about the whereabouts of her children.

She had told the fictitious story in an attempt to escape a prison sentence, according to the statement, which was read out at a press conference at the board's offices in Goodwood yesterday afternoon.

Mr Graham Lawrence, the WCAB's director of Labour and Housing, told the conference the sworn statement had been obtained from Mrs Ndamane yesterday following investigations

by a senior inspector.

While the board had not been directly implicated in allegations that the children were missing, it had set the probe in motion as it felt reflections had been cast on its role in the matter.

"We now regard the matter as closed," he added. Mr Getti Mercorio, assistant director of the Cape Region of the Red Cross, would not comment on the statement.

He said he would discuss the matter with his executive committee today.

The hunt for Mrs Ndamane's children began when she appeared in court on a charge of illegal squatting last week.

Under cross-examination, she said her three children were "alone in the bush". She was later jailed for five months.

After failing to find the children, Red Cross

and WCAB officials interviewed Mrs Ndamane in Pollsmoor earlier this week. According to the Red Cross, she then said she had asked a friend from the nearby "dune" squatter community to look after her children.

However, in the statement read out yesterday, Mrs Ndamane said all three children were in the care of her mother-in-law in Transkei. She

said she had been in Cape Town without them since November last year.

"I am very sorry I told all these lies and misled everyone," the statement said.

The WCAB inspector involved in the investigation said he had returned to Mrs Ndamane yesterday after friends of hers had told him her children were not with her

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Children not lost, jailed mother says

ARGUS

22/12/83

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Staff Reporter

A SEARCH for three children whose mother was jailed for five months for illegal squatting has been called off after she signed an affidavit saying she had lied about their whereabouts.

Mrs Priscilla Ndamani signed an affidavit in Pollsmoor Prison yesterday stating her three children were with her mother-in-law near Mount Fletcher in Transkei. According to the affidavit, she lied because she hoped she could get out of prison that way.

She said in court last month that her three children were "somewhere in the bush". She later stated that just as she was arrested, she called to a Mrs Noma Polisa to look after the children.

"Fictitious name"

In the affidavit, Mrs Ndamani said Mrs Polisa was a fictitious name.

Mr Norman Patterson, Western Cape regional chairman of the Red Cross, which has been searching for the children, said today he accepted the validity of the document.

He said a lot of people had gone through a lot of trouble to look for the children. The search was now off.

Mrs Ndamani signed the affidavit after a senior inspector of the Western Cape Administration Board visited her previous addresses at Crossroads.

He said he was told at all the addresses that no children had lived with her, and when he told her this at Pollsmoor yesterday she agreed to make a new statement.

Mr Graham Lawrence, the WCAB director of labour and housing, said he was putting the record straight because allegations, although not directly concerning the board, had been a reflection on it.

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28/12/83
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Langa pass court

Labour Reporter

TWENTY-ONE black people — 13 men and 8 women — appeared in the Langa Commissioner's Court yesterday after being arrested in a police raid in the area stretching from Milnerton to Blouberg yesterday morning

Almost all were charged with pass-law offences, and 14 with squatting illegally on ground owned by the Graaff Trust

All pleaded guilty.

Fines for pass-law offences ranged from R10 (or 10 days) to R70 (or 70 days), with some offenders being cautioned and discharged

Fines for illegal squatting ranged from R20 (or 20 days) to R50 (or 50 days)

A 65-year-old man, Filemon Skiti, was cautioned and discharged on the grounds of his age after pleading guilty to being in a prescribed area without a permit for longer than 72 hours and being unable to produce his reference book.

An 84-year-old man, Pikeman Lusibo, was also cautioned and discharged after pleading guilty to similar pass-law offences

A 16-year-old girl was fined R30 (or 30 days) on one pass-law offence, cautioned and discharged on another and fined R30 (or 30 days) for illegal squatting

Mr L van Wyk was on the bench Mr V Majebe appeared for the State

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24 HOURS
The team that wraps up the news

Govt black urbanisation strategy is under review

By Anthony Duijgan

The Government's black urbanisation strategy was being revised, the Department of Co-operation and Development's director general said this month.

Mr G van der Wall said, "We have had an urbanisation strategy for many years and it is continuously being updated. Right now we are busy revising that strategy countrywide."

His announcement, made shortly after taking over the post of director general, comes at a time when the urban influx of blacks has been aggravated by the drought and the recession.

Experts were reported at this week as saying about 20 million black people — more than a million a year — would have to be accommodated in urban areas (including new towns in the homelands) between now and 2000.

Mr van der Wall's comments are particularly pertinent in the light of what the Government's urbanisation adviser, Dr Filip Smit, said earlier.

He said black urbanisation was the inevitable result of population growth and economic development which could be channelled but not stopped. At the same time, few people realised the enormous socio-economic and political forces which black urbanisation would unleash.

Dr Smit, who is also vice-president of the Human Sciences Research Council, said the Government still had no clear strategy on black urbanisation.

Mr van der Wall said: "Black urbanisation cannot be seen in isolation. It is increasingly linked to the Government's decentralisation policy and will depend on that."

The Black Local Authorities Act, under which urban blacks will elect their first town and village councils next month, and growing home ownership among black families would give impetus to black self-sufficiency.

"The management of their own living conditions and the increasing provision of their own housing will be the keystone of black urbanisation in the fu-

ture," Mr van der Wall said.

Although it might seem black housing still had to get off the ground, a lot of preparatory work had to be done. Many restrictions had been eliminated along the way. "Within the next year I can see a snowball effect as provision of housing on a large scale takes off."

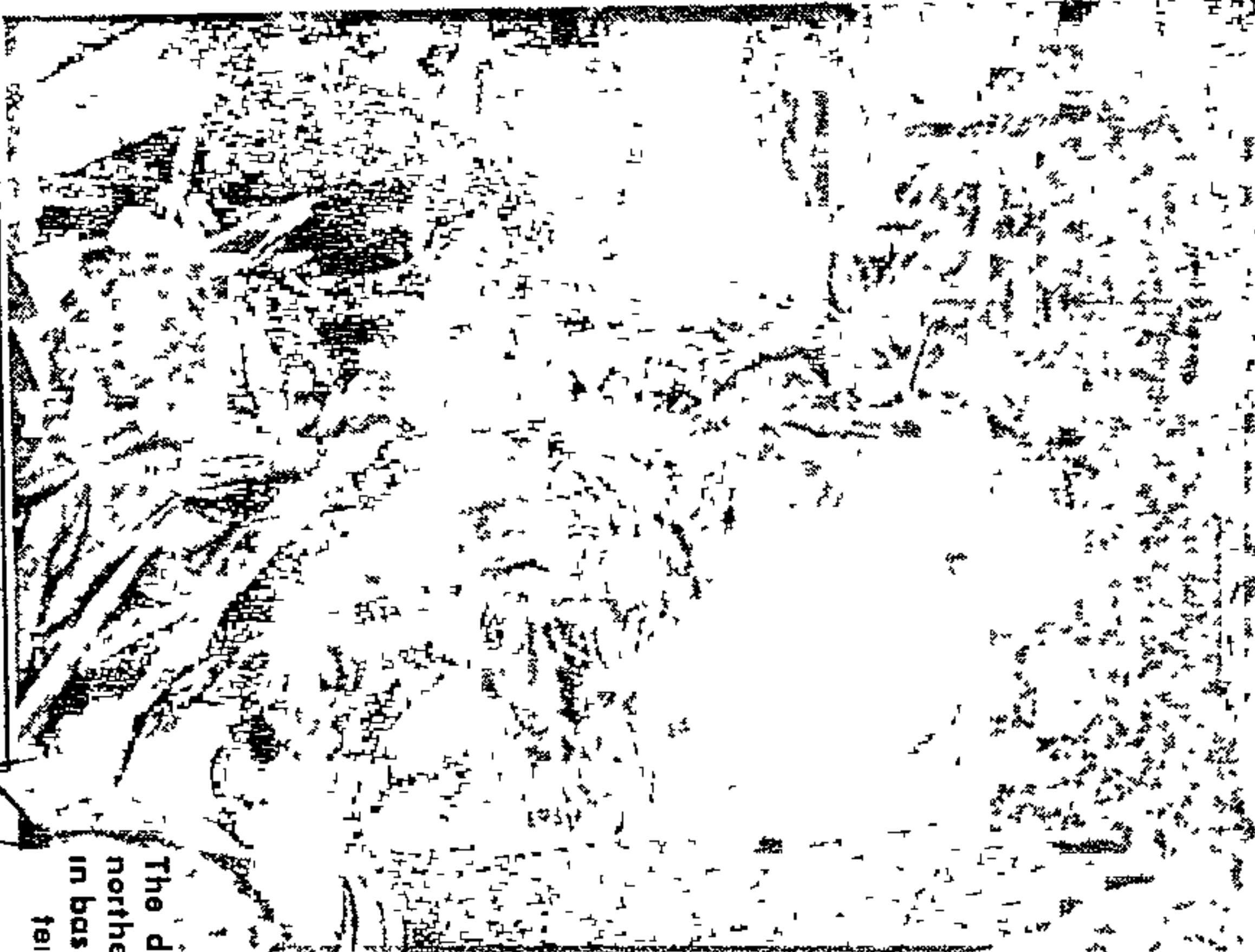
Mr van der Wall said he could not comment on whether there had been a significant illegal influx of black people recently to urban areas, saying "I have no evidence on which to agree or disagree that this is happening."

However, there was no doubt the drought had hampered the homelands. "It has been a disaster for the animal production areas in the national states in particular."

"I think agriculture in those areas will recover in the long run. I don't say it will return to what it was though. The system of agriculture in the national states will undergo a change in the future, possibly gradually away from subsistence farming. Every incident like the drought precipitates that change."



Mr G van der Wall, director general of Co-operation and Development.



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The drought that has continued for up to three years in some parts of the northern Transvaal homelands is devastating lands that have kept families in basic foods for years. This woman, from Mathibeskraal in Lebowa, is one of the tens of thousands who are now getting virtually nothing from their lands.

Homelands in farming crisis

By Hannes Ferguson,
Farming Correspondent

The governments of black states are fighting a losing battle against drought, recession and increasing urbanisation.

A conservative estimate puts the number of urbanised blacks by the turn of the century at 20 million, a three-fold increase over the present 7.5 million.

Little is being done to accommodate the trend and adding to the enormous problems in store is the present lack of development.

For a start, subsistence agriculture as it is known today — still the major support of rural families — will disappear within the next two decades.

"The system of agriculture in the national states will undergo a change in the future away from subsistence agri-

cannot, and fall into poverty.

Another factor is the drought. The recession drives people back to the homelands. Drought drives them in the opposite direction, fleeing parched plots and cattle skeletons, seeking whatever crumbs the hard-to-enter cities may offer.

On average, about 40 percent of cattle have died. Only isolated areas — southern KwaZulu, for instance — have had any crops at all.

The subsistence agriculture of the black states is at the centre of the stage. Gone are the days when the

small patches worked by peasant women provided a living for most of their populations. During the present drought, this supplementary income

dried up. Capital-starved black governments have made desperate efforts to rebuild

COMMUNITARIUS III

farming crisis

By Hannes Ferguson,
Farming Correspondent

The governments of black states are fighting a losing battle against drought, recession and increasing urbanisation. A conservative estimate puts the number of urbanised blacks by the turn of the century at 20 million, a three-fold increase over the present 7,5 million.

Little is being done to accommodate the trend and adding to the enormous problems in store is the present lack of development.

For a start, subsistence agriculture as it is known today — still the major support of rural families — will disappear within the next two decades.

"The system of agriculture in the national states will undergo a change in the future away from subsistence agriculture," said Mr G van der Wall, newly appointed Director-General of the Department of Co-operation and Development and former chief director of its agricultural advisory services.

Mr van der Wall said there was no evidence to confirm opinions that the basis of subsistence agriculture had been destroyed in some areas, forcing families to leave their kraals for the urban areas.

POPULATION PRESSURE

About two-thirds of the economically active population of the homelands work outside their borders, leaving their families in charge of their patches of tribal land. There are many indications that this trend towards relying on the urban areas will snowball.

The black states are in danger of becoming glorified townships — satellites of metropolitan areas.

The pressure of population against the borders of the white area with its industries is increasing. One result is a squatter problem — overt in the Western Cape, resulting in an administrative tug-of-war with political overtones, and less apparent but just as serious where kwaZulu or other homelands border industrial centres.

Concentrations of blacks, largely unemployed, live in unsatisfactory conditions around Durban. Near Newcastle a few blacks with freehold plots or tribal land rights make money by letting out building sites without services.

UNEMPLOYMENT MOUNTING

As the population outpaces the slow growth of the inflation-scarred economy of the white cities, unemployment mounts.

On the threatening long-term trend of rapid urbanisation, conflicting short-term trends are superimposed.

One is the recession. Employment is increasingly harder to come by. Retrenched workers stream back to their homelands, which still have to function as labour reservoirs.

Some can fall back on family and friendship ties which traditionally have to substitute for social security. Some

cannot, and fall into poverty.

Another factor is the drought. The recession drives people back to the homelands. Drought drives them in the opposite direction, fleeing parched plots and cattle skeletons, seeking whatever crumbs the hard-to-enter cities may offer.

On average, about 40 percent of cattle have died. Only isolated areas — southern kwaZulu, for instance — have had any crops at all.

The subsistence agriculture of the black states is at the centre of the stage. Gone are the days when the small patches worked by peasant women provided a living for most of their populations. During the present drought this supplementary income dried up.

Capital-starved black governments have made desperate efforts to rebuild rural communities, upgrading peasants into small commercial farmers. Agricultural development organisations — especially in Bophuthatswana and Gazankulu — have been reasonably successful.

In kwaZulu an emerging class of small sugar farmers has in some districts reduced urbanisation from about 70 to about 60 percent.

But farm reform has still hardly dented rural decay. Much-needed funds have had to be channelled into relief work.

In kwaZulu much of the administrative effort is concentrated on bringing drinking water to the rural areas. In this rush, rural development has largely stagnated.

Meaningful industrial development has also not got off the ground. The much-vaunted showpiece of the new decentralisation policy, a. Ekangala, north of Bronkhorstspuit, has produced rows and rows of empty houses. Only a few Witwatersrand industries could be persuaded to re-establish in kwaNdebele.

Dr F J van Eden, manager-designate of the new Development Bank of Southern Africa, said that when the bank began functioning March, more capital for industrial expansion in the black states would be provided. He was hopeful that much of the irreversible urbanisation of blacks could be channeled into black cities to be built in the black states themselves. The decentralisation measures taken would still prove viable, he felt.

Other economists, while applauding the intentions of the Development Bank, fear it might prove too little, too late. There is a danger, they feel, that the State might try to pass the buck to private initiative. This, on such a vast scale, would plunge South Africa into social and economic disruption.

Professor Stef Coetzee, president of the recently formed Development Society of Southern Africa, stressed the urgency of the need for rural development.

There was no time to lose, the professor said.

The MINISTER OF EDUCATION AND IRKAINING

White students studies at universities for Blacks

(On 1 June 1982 the following number of

	Undergraduate	Post-graduate	Total
Medunsa	15	69	69
Fort Hare	1	27	42
The North	1	20	20
Zululand	1	3	4
Total	16	119	135

Medical University of Southern Africa

49 Mr D J N MALCOMESS asked the Minister of Education and Training

How many applications by students for admission to the first-year course in the faculties of (a) medicine, (b) dentistry and (c) veterinary science have been (i) received and (ii) accepted at the Medical University of Southern Africa in respect of 1983?

(a) 1 456 (i)
193 (ii)

The MINISTER OF EDUCATION AND TRAINING

(b) 486 (i)
25 (c)

(ii) 26
6

Persons died in custody 11/2/83 Howard Q 61, 105 - 104
Mrs H SUZMAN asked the Minister of Law and Order

(a) How many persons died in police custody in each year from 1979 to 1982 and (b) what were the causes of these deaths?

(a) 1979 1980 1981 1982
99 105 113 112

(b) Injures sustained before arrest
21 15 26 25

Assaulted by fellow prisoners
8 7 7 13

Suicide
25 33 20 29

Natural causes
45 50 60 45

The MINISTER OF LAW AND ORDER

Departations Howard Q 61, 105 11/2/83

53. Mr K M ANDREW asked the Minister of Co-operation and Development

(1) How many (a) men, (b) women and (c) children were deported to Transkei in each month from September 1981 to December 1982.

(2) whether any such (a) men, (b) women and (c) children qualified for permanent residence in the Western Cape in terms of section 10 of the Blacks (Urban Areas) Consolidation Act, if so, how many in each category?

The MINISTER OF CO-OPERATION AND DEVELOPMENT

(1) Month (a) (b) (c)

September 81	187	138	75
October 81	81	110	79
November 81	136	111	30
December 81	45	12	Nil
January 82	35	6	Nil
February 82	98	67	34
March 82	62	26	10
April 82	30	16	1
May 82	54	21	1
June 82	61	39	1
July 82	60	24	2
August 82	73	36	5
September 82	69	55	7
October 82	55	25	9
November 82	53	35	6
December 82	50	33	6

(2) No

Donations tax

86 Mr D J N MALCOMESS asked the Minister of Finance:

(1) (a) What is the latest date on which the rates of donations tax were altered and (b) what were they prior to being so altered.

(2) (a) what amount may a taxpayer donate to each of his children free of donations tax and (b) (i) what were the last two alterations of such amount and (ii) when was each such alteration effected.

(3) (a) what amount may a taxpayer donate on a casual annual basis and (b) (i) what were the last two alterations of such amount and (ii) when was each such alteration effected.

(4) (a) on what date were the rates for the tax-free portion of dividends altered and (b) by what amount were they altered?

The MINISTER OF FINANCE

(1) (a) and (b) The rates have never been altered

(2) (a) There is no limitation on the amount which may be donated free of donations tax to a particular child. The total amount which may be so donated to all or any one of the taxpayer's children may, however, not exceed R15 000 multiplied by the number of children of the donor who are alive on the date on which a donation is made

(b) (i) and (ii) The amount of R4 000 was increased to R10 000 with effect from 20 March 1957 and the latter amount was increased to R15 000 with effect from 1 April 1978

(3) (a) R1 000

(b) (i) and (ii) The amount of R400 was increased to R1 000 with effect from 1 July 1955

(4) (a) and (b) The rates have never been altered.

w/e Argus 13/8/83 (201)

Daisies — and despair

By KEVIN JACOBS
Weekend Argus Reporter

BEYOND Namaqualand's myriad wild flowers an unending drought is blackening the land, forcing farmers from their homesteads and leaving hundreds of farm labourers workless and destitute

Cape Town representatives of a volunteer emergency feeding programme are preparing to visit parts of the region next week to assess the need for urgent food aid

They have been told that members of at least one drought-ravaged community in the north of Bushmanland are slaughtering their donkeys to avoid the burden of feeding the animals.

A community worker in the region says farm

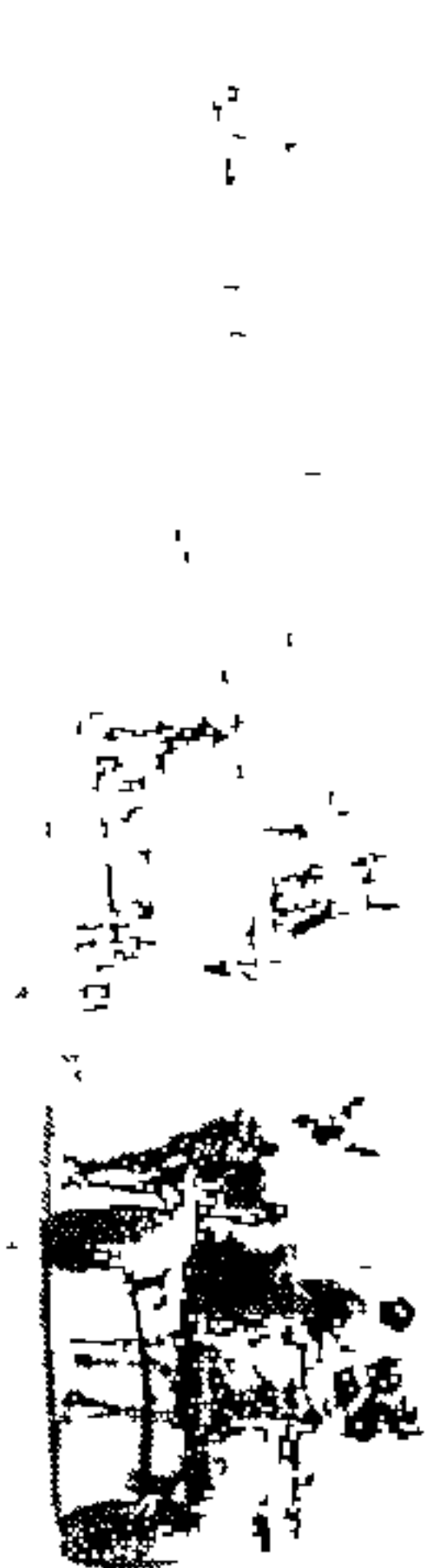
labourers are among the most severe casualties — as farmers leave their farms and head for the mines, the labourers either take to the roads in a region with few or no work opportunities, or squat hopelessly on the abandoned farms

There are no statistics available to reflect the situation, but churchmen ministering particularly to the coloured communities say the situation is depressing.

No work

The Rev Japie Appollus, a NG Sendingkerk minister based in Pofadder, said this week: "At the moment we have a big problem"

He said the situation was forcing many farm



Farm labourers take to the road in a search for work opportunities.

labourers to become migrant workers. He believed many farmers in the region had left their farms, some to work on mines in the vicinity "At the moment there is no work here," he said

Many coloured families were left with no

source of income and were being forced to move in search of work

"They need food and clothing. If only they could get a little bit of extra soup, or something, then things will be a bit better"

Ms Hilary Morris, co-

She and Ms Hazel Bowen, regional manager of the SA Institute for Race Relations — which set up Operation Hunger in 1980 — will visit some communities in the region next week to assess the situation

"We want to visit the communities that we provide with food, and also some of the clinics," to see how things are, Ms Morris said

Flowers

"The interesting thing is going to be seeing the beautiful flowers — and malnutrition at the same time"

One rural church minister based at Okiep told the Operation Hunger workers of a community at Witbank, in the north of Bushmanland, where donkeys were being

Children

slaughtered because of drought and hunger. The minister was visiting Kleinsee late this week and could not be contacted by telephone

Earlier in the week, Mr N H Patterson, chairman of the Cape region of the SA Red Cross Society, told the annual meeting in Cape Town that the organisation was feeding 5 500 malnourished schoolchildren in greater Namaqualand every day

Regional director Miss B Penaar said the feeding scheme had been operating for some time, but that the situation had been aggravated by the drought

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