

THE BLACK SASH

Khotso House,
42 De Villiers Street,
JOHANNESBURG
2001

M E M O R A N D U M

TO

THE SELECT COMMITTEE ON THE CONSTITUTION

ON THE

ORDERLY MOVEMENT AND SETTLEMENT OF BLACK PERSONS BILL.

AUGUST 1982.

THE BLACK SASH

REPRESENTATIONS ON THE ORDERLY MOVEMENT AND SETTLEMENT OF BLACK PERSONS BILL TO THE SELECT COMMITTEE ON THE CONSTITUTION.

1. The Black Sash urges the Select Committee to recommend the withdrawal of this Bill in its entirety. We believe that if it becomes law it will lead to disastrous conditions of hunger and increased poverty in the homelands and that, because it closes the door almost entirely to further urbanisation, it is against the interests of all the people of South Africa. It disregards the most elementary principles of economic and development planning, and the basic needs and requirements of the people of South Africa.
2. If passed in its present form it will be the most efficient form of influx control this country has ever experienced. The Black Sash is totally opposed to all forms of influx control because we believe that freedom of movement and the freedom to sell one's labour or to seek economic survival in whatever way is possible is a basic right of all people. We acknowledge that it is unrealistic to expect South Africa's present Government to agree with this principle but we hope that self-interest will dictate a more sensible approach by Government to the inevitable movement and settlement of black people in the urban areas. Irresistible pressures force them to move from conditions of landlessness, unemployment and poverty towards the urban centres where physical survival is possible. It is completely fruitless to attempt to stem the tide. Instead of wasting resources in an attempt to stop the unstoppable and to reverse the irreversible the national effort should be directed towards the provision of services to enable urbanisation to take place in as orderly a fashion as is possible without unnecessary controls and prohibitions. The collective energy and creativity released by such a policy would far outweigh the negative effects.
3. People who live in the homelands are trapped in poverty. In terms of the Regulations for Labour Bureaux at Bantu Authorities (R74, 19th March 1968) the only way in which they can legally obtain employment is by registering at a Labour Bureau within the homeland and waiting there to be recruited for work in the so-called white areas. They are not permitted to leave the homeland area to look for work. If they do so they cannot be legally employed. The establishment of centres for the recruitment and selection of workers in terms of the new legislation will do nothing to alter this situation. The proposed centres will further disadvantage those within the homelands and fewer and fewer people will have access to the possibility of recruitment/—

3. Cont/ the possibility of recruitment because of the long distances between the places where they live and the new centralised recruitment depots. A rapid increase in squatting within homeland borders near the depots is bound to occur.

4. Recruitment is at present being cut down. It is Government policy that black urban people must have preferential access to jobs so employers are now discouraged from recruiting rural workers and are often refused permission to do so. For example, the number of registered male migrants from Transkei dropped from 425 000 in 1978 to 345 000 in 1980. Those were boom years before the current recession took hold.

1980 was the year in which S.A. experienced an extremely high-growth rate.

In 1980 Transkei had an "open" unemployment rate of 16% which means approximately 145 000 people of whom 40 000 were between 16 and 22 years.

"Open" unemployment figures do not include the underemployed. If the underemployed are included the figure rises to 230 000 people i.e. 25%.

These cold statistic of poverty can be duplicated for all the homelands.

In Kwa Zulu only 25% of the increase of the labour force between 1973 and 1975 could find paid employment within the homeland. Tribal agricultural land is already overpopulated and at least 830 000 people must be shed to urban areas even if all agricultural land were to be used productively.

In Bophuthatswana in 1981 "open" unemployment was 12,5% of the labour force.

In Venda at present 80% of the present population subsists on the land whereas only 17% can make a living on the land. The optimum number of families who can make a proper living from the land in Venda is 14 000. In 1980 the total number of families in Venda was 69 534, 24 739 of whom were struggling to survive on the land.

According to present development/---

4. Cont/ According to present development plans, by the year 2000 there will be 20 443 farming families and 118 464 landless families. (Institute of Development Studies RAU).

In Ciskei "open" unemployment overall is 25%. In Sada it is 29%, in Dimbaza 35%, in Kammaskraal 36%, in Glenmore 38%

Between 1923 and 1965 real agricultural output per head in the homeland areas declined by 56,8% from £4,4 to £1,9 in constant 1946 prices.

54% of South Africa's black population now lives in the homelands (including the independent homelands). This figure has grown from 40% in 1960.

The overall population of the homelands rose by 66% between 1970 and 1980.

Ka Ngwane, Qwa Qwa and Kwandebele experienced increases of between 200 and 500 per cent.

The average population density in the homelands rose from 60 per square mile in 1955 to 110 in 1969.

This has been aggravated by the Government's resettlement policy. 1 250 000 black people were resettled from "white" rural areas and 750 000 black people were resettled from urban areas between 1960 and 1980. Resettlement is continuing.

Absolute poverty forces people to leave the homelands and come to town. It is officially estimated that 42% of the black population in the Cape Peninsula is "illegal". That percentage is probably similar in other large urban areas. People must come to town. They have no alternative.

In July 1979 legislation increased the fine which can be imposed on the employer of an unregistered worker from R100 to R500. This has meant that it is much more difficult for an "illegal" person to find a job but they have stayed in town. They manage somehow to survive.

It is estimated that up to 30% of survival income can be gained in the informal sector given a flourishing formal sector.

(All statistics, unless otherwise/---

4. Cont/ (All statistics, unless otherwise stated, are taken from the draft report of the workshop on Urban/Rural interaction in South Africa, Unit for Futures Research, University of Stellenbosch).
5. The penalties contained in the proposed new legislation are frankly ridiculous. It really is not sensible to make normal human activities such as offering a job to someone one wishes to employ or having one's nephew from the country to stay in one's house into serious offences subject to the same, or even greater, penalties as can be imposed on people who have been convicted of serious crimes. The maximum penalty for pointing a firearm is R100 ; for Possession of dangerous weapons - R200 or 12 months imprisonment ; for the Unlawful manufacture, sale or supply of dangerous weapons - R300.

This can only lead to increased disrespect for the very concept of Law and for the Courts which enforce it. Arrest, trial and imprisonment will become even more of an accepted way of life than they are now. Disrespect for Law is one of the most dangerous legacies we can bequeath to the future leaders of this country.
6. The powers to be conferred upon the Minister of Co-operation and Development in terms of Clause 52 of this Bill are unacceptable. The Select Committee is wasting its time in giving its consideration to the provisions of the Bill if this Clause remains. The Minister will be able to alter, nullify and apply the law as he sees fit and to over-ride any amendments incorporated in the legislation by the Select Committee.
7. The Bill reduces the rights at present enjoyed by people who qualify in terms of Section 10(1)(a) or (b) of Act 25 of 1945 to be in a prescribed area. Permanent Urban Residents will experience a considerable limitation of their rights to stay in an urban area by the requirement that they must have approved accommodation.

8. The process of legally/---

8. The process of legally permissible urbanisation is reduced to the point of extinction by the provisions of the Bill. At least 8 million people who were South Africans before October 1976 are no longer South African citizens and will therefore no longer be able to acquire urban residence rights in terms of Clause 6 of the Bill if they were born outside the urban areas and if they do not already have Section 10(1)(b) qualifications. Clarity needs to be obtained as to the Minister's intentions in regard to workers from non-independent homelands who have to register on one year contracts. Does he or does he not intend that they also be excluded from the provisions of Clause 6? The intention should be clearly set out in the law itself and should not be left to be decided at some future date by the Minister in terms of his powers contained in Clause 52.
9. The requirement that both parents of a person born in an urban area must themselves be Permanent Urban Residents if he is to be recognised as a Permanent Urban Resident greatly reduces the number of people who at present are able to qualify in terms of Section 10(1)(a) of the Urban Areas Act. 60% of births in Soweto are illegitimate and it is often impossible for people to produce two parents in order to have their status checked. Many other people born in an urban area will be denied Permanent Urban Status because one of their parents is not a Permanent Urban Resident. People do not normally choose the father or mother of their children according to their urban qualifications and to make laws which will oblige them to do so is a violation of the Judeo-Christian principles on which this society claims to be founded. We have already irreparably destroyed the ideal of Christian marriage through the migrant labour system, by making the possession of a wife a prerequisite for the possession of a house, and by making marriage to a qualified man the only way in which a rural woman can find work in town in order to support her children. Marriage has become a marketable commodity and this legislation will make this tragic position very much worse.

10. The acquisition of a 99 year leasehold title to property is expensive and is restricted to a select group of persons who (a) can afford it, (b) who now qualify in terms of Section 10(1)(a) or (b) or who will in the future have to be recognised as Permanent Urban residents before they can buy in terms of the Black Communities Development Bill, and (c) who can find an available house or vacant site. Black people in the Western Cape are altogether excluded. At the very least any person who is now or in future becomes, the Registered Tenant of a house or who owns a house under the 30 year Home Ownership scheme should be recognised as a Permanent Urban Resident in any proposed new legislation.

11. We wish to draw the attention of the Select Committee to the comments of the Grosskopf Committee at G. 43 and G. 44. It is unacceptable that the provisions allowing the entry into and inspection of premises without warrant be re-enacted in the new legislation. This is an absolute denial of the right to privacy which should be enjoyed by all residents in any country.

12. The restrictions on visitors to an urban area confining visits to a maximum of 14 days in any one year are quite simply cruel

13. CONCLUSION.

This proposed legislation is so appalling that it must either have been designed by bureaucrats who do not understand what they are doing, or by bureaucrats who understand very well what they are doing but are prepared to sacrifice all the principles of Christian justice on which the Government which employs them claims to base its policies in order to achieve their desired end.

It is difficult to believe that such a discriminatory, unjust, outrageous, and altogether unworkable piece of legislation should have been presented to Parliament with the serious intention of making it law.

It can only lead to/---

Page Seven/

13. Cont/ CONCLUSION.

It can only lead to increased alienation of black from white, instability and tension in both urban and rural communities, and great human suffering.

The Bill fails entirely to address itself to the needs of our society and will therefore inevitably lead to an escalation of conflict. It should be withdrawn.

Sheena Duncan

SHEENA DUNCAN
NATIONAL PRESIDENT.
THE BLACK SASH,
Khotso House,
42 De Villiers Street,
Johannesburg.
2001

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