

Draft I $\frac{11}{3}$
63. ~~41~~

The purpose of this memorandum is not to analyse the clauses of the amending bill, but to endeavour to put forward constructive suggestions regarding some of the amendments which are needed to meet the present-day position of the Urban African, and which have not been included in the published bill.

Drift to towns: In most parts of the world today where industrial development has taken place there is a movement of persons from the country to the towns, especially in those countries where mechanised farming has reduced the number of people required to produce a country's food requirements - HERE QUOTE FROM DR. VAN BYK'S TALK TO TOWN CLERKS' CONFERENCE). Because of this it is ^{inevitable} likely that in the future employment will have to be found for persons presently employed on farms, in rural areas.

Insert I

Had Mr. Pearce's point.
On my recent trip to America I saw some of the effects of the uncontrolled movements of Negroes who were leaving the depressed Southern States to seek employment in the Northern cities. Often these were people who had yet to acquire skills in industry, and who spilled in to the already crowded slums only to find that employment was hard to get.

Insert II

The desire of South Africa's rural and reserve population to move to the cities to seek employment is thus not unique. What is unusual (but not unique) is the measures adopted to control the movements of the Black rural population. It always appears to me that what has made South Africa's problem worse than in many other parts of the world has been the dire necessity of people to move to the towns because of the impossibility of the peasant population in the Native Reserves ^{+ rural areas} of supporting their families without the earnings from work outside. It cannot be denied that this is partly due to their primitive methods of agriculture, to their

No: of Adult employees Registered:

From these figures it would appear to me that apart from a very small percentage of migrant labourers, the population of Johannesburg is settling down to a reasonably stable one. The figures of unemployment in the City vary from time to time according to the economic condition prevailing. This is true of any city, but because of ^{in a city where Indus/com. activity is rapidly expanding.} temporary set-backs, it is unwise as at present to take the short-term view of regarding as unnecessary labour which is out of employment for such short periods as apply under the labour regulations (HERE STATE PERIOD). *Insert #*

Recognition of Urban Bantu: It must be gratifying to anyone who has watched the development of the townships adjacent to the cities to see the improvement in the housing conditions, the additional facilities provided, the improvement in the economic conditions of the Urban Bantu. While it is realised that many live below the bread line, the tendency is for wages to increase (albeit slowly) and it is clearly apparent that in most cases the urban dweller has come to the cities to stay, ~~and the economic development~~ ^{where a soundly expanding economy cannot be even remotely met by the} ~~needs his labour.~~ *Insert 4* ^{temp. labour available}

That it is envisaged that there will be a large urban population for a long time to come seems to me to be recognised by the fact that thirty-year leases are given on plots, that the Government advances funds for the building of houses repayable over a thirty-year period. *Insert X* Today the Urban Bantu has often lost touch with his tribal country cousin. Certainly tribal customs and taboos lose their

Insert over page.

significance under urban conditions, and children born in towns are brought up in a completely different background from the children in Reserves.]

Different Strata in Bantu Society: Amongst the Urban Bantu themselves there are various strata of society. The labourer - the semi-skilled artisan - the skilled artisan - the professional man - the teachers - the traders. As in any other society persons have as their friends people of like interests and social standing. Has not the time come for the legislators to recognise these different strata - a matter I will deal with later when considering the pass laws and influx control. *Insert here*

Draft Bantu Laws Amendment Act 1963: I have not the technical knowledge to comment in detail on the 129 clauses of this draft legislation. *initial statements* From the ~~fanfare of~~ *made by* trumpets with which the Hon. the Minister of Information *announcing* heralded this legislation I gathered *that the bill would have the effect of* ~~that the effect of this~~ *ing.* bill would be to improve race relations; - That it was a sign of goodwill to the Bantu population - that it was for the purpose of removing restrictions - similar to the Act making European liquor available to the Bantu.

What are Pass Laws designed to do: What are the primary objects of the pass laws? I would suggest the following -

1. To have a document of identity
2. To verify whether a ~~period~~ *person* has a right to be in a particular place at a particular time.
3. To record whether a person is in lawful employment.
4. To record whether a person has complied with certain statutory requirements such as the payment of tax.

What are some of the effects:

Document of Identity: There can be no great quarrel with having a document of identity, provided every citizen has a document of identity.

For the Bantu the rub comes through the necessity to have the document always on his person, and to be liable to immediate arrest if he cannot produce his reference book. While it is agreed that the Police are using more discretion in this regard, this is still the law, *† should be amended.*

Right to be in a particular place at a particular time:

Section 10(1)(a),(b),(c) of the Urban Areas Consolidation Act of 1945 provides that no Native shall remain in an Urban Area for more than 72 hours unless -

- (a) he has, since birth, resided continuously in such area, or
- (b) He has worked continuously in such area for one employer for a period of not less than 10 years, or has lawfully resided continuously in such area for a period of not less than 15 years and has thereafter continued to reside in such area and is not employed outside such area;
- (c) such Native is the wife, unmarried daughter or son under the age of 18 years of any Native mentioned in paragraphs (a) or (b) and ordinarily resides with that Native;
- (d) in the case of Natives who are not workseekers or who are not required to be dealt with in terms of the Labour Bureaux Regulations (i.e. scholars, visitors, etc.), permission has been granted by an officer designated for the purpose by the urban Local Authority concerned, or in the case of Natives who are workseekers, permission has been granted by the appropriate Government authority.

There are a number of provisions dealing, for example, with rights of Bantu who desire to re-enter an area within a period of twelve months for the purpose of taking up employment with the employer by whom and in the class of work in which such Bantu was last employed, but the main section 10(1)(a), (b), (c) and (d) above cover the bulk of the Bantu population. *Quote Carr > 4 red mark.*

This section gives persons rights in a particular urban area. In the suggested amending legislation, ^{10(1)(a) & (b) are} ~~this section is in itself~~ not altered, but by the alteration of other provisions the rights of persons who qualify under Section 10(1)(a), (b) and (c) are undermined. I wish to give some illustration of the hardships which exist under the present legislation, and I had hoped, in view of the Hon. the Minister of Information's ^{positive & optimistic response} "~~glad tidings~~" that some of these difficulties would have been removed, but I cannot trace that they have.

1. Section 10(1)(a) makes it necessary for a person born in the city to reside continuously in the area since birth.

The child whose parents send him to live with the grandparents during adolescence has thus no right to re-join his parents.

The child whose parents may move from one city to another acquires no rights as a city dweller, although he has at no stages lived in a rural area. A person who moves out of an urban area to study loses his rights to return to the city of his birth. A woman who marries and joins her husband loses her right to return to the town of her birth.

2. Section 10(b) working for one employer continuously

for 10 years or resided continuously in an area working for various employers.

It is extremely difficult to qualify under this section.

It often happens that a person's employment is terminated through no fault of the employee - the employer dies - the employer moves - goes insolvent - moves to a flat and this can have serious consequences on the poor employee. Before the influx laws became so stringent it was often the custom for Bantu to visit the rural areas and this could have the effect of disqualifying the person's right to be in the urban area. Now that more adequate housing has been provided many of the wives have joined their husbands, but an earlier departure from the city may disqualify the Bantu under this Section.

3. Section 10(c) - Wives, daughters and sons under 18 of persons qualify under Section (a) and (b).
What of sons over 18? ^{whether he can get} ~~if they cannot get~~ employment ^{or not he may} ~~they can~~ be forced to leave ^{his} their parents' home and where can ^{he} they go?
_{date}

Wives and children who do not qualify under Section 10(a),(b),(c).

Under Section 10(1)(d) provision is made for workseekers to be in an urban area. If, however, their employment ceases and they cannot obtain employment within a specified time, they can be ordered to leave the urban area and take their wives and children with them. ~~Quote Carr page 4.~~

Under this Section, if for instance, a teacher -

a minister of religion - a policeman - a bank official - are given the right to enter a city under a Section 10(1) (d) permit, their wives would have no right to accompany them, nor would their children, although they might, under certain circumstances, be permitted to do so, but the children over the age of 18 certainly would not be able to do so.

A case which recently came to my notice was of an ex-employee of mine. He was working under a Section 10(1)(d) permit. His wife and children had previously stayed with his Mother in the White River location. His Mother died and the Superintendent in White River told her to move and join her husband. She came to Johannesburg and was told she could not stay here because she had not been in Johannesburg before a certain date. White River would not have her back. What was she to do?

I am dealing at length with these details as these are the practical effects, these are the domestic matters with which our officials have to deal, these are the things which dwell in the minds of the Bantu. In my discussions with responsible Bantu no matter what topic one starts to discuss, inevitably reference is made to some aspect of the pass laws and influx control which impinge on what could rightly be called ordinary living and freedom of movement.

The rights given under Section 10(1) establish the relationship between a person and a particular local authority.

I would like to suggest that the time has come to think differently. I am of opinion that the rights should rather be to recognise a person as an Urban Bantu, and that the rights should not pertain to a particular area.

When the housing shortage was as acute as it was some years ago, it would have been difficult to think of such an idea, but I suggest that we are within sight of remedying this shortage. From Johannesburg population statistics I do not believe that the urban population increase is at the progressive rate suggested by some writers. I believe, too, that the industrial development is being hampered by this restrictive concept of confining a person's rights to a particular urban area.

This matter has been receiving the attention of the T.M.A.^{vi. up.} and the U.M.E.^{550.} A sub-Committee reported on the advisability of considering the Pretoria-Witwatersrand-Vereeniging-Van Der Byl areas as one Influx Control Complex, particularly in so far as semi-skilled labour was concerned.

Because of the limitation of movement in order to qualify to be in an urban area, no worker who has qualified under Section 10(1)(a),(b),(c) can afford to move from one urban area to another, as he will thereby lose his right to be in an urban area.

For instance, if an employer in Johannesburg desires to move his factory to say Isando, he would naturally like to take his trained labour with him, and they would probably like to go with him. There may be no trained labour in the Isando area, yet his employees cannot go with him without losing their rights to be in an urban area. There may be a surplus of a particular class of skilled labour in Roodepoort (whose Bantu Townships are adjacent to Johannesburg) yet that labour cannot be utilised in Johannesburg. This is my opinion is hampering industrial development. It means that each city has to have a reservoir of labour to cater for varying demands, and is having the converse effect to that intended by the Government in that it is increasing the Urban Bantu population instead of decreasing it.

It also has the effect of preventing the interchange of personnel. If a teacher wants promotion he has to think twice before seeking a post outside the area in which he has residential qualifications.

Problems of families, wives, children and husbands are also created by the restrictions on movement. # Inset

I would seriously suggest that the time has now come to re-think Clause 10 and ~~for~~ the rights thereby conferred, and to recognise the principle of an Urban dweller as such - not an urban dweller of a particular city.

Has not the time come too to differentiate between the various strata in Bantu society. Should the documentation be the same for the Blanket Bantu as for the doctor, the teacher, the nurse, the hospital matron, the educated man and the person who by his character has demonstrated his responsibility.

I am of opinion that the clock was set back when the exemption pass was taken away. The present documentation is designed to cater for the lowest denominator, and is humiliating and a denial of the development to civilized standards to which we wish the Bantu to aspire that no recognition is made between those who have attained those standards, and the primitive tribal Bantu. What encouragement does the law give to persons to attain civilized standards?

Skilled and Semi-skilled Occupations:

Dealing now with the permanently settled section of the Bantu population of the city employed in semi-skilled and skilled occupations, it is suggested that once a man has been in bona fide employment (not necessarily with the same employer, nor in the same category of labour) for a specified minimum period and that his own conduct and family

circumstances and mode of life justify it, he should be recognised as a permanently stable member of urban society and freed from a number of the present restrictive provisions of the Labour Bureaux and Registration Regulations. It is felt that such a man should have the right to change his job without reporting himself in person to the Registration Office and that the necessary notification can be effected by requiring employers of labour to inform the Registering Officer of the fact. ~~It~~ It should be possible for a man in this class to set up in business himself in the urban Bantu townships provided he trades from fixed premises authorised and licensed for the purpose, without having to comply with the present provisions of the Registration Regulations which lay down that self-employed Bantu must be in possession of a current "daily labourer's pass", which requires the holder to report himself monthly in person to the Registration Office and pay the necessary Registration fee of 2/- per month. People in this category should be permitted to pay their fees on an annual basis and so long as they do not change their mode of earning a livelihood, should not be compelled to report themselves monthly.

Have the present laws had the desired effect of adequately controlling those living in the cities, or have their restrictive nature bred a disregard for the law, an unfortunate antagonism towards the Police, and by their very nature created an attitude of resentment to authority and a common platform for fanning discontent amongst the people.

Insert 5
Today it is becoming increasingly difficult for the moderate Bantu to have co-operative contacts with the White man, for his own people regard him as a sell-out,

The Pass Laws are, in my opinion, large responsible for this ganging up. ~~Mrs. Xuma's remarks as quoted in the 'Rand Daily Mail' of the~~ (2)
~~are significant - "When I came people were antagonistic to some white men - now it is to all white men" (CHECK QUOTE).~~

Foreign Bantu: It is now proposed to deal with a matter which, at first sight, may seem unrelated to an examination of the "passlaws" but which nevertheless causes considerable unhappiness to many Bantu in practice. The first of these is the hard impact of Section 12 of the Urban Areas Act on Extra-Republic Natives, which provides that no Bantu other than one born within the Republic or South West Africa shall enter, be or remain in an urban area, and no person shall employ any such Bantu without the written permission of the Secretary for Native Affairs ...

It is suggested that this Section should be relaxed to the extent that non-Republic Natives who are married to Republic women and who have been employed in the Republic and have been taxpayers in the Republic for 10 years could on application be naturalized and accepted as part of the permanent Bantu population of this country. The satisfaction flowing from such a step would be very considerable, to say nothing of the fact that very often these people are peculiarly well qualified for certain classes of employment and very often make exemplary employees.

INSERT 1.

In his Address at the Fifteenth Annual Conference of the Institute of Town Clerks of South Africa, held in June, 1962, Dr. H. J. Van Eyk stated that whereas in 1910 there were 13.6 million persons employed in agriculture in America when the population was 92.4 million, in 1960 it only required 7.1 million persons employed in agriculture, whereas at that time the total population had increased to 180.7 million. In 1910 it required one agricultural worker to feed 6.8 people, now one person can produce sufficient for 25.4 people. He stated that if the same pattern were followed in this country ^{somehow in the future.} we would only need 650,000 agricultural workers against the present 2 million.

INSERT 2.

That residence in cities must be linked with work opportunity ^{shall} ~~must~~ be recognised, especially where the responsibility is placed on Local Authorities for providing accommodation and services for the Bantu inhabitants.

INSERT 3.

and in the farming areas to mechanisation and the more economic use of Bantu labour.

INSERT 4.

The choice of site for the development of industries depends on many factors. One factor may be the presence of raw materials. Another would be the availability of the services required to develop an industry and whether or not there is the necessary skilled and unskilled labour, and in South Africa, where the rating policy of the

Railways favours raw materials as against the finished product, a governing factor may be the proximity to the market in which the goods will be sold. In view of the fact that the Witwatersrand has the largest concentration of white population, it is a logical centre for industrial development.

INSERT 5

In a recent article written by Dr. G. M. Retief of the Department of Criminology of the University of ~~the~~ South Africa, he draws attention to the general contempt of laws and legislation that is developing amongst the Bantu. This he attributes to discriminatory legislation wholly or partly applied only to the Bantu, such as the Pass Laws and the Location Regulations. He states that amongst the Bantu there is no moral stigma attached to a criminal conviction -

"Rather is an offence regarded as a justified reaction against an unjust measure, while the consequent punishment is not regarded as a shame, but as a kind of sacrifice for the sake of a better application of justice in the future."

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