



Crossroads residents cover their faces as they run to escape teargas fired at them

photo: Cape Times, Sept 1983



Administration Board inspectors carry away the frame of a squatter shelter during a raid on the camp. 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

photo: Cape Times, June 1983

December 6 Crossroads residents reiterate their determination to resist all attempts at forced removal to K. Meantime demolitions of squatter shelters at Crossroads continue. (December 12)

December 27 Violence and faction fights erupt at Crossroads, leaving two dead and 60 shacks burned down. Supporters of Mr Memani flee and squat at KTC.

1984

January 20 UCT summer school course on Forced Removals hears K described as means of creating a 'coloured' buffer zone between white and black, and black spokespersons reject removal threat.

February 2 Commissioner Bezuidenhout again emphasises the 'voluntary' nature of removals to K from

existing black townships. People at Crossroads will have to be 'persuaded' that it will be better for them to live at Khayelitsha.

February 3 WCAB offer to house 'legals' amongst 200 Memani followers squatting at KTC but Mr Memani insists that all are legal and they will move only as a group.

February 8 Dr Morrison rejects a proposed amendment to the Black Communities Development Bill which would include 99-year leasehold rights for blacks in the Western Cape. It was 'old Nationalist policy' that such rights would not be available in the CLP area.

The same day Dr Piet Koornhof states that his Department is taking an in-depth look at leasehold for blacks in the Western Cape.

February 10 Dr Morrison states in Parliament that development of Khayelitsha clearly indicates that blacks legally in the Western Cape were considered permanent . . . despite the fact that leasehold rights will not be available to them.

February 11 The 5 000 sites available at K this year will be for Crossroads people.

February 17 Tenders invited for two contracts of 2 000 houses each, on wet core plus two rooms, 28m²: construction to commence mid April, houses to be completed at rate of 100 each contract per week to end of November. These 'starter homes' could be extended in a controlled self-help scheme (see also Argus Feb 23 1984).

February 15 to 26 Authorities ban all film and television crews, local and foreign, from entering black townships and squatter areas in Western Cape, to 'maintain order and peace'.

March 2 In the Cape Provincial council Di Bishop MPC reiterates warnings given by many community organisations (CAHAC, UWO, etc) against moving so-called coloured families into homes from which Langa, Nyanga and Guguletu residents had been evicted. 'The so-called coloured people know what forced removal is all about. They also despise the fact that they are being used to assist you in establishing the Western Cape as a last resort for whites.' (Cape Times)

A survey conducted last year by the Carnegie Inquiry Into Poverty and Development in Southern Africa (SALDRU/UCT) reveals widespread opposition among 'legals' in Crossroads to moving to Khayelitsha. (Cape Times)

March 9 Minister of Transport Mr H Schoeman said that a railway line to Khayelitsha would take 1-2 years to build even if it were approved later this year. (In June 1983 he had said there was 'no finality on a rail link to K'. Cape Times June 18 1983)

Reports were expected by June 30 from the Metropolitan Advisory Board and the Cape Town City Council. Meantime bus fares were receiving a 70% subsidy. Mrs Helen Suzman MP pointed out that people earning R10 per day were still having to spend R3 a day

to travel to and from work.

March 10 The late 1983 freeze on a R2,5 million business development in Guguletu has been lifted and the Small Business Development Corporation is taking prompt action to implement the project. According to community council chairman Mr R Njoli this has 'eased fears of a mass relocation of township residents to Khayelitsha'. (Argus March 9 84)

Had the intention been as benign as the March 30 and April 14 announcements by Dr Koornhof implied, that would surely have been reflected in more moderate and compassionate handling of the KTC, Crossroads, 'Cathedral' and Dunes Squatters. In stead, during April and May KTC became the focus of public outrage at the institutionalised violence of winter demolitions and confiscations of food and medicines.

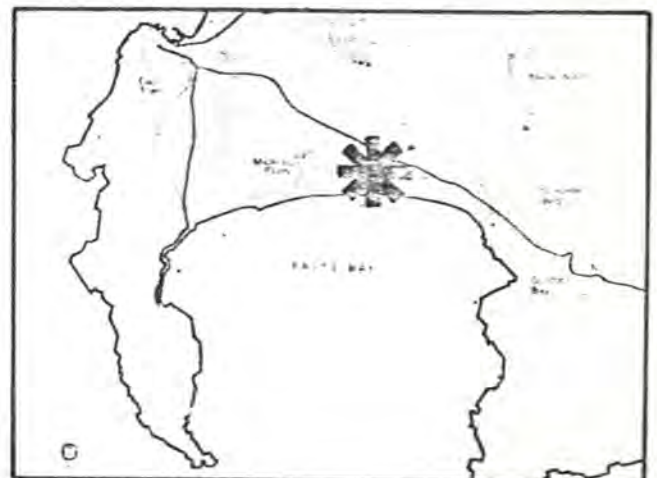
Gentle persuasion . . .

'Motivational efforts' to encourage residents of existing black townships to move 'voluntarily' to Khayelitsha include:

- no further infilling of existing townships; a freeze on development schemes including some already approved eg a Guguletu business centre (unfrozen March 1984); also on Urban Foundation projects and other applications to do with provision for old people and handicapped children; no further schools or school extensions;
- a 25% increase in service charges for all Western Cape Townships (Khayelitsha rentals instituted in March are R10 pm);
- restrictions on use of community halls and even church halls for meetings called by civic associations to discuss Khayelitsha.

By comparison with the perennial shortage of money for the existing townships there appears to be little problem about finding hundreds of millions of rands for Khayelitsha.

The location of Khayelitsha



THE ALIENS AND IMMIGRATION LAWS AMENDMENT BILL

The big cheat

Sheena Duncan

The Bill amends many sections of the Aliens Act, the Aliens Registration Act, the Departure from the Union Regulation Act, the Admission of Persons to the Republic Regulation Act.

This paper deals only with those aspects of the amendments to the Aliens Act which are likely to be relevant to the work in the advice offices and which could have the most serious implications for black people who are aliens in South Africa.

An alien is defined as a person who is not a South African citizen.

The Aliens Act provides that no alien shall:

- (a) enter or be in the Republic for the purpose of permanent residence unless he is in possession of a permit to enter the country for that purpose which has been issued to him in terms of Section 4.
- (b) enter or be in the Republic for the purpose of temporary sojourn unless he is in possession of a temporary permit issued in terms of Section 5 (1) or unless he has been permitted to enter under Section 7.

Section 7 provides for certain exemptions not relevant to the present discussion.

Permanent Residence permits are not issued to black foreigners who come to South Africa.

The Act lays down in Section 4 (3) that the Immigrants Selection board shall not authorise the issue of a Section 4 permit unless the applicant therefore *'is likely to become readily assimilated with the European inhabitants of the union'*.

A 'European inhabitant' is defined as being a white person as laid down in the Population Registration Act of 1950.

In South African language black people are not 'readily assimilated' with white people.

There are many thousands of black people who were born in South Africa and who have lived in South Africa all their lives who are still foreigners. They have no claim to South African citizenship if both their parents were born in another country because their fathers have never had a right of permanent residence in South Africa even if they have been living and working lawfully in this country for decades.

This is in marked contrast to the children of white immigrants who are automatically deemed to be South African citizens if they were born in South Africa. The difference is, of course, that their white fathers are granted permanent residence permits.

All black foreigners who have come to South Africa from neighbouring countries and who have been given permission to live or work here have *temporary permits* only and are therefore very vulnerable to changes in government policy regarding their continued residence.

The most that they can hope for is that their repatriation will be suspended for five years at a time. If it is not suspended they fall under the 'Two Year Rule' which requires that they spend six weeks in every two years in the country whose citizenship they hold.

They are not eligible to apply for South African citizenship because a permanent residence permit is a prerequisite for the application.

The precariousness of their position is illustrated by what has happened to black Zimbabweans in South Africa since the independence of that country.

The South African government laid down new guidelines for Zimbabweans which dictate that if a black Zimbabwean cannot prove that he has worked in the *same job* since January 1959 or that he has been continuously employed in South Africa since January 1953 he will not be allowed to remain in this country at all, even if his employer wishes to renew his registration in a job he has held for some time.

Hundreds of Zimbabweans have been ordered to leave SA over the last few years.

The screws are also being tightened on workers from the BSL countries. Lesotho citizens for example, must have entered the labour market in SA by 1963 in order to qualify for a suspension of repatriation. This applies even to those who were in South Africa when they were not old enough to start working in 1963. Many of them have never been to Lesotho in their entire lives until they were ordered to go there to obtain a passport at the age when they must be in possession of an identity document.

Women born in a foreign country are finding it increasingly difficult to obtain permission to live in South Africa with their husbands, and this is the case even when the husband is a South African citizen. They now have to ask their own government to apply to the South African Department of Foreign Affairs. The application is frequently refused.

There has been a major cut-back in the number of foreign black people given permission to work in South Africa.

In 1975 there were 646 504 foreign migrants working here. By 1981 this figure had dropped to 301 758 (IRR Survey 1982).

All this means that there are thousands of black aliens in South Africa without permits of any kind. Women come to be with their husbands. Men who have spent their whole working lives in this country and who have married South African women do not leave when they are ordered to go. Their lives have been lived here and their homes established here. Many are very bitter because they know that if they had been white they would have been able to acquire permanent residence and citizenship. They look at their children who are forever temporary sojourners and they observe with cynicism the amendment to the Citizenship Act now before Parliament which will make young white immigrants, born elsewhere, into SA Citizens after five years residence to enable them to be called up by the army.



By courtesy of Rand Daily Mail

It must be remembered that white South Africa actively encouraged and recruited black people from neighbouring countries to come to work here on the mines, the farms and in industry, impoverishing the sending countries in the process.

Now that we do not need them anymore, we push them back across the borders.

This is gross injustice.

It is for these people that the amendments to the Aliens Act promise disaster.

The main Act prohibits a person from giving employment to or 'harbouring' an alien who is without a permit. (Section 5 ter).

The proposed amendment adds on a few other prohibitions — such as on the carrying on of any profession or occupation with an illegal alien, or the letting or selling to him of fixed property.

The really disastrous change is in the penalties to be imposed on conviction of these offences.

- The present penalties are a possible fine of R200 or six months imprisonment.
- The Bill proposes a fine of R5 000 or two years imprisonment for giving employment to or harbouring an illegal alien.

This is where the shadow of the Orderly Movement Bill becomes evident. In that Bill a penalty of a R5 000 fine or 12 months imprisonment is proposed for anyone who gives employment to a black person who does not have a permit to work in the urban area concerned, and a fine of R500 or 6 months imprisonment plus R20 per day for every day during which the offence continues, on any person who gives accommodation to someone who does not have the necessary permits to be present in an urban area between 10 pm and 5 am the following morning.

The new foreigners

The law has denationalised at least 8¼ million black South Africans since October 1976.

When any homeland becomes independent all black South Africans who speak the language of that homeland cease to be South African citizens on the day of independence.

Thus all Tswana, Xhosa and Venda-speaking South Africans are now foreigners in the land of their birth.

THEY ARE ALIENS

The government says it is not the intention to use this amended legislation against the citizens of independent bantustans.

We are not reassured by these statements.

When a new Bill is passed it becomes Law and a person from Transkei or Bophuthatswana is as liable to be arrested and charged as is a person from Lesotho or Botswana or a person from Portugal, Britain or Italy.

It is not good enough that government makes statements about its intention to use this draconian measure only against certain groups.

There have been many broken promises in the past. The Law is not to be made into a matter of selective executive decision.

March 14, 1984

The myth of voluntary removals

Report to conference by
Aninka Claassens

'THE ERA OF FORCED REMOVALS IS OVER'

In the last few years senior government officials responding to increasing indignation over conditions in resettlement camps, have repeatedly stated that the era of forced removals is over.

In June 1983 the Deputy Minister of Development and Land Affairs, Hennie van der Walt, told the *Vaderland*: 'I readily admit that we made mistakes in the past. So much so that black communities had to be removed by force and often resettled in critical circumstances. Our biggest mistake was that we did not undertake these resettlement actions in co-operation with the black communities. A lack of consultation between the government and the black people concerned led to numerous unfortunate incidents. In 1980 the then Commission for Co-operation and Development found that resettlement of people where only a tent, hut or bucket latrine were available was no longer acceptable. The days when police had to help load people on to trucks and the resistance which followed certain actions amongst black people are past.' (Quoted in RDM, November 18 1983)

However, there have been no statements that the removal of black people from their homes to areas within the Reserves will stop. Throughout this recent period of 'reform', removals have continued apace. The SPP estimates that at least two million people are scheduled to be moved in the future.

But according to the State they are to be moved 'nicely'. A 1982 government circular sent to all officials in charge of individual removals says: 'In the course of the settlement process, persons must be treated with the necessary human kindness at all times. Those being settled must be treated with respect and with sympathy for their problems, and the impression must not be created that they are no longer welcome in the white areas. The sincerity and reasonableness of the government's policy of separate development must constantly, whenever the opportunity arises, be explained and emphasised. *Under no circumstances should action be taken which would give Black persons reason to be dissatisfied.*' (General Circular No 2 1982, pp 43 & 44)

Thus the State has ushered in the era of 'Voluntary Removals'. How successful will this new approach be? The basic question is whether sweet-talk alone is enough



Paul Weinberg

to convince people to leave their homes and everything they have built up, and participate in their own removal.

Recent events in the Transvaal show that it is not. They also show that the sweet-talk runs out very early in the process of 'persuasion' — in fact as soon as there is any sign of resistance. The State follows a fairly set pattern in dealing with communities under threat of removal. The stages of this pattern involve an escalating use of force. If the Community crumbles at the first attempt to divide it the removal issue becomes lost in a confusion of 'leadership splits', 'tribal disputes' and 'voluntary removals'. Co-operation and Development has kept its hands clean (publicly anyway) and can sigh sadly at the blacks' propensity to squabble amongst themselves. However, if the gentle nudgings of parked bulldozers, no pensions, no passes, smashed schools and no water are ignored, and the people still refuse to move, the gloves come off. The Community is given a D-Day and told that, on that day, they will be moved.

It is at this point that the issue is recognised as a 'Forced Removal' and factors such as local and international support and pressure come into play. It is precisely this arena the State wishes to avoid for its removal programme. In many cases it succeeds; removals become 'voluntary'. Not because the people concerned want to go, but because their resistance is not united enough and well organised enough to bring the force involved in removals into the open. In many cases people are terrified of challenging the State precisely because they know that this will bring force into play. For different and varied reasons some communities crumble at one of the early stages in the process of 'persuasion' and another 'voluntary' removal has been accomplished.

THE STAGES OF 'PERSUASION'

1 The timing

Communities first learn that they are under threat of removal when it is announced to them by the local commissioner and Pretoria officials at a specially called meeting. If there is an immediate strong negative reaction these officials may disappear for years and only return when there is evidence that the community is in a weak position, or there is some evidence of a split in the community.



The hated Jacob More who secretly negotiated the move. Having lived in one of the poorest mud huts at Mogopa, he and his cohorts now live in the best, formerly white-owned houses at Pachsdraai photo: Paul Weinberg

The example of **Mogopa** well illustrates this. The people boast about the number of officials they sent scampering over the years and the way in which they managed to preserve the status quo.

But in September 1981 the tribe voted to depose their headman, Jacob More, for corruption and failing to respond to tribal discipline. The local commissioner refused to accept their decision and created a furore by saying, 'I as a white man and magistrate of this whole area say Jacob More will rule until he dies'. (As an agent of the State President who is Paramount Chief of all blacks, he was legally quite within his power in making the statement). A commission of enquiry was set up to investigate the headman's financial dealings, hundreds of men came to give evidence over several weeks and during this time the Pretoria officials returned and informed the people they would have to move. There was the customary outcry and refusal. But this time the officials did not go away. They stayed to 'negotiate' with Jacob More.

A similar thing happened in **Batlokwa** in the Northern Transvaal in 1979. An area ruled by three chiefs was scheduled to be moved. Two of the chiefs were vehemently opposed to the removal, the third was scared and out of his depth. The government started with him.

With the vast number of South Africans still to be moved the State can afford to bide its time in any particular case and get busy in those areas where there are weaknesses in the community.

2 Divide and rule

Setting up your partner

The State places a lot of emphasis on 'consultation' these days. It doesn't really matter what happens in the consultation as long as it 'occurs'. However, it is obviously much easier for the Government if their partners in con-

sultation are friendly. To this end, in virtually every black spot removal, the person recognised by the State as 'chief' is offered all sorts of perks on condition that he co-operates.

In **Mathopiestad** in the Western Transvaal the chief was offered a big white farm house and proper accommodation for all his extended family at Onderstepoort if he agreed to move there. He did agree, and shortly afterwards died of an undiagnosed stomach complaint in mysterious circumstances.

The people of the semi-rural location at **Badplaas** were ordered to move on Wednesday, January 11, this year. The area designated for them is a tin toilet town 30 kilometres away. It has none of the now usual brick schools and clinics. The people were told they would get a R200 'parting gift' from the Public Resort at Badplaas but no compensation for their houses or improvements. Their chief, on the other hand, was offered a white farm of his choice for the use of himself and his royal kraal, on condition that he did not obstruct the removal of the villagers to the tin toilet town in Ka-Ngwane. (He is Johannes Dlamini, a senior Swazi chief and ex-homeland leader). He refused the offer and not one Badplaas resident complied with the removal deadline of January 11.

At **Mogopa** the removal was negotiated secretly, behind closed doors, between Co-operation and Development officials, Bophutatswana officials and the deposed headman and some of his cohorts, named a 'planning committee'. The Mogopa people applied to their lawyers to have the meetings made open to the villagers. But this never happened. Then in June '83 bulldozers smashed the schools and churches at Mogopa and some of the houses. A minority moved to Pachsdraai. All the facilities at Pachsdraai were given to the deposed headman and his 'planning committee' to allocate. They allocated themselves the white farm houses there. The doors and window frames and roofing materials from the

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smashed schools at Mogopa are now in a big shed in the deposed chief's yard at Pachsdraai. Mogopa was bought communally in 1913 and divided equally amongst the buyers. Now the allocation of all the fields and grazing land at Pachsdraai is controlled by Jacob More, a man deposed because of his corrupt use of the tribe's resources.

There are many places where Co-operation and Development officials cannot find leaders prepared to negotiate the removal and so set up certain individuals as their consulting partners. An example of this strategy is shown in the Kwa Ngema story. Kwa Ngema is a very fertile and beautiful black spot next to Driefontein in the Eastern Transvaal. A certain Stuurman Ngema was given the land in 1904 by King Edward the Seventh. Since then his heirs and successors have lived there as a large extended family with tenants who hire some of the land from them. As privately owned land, Kwa Ngema is not part of the tribal authority system and the system of chiefdom does not apply to it. A loose system operates whereby a member of the family is chosen to be a representative in dealings with outsiders. If this person is seen as unsatisfactory he is changed.

This happened in 1982. One Gabriel Ngema, the family's representative, was rejected by the family because of his willingness to negotiate the removal of Kwa Ngema. He was replaced by the Ngema Committee, chaired by Moses Ngema. Both Gabriel and the Ngema Committee went to the Magistrate in Wakkerstroom to inform him of the change of leadership. And there began a long battle. Co-operation and Development officials continued to deal with Gabriel, for example in numbering houses and organising buses 'to view the new area'. The Ngema Committee has proved its community support to officials in numerous general meetings. Again and again all assembled say: 'We support the Ngema Committee, not Gabriel, we are not prepared to move'.

In September last year Co-operation and Development sent a Government ethnologist to Kwa Ngema. He decided that 'Gabriel Ngema is the successor of the late Stuurman and, therefore, the Government has no other option but to deal with him alone'. This is not how Alfred Ngema, the oldest person at Kwa Ngema, sees the situation: 'Gabriel is not a chief, and they are wrong when they say that if our chief leaves we must also go. Gabriel's role was that of being a watchman, the same as a security guard at a firm. I don't remember a single case of a security guard selling a firm. Even that role of being a watchman he no longer has. We threw him out in 1982 and he knows that very well. That is why he wants to move, he wants to ruin everyone here because he has no power over us since his position as a watchman was cancelled. He has never ever been a chief in any way. They know he was put to one side by the people. Let him go in a bus by himself on the 15th to those new places he wants to see.' Gabriel Ngema died in February 1984. As yet there has been no indication from the State as to what its next step will be.

The most recent, and one of the most disturbing examples of the setting up of leaders, is taking place in Driefontein at the moment. Driefontein is the black spot in the Eastern Transvaal where the resistance leader Saul Mkhize was shot dead when police arrived at a com-

munity meeting on April 2 last year.

After his death Koornhof had a meeting with representatives from Driefontein. He met not only the Council Coard of Directors (Saul Mkhize's committee), but also Steven Msibi and his committee which had been ousted by the community in December 1982. Koornhof urged the two groups to come together and form a 'Planning Committee' to negotiate with the Government. On June 4 the Chief Commissioner went to Driefontein and held a meeting there in an attempt to establish the committee. He was informed that the people were not prepared to elect such a committee, or participate in it. After that meeting there was a long silence from Co-operation and Development with no officials visiting the area or dealing with 'leaders' of any description.

Then on February 27 this year an unidentified Government official, accompanied by four policemen, held a meeting in Driefontein. Three chiefs from the wider Piet Retief area were invited, as were some people from Iswepe and Piet Retief. A member of the Council Board of Directors sat in on the meeting, although the Driefontein people were not invited to this meeting, which was on their land. The member reports that the official told the chiefs to recruit Driefontein people to be their followers. The Driefontein Committee is furious. They have never been governed by chiefs, nor did they invite these people to have a meeting on their land.

Thus we see how when a true leader is killed, and a discredited leader refuses to co-operate, new leaders are made.

The process of dividing communities by setting up, bribing and manipulating leaders is generally effective, from the State's point of view. Once a 'leader' has agreed to move and the new area has been bought and developed by the State, the resisters, even if they are in the vast majority, are utterly insecure. It is a primary necessity for the State that someone agree to go somewhere. Then that somewhere can be developed and the physical removal set in progress. This explains the strong focus and convoluted manoeuvring around the leadership issue.

But there are other methods of dividing communities.



'My name is Alfred Ngema and I want these things to be known because they are causing suffering'. An interview with Aninka Claassens
photo: Paul Weinberg

Legals and illegals

An unknown number of the locations of country towns have been moved and are under threat of removal at present. Field work is just beginning to uncover the vast scale of these removals. Sometimes the whole location is meant to go into a nearby homeland (eg Badplaas), in other cases a kernel of people is to be retained in a model township and the rest endorsed into a homeland. This is the situation in the Eastern Transvaal township of **Leandra** where the 'legals' are going to live in a model township and the 'illegals' are to be sent to Kwa Ndebele. The township is a settled community and the people there say that there are no 'illegals'. But right now Administration Board officials are sorting Section 10 (1) a and b people from the rest.

Landlords and tenants

Virtually all black spots are densely populated. This is because they provide a haven for blacks evicted from white towns and farms. Sometimes these people live as farming tenants and sometimes as refugee-guests, 'squatters' in Government terminology. Officials often try to drive a wedge between these people and the original occupants who have title to the land. In some cases they offer the landless access to land in the new area; for example, a high proportion of the Mogopa people who moved to Pachsdraai were landless. In other areas they move the tenants before the landlords, for example, at Matjahaneng, near Brits. This leaves a few now vulnerable landowners to be dealt with at leisure.

Men and women

Officials often visit threatened areas during the week while the men are away at work. They end up dealing with the people left at home — the very old, the very young, and women. Often the women ask the officials to return at an arranged time over the weekend and they refuse. This can work both ways. In Mogopa it appears that many women agreed to move. In Makgato (Northern Transvaal) the women picked up spades and picks and drew a line between themselves and the officials, and said: 'You cross this line by your own decision'. They didn't.

One at a time

The majority of people moved have been moved as individual families, one by one off white farms, or out of locations. Those are the saddest and most lonely removals of all. They happen with eviction notices and endorsement-out stamps. They generally happen to people with no legal rights. Often these people refuse to leave their houses, or they are arrested, or their houses are burnt down, but in the end they have to go.

Late last year all the people in Driefontein and Kwa Ngema got individual letters from Co-operation and Development asking them to visit the Magistrate in Wakkerstroom. Oddly enough, this strategy was short-lived — on arrival in Wakkerstroom the Magistrate refused to see them.

Stratification

The 1982 Government Circular quoted above lays down the conditions under which people will be 'resettled'.

Those who own land and have urban rights get tarred roads and lots of taps. Those with more tenuous rights get less and less. At the bottom of the pile are evicted farm workers, who get dumped in the veld with nothing. What this means in practice is that some people may be moved to make way for others further up the hierarchy.

The Kwa Ngema people have a deed of gift which shows that the farm Kaffir-Loctatie is for their occupation. Black spot dwellers such as they, are meant to be moved to equal land with equal resources, and they have been offered **Lochiel** as their new area. But there are already people at Lochiel who have been living there for close on a century. This community has no title deeds. They have been told that they are to be moved into **Ka-Ngwane** to make way for the Ngema people who want (!) their land. The Lochiel people would leave behind their land, on which new schools would be built for the Ngema people, but no new schools would be given to the Lochiel people in Ka-Ngwane.

These divisions have a debilitating and disorganising effect on communities under threat of removal. But in all the communities we know about, people have continued to resist despite the attempts to divide them.

When the attempts to divide fail to get rid of the people the State brings the next stage of 'persuasion' into play.

3 Restrictions in the threatened area

Prohibiting meetings

In many cases the people resisting removal are not allowed to hold public meetings to discuss their situation and plan their response — even when these meetings are indoors on their own land. At Mgwali in the Eastern Cape the only public means of communication is through church services. Saul Mkhize was shot dead on Easter weekend last year while addressing a meeting inside the school grounds at Driefontein. The meeting was 'illegal' because he had not applied to the Magistrate for permission (An earlier application for permission had been granted on condition that only 'landowners in Driefontein will attend the meeting'.)

Recently at Kwa Ngema a meeting of residents held under a roof, in the school, was told to disperse because the magistrate had not been applied to in advance.

'Creating slums'

In some cases communities have been resisting removal for over 10 years — and in these years the facilities in the area, such as schools and roads and clinics, are not extended or maintained by the local authorities.

In Driefontein people collected money to improve the roads and gave this to the Wakkerstroom Commissioner. No improvements have been made and in bad weather it is impossible to drive from one end of Driefontein to the other. Critically sick people have to be carried out.

In **Huhudi** in Northern Cape the residents have tried to take matters into their own hands, but no-one is allowed to so much as add a room to a house or fix a broken wall. This strategy is particularly effective in urban areas. Families have to squash more and more people into already over-crowded houses because no new ones

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are being built. In desperation people move away.

The East Rand Administration Board has not had the 'finances available' to provide housing on the Reef, but has just built a model township at **Ekangala** in Kwa Ndebele near Bronkhorstpruit for Section 10 people who will have to commute 90 kms to work and lose their urban rights in the process. People are moving there, some we spoke to said they had been on housing waiting lists for many years. During that time they were squashed into township houses with other families. Poorer people, who don't have rights and come from white rural areas go to a less fancy place, Hartebeesfontein, near Brits, where the lucky get a tin shack, the less lucky a tent, and most a bit of veld.

One old man in Huhudi was three times refused permission to fix his roof. In desperation he repaired it, for which he was arrested, fined R40 and jailed for five months.

Cutting off services

The degeneration of the place where people live influences some people to go elsewhere, but I don't know of any case where it has persuaded people to move en masse. Those remaining can now expect that their existing services will be cut off.

In **Mogopa**, for example, pensions were not paid, annual labour contracts were not stamped, the bus service was cut off, and shop owner's licences to trade were not renewed. In early January 1984 the Mogopa committee managed to correct most of these problems by confronting the local magistrate at various times. It now appears that he succeeded in lulling them into a false sense of security so that no-one would expect the pre-dawn police blitz and forced removal on February 14.

There is an ongoing battle in Driefontein to get pensions paid and young people issued with reference books, and no easy solution is in sight.

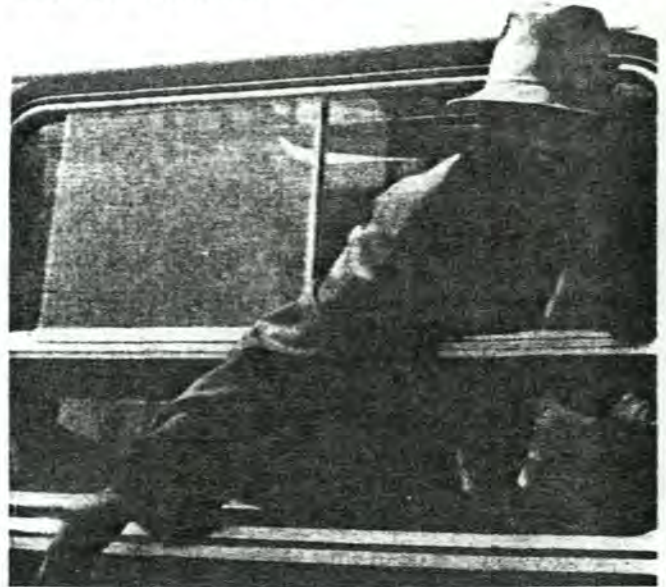
If the community refuses to move after a non-representative 'leader' and a small band of followers have left, the schools and churches used by those remaining behind are smashed down.

When Jacob More left Mogopa to go to Pachsdraai in the middle of last year only about 10 families went with him. (Because all his negotiations with the State thus far had been secret, very few people knew what was going on). After this rather feeble exodus a new effort was made to convince people to leave. It was during this time that women were approached during the week and told they must agree to have their houses numbered. The majority refused, but some agreed. Lorries came to fetch them, and bulldozers smashed their houses as they left, then the bulldozers moved on to the schools and the churches. Officials took the engines from the water pumps away and the story goes that Jacob More threw diesel in their remaining water. The bulldozer was left camped next to the demolished school.

The same thing happened at **Makgato** in 1979. There the people were able to run away and stay in neighbouring villages when the officials came. After their houses

were smashed down they came back to rebuild them. Eventually they won a reprieve from the Government and Makgato is now a settled flourishing community once again.

The neighbouring Batlokwa villages were sufficiently well organized to resist removal. In 1979/80 their protest was backed by sustained publicity here and overseas. Partly because of this, mostly because of the strong internal cohesion of the tribe, and partly no doubt because the Lebowa boundaries could be redrawn around them, they have been left alone.



'Hold our hands.' Recognising Sash members on the roadside, the Mogopa people cry out to them, 'We are being taken away. What is going to happen?'

photo: Paul Weinberg



Gill de Vlieg is told how the 'peaceful and orderly' move took place. An old woman on this bus told how she was sitting in her home and was picked up bodily by four men and flung into the bus 'like a pig.' Earlier that day, she and photographer Paul Weinberg had visited Pachsdraai where they had been arrested and charged with illegally entering the area. They had found old Mr Isaac More sitting among his belongings in the heat and dust outside a tin hut, so dazed that he was unable to recognise them. The next rainfall would ruin what had taken a lifetime to collect — wardrobes, chests of drawers, table and chairs and a piano.

photo: Paul Weinberg

4 D-Day

If the cutting-off of services doesn't work, the Government brings the use of force a little closer. The **Badplaas** people are meant to have moved about a year ago, but not one person has left. So in November 1983 Co-operation and Development brought a removal squad and camped it at the entrance to the location. Scores of lorries, buses and tractors are lined up next to the tents where Co-operation and Development labourers sleep. Notices were issued to the villagers that they must move by January 11. Still they didn't go. Instead the international press converged on Badplaas on January 11 and nothing happened.

The same D-Day tactic flopped in **Mogopa**. There the villagers took legal action to have the removal squad parked on their land removed — on grounds of trespass. They were successful, but immediately the camp was dismantled they received an Order signed by the State President and Dr Koornhof that they must leave Mogopa by November 29 1983 and never return there. The Commissioner who read the Order told them that if they didn't leave then they would be loaded up and moved by force.

There was an international outcry and church leaders, political groups, students, the Black Sash and press camped at Mogopa waiting for the police and trucks to arrive. Needless to say they changed their plans and did not come, then.

5 The waiting game

What does the State do once they have smashed the schools, stopped the transport, cut off the water, threatened force — and people still refuse to move? One of the most effective things to do is to do nothing. It waits. There is a limit to how long people can live without schools, without pensions, without migrant labour contracts and with daily uncertainty about their future. If it is a matter of who can sit it out, the State is the more likely winner.



The people were adamant that they could not stay here, and with the help of Churches, the Black Sash and young volunteers, in hired and borrowed trucks most of them moved during the next month to Bethanie. Despite lack of water, grazing land or any other facilities, it is at least nearer to towns where job opportunities might emerge, and far away from the hated Jacob More. However, they are now understandably having difficulties with the people who were already living there.

After the June demolitions in **Mogopa** families began to drift off. Not to Pachsdraai and the hated Jacob More, but to relatives in Bethanie and on the Reef. This meant they got no compensation, either for their land, with its white-owned diamond mine, or for their houses and all the communal improvements their families had contributed to since 1913. It makes the removal cheaper for the State. (One wonders why Pachsdraai cost R8 million, according to Koornhof).

However, in early December the Mogopa villagers met together and decided they would take joint action to rebuild Mogopa. They installed a new pump and collected money to start building a new school. People stopped leaving. In January they went to the Commissioner about the pension and pass problems and managed to solve these. On January 9 they began rebuilding the new school and fixing the roads. Men and women left their jobs to work full-time on the reconstruction of Mogopa. Within a month the school was finished. Everyone was convinced they would be left in peace. Hadn't Louis Nel (Deputy Minister of Foreign Affairs) told them in front of the foreign press that they would not be thrown out into the street? Hadn't Koornhof said that the era of forced removals was over? But more immediate than any other reason — hadn't they suffered enough?

Through their great courage and hard work the Mogopa people had won the waiting game. So the government had to act.

6 Brute force

In the early hours of February 14 Mogopa was surrounded by armed police. At 4 am the people were informed through loud hailer (by Jacob More) that they must load their possessions into trucks and go to Pachsdraai. Nobody was allowed to leave their houses. Jacob More took the police and the officials to the houses of all the leaders first. They were handcuffed and put into police vans. Their families refused to pack their possessions, Government labourers did so. Women were carried onto the lorries and buses. People tried to run away and children were loaded with the furniture and despatched to Pachsdraai. All of this happened in the presence of scores of armed policemen who had dogs at their disposal. People caught standing together outside their houses were beaten with batons. Parents desperate to find their children got on to the buses to Pachsdraai to look for them there.

No outsiders were allowed into Mogopa. The press, diplomats, priests, lawyers and members of the Black Sash, were turned back at the entrance to Mogopa. Those who managed to sneak in through the back door were caught and charged. The police initially said Mogopa was an 'Operational Area' but subsequently corrected this; they said that since it was black land, no whites were allowed to enter — excepting the police, of course, and the white farmers who had free access in and out to buy the people's live-stock at a tenth of its value.

Here we are, back in the era of forced removals

So here we are, back in the era of forced removals. But we must realise we never left it — force underlies every

MYTH OF VOLUNTARY REMOVALS

step of the 'process of persuasion'. To talk about 'Voluntary Removal' is a contradiction in terms. Dr Koornhof's own words indicate the contradiction. He said in Parliament in February 1983: 'I therefore want to tell the honourable members that when they rise to their feet here and try to make everyone believe the falsehoods which they wish to bruit abroad about thousands of people who are going to be moved, as was said again this afternoon, when they also imply that those are forced removals then they do not know what they are talking about.' Yet, significantly, in the same speech he said: 'I am on record as stating that the government and I will do everything possible to abolish the forced removal of people *as far as practicable and possible*'.

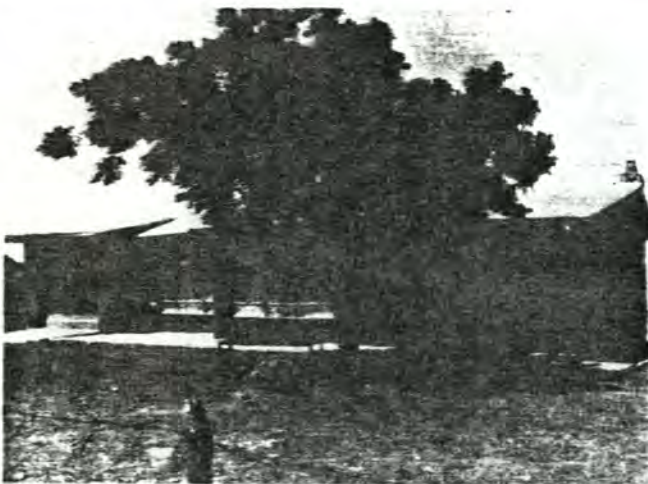
There are laws remaining on our Statute books which make talk of reform and voluntary removals utterly ridiculous. There is the 1927 Black Administration Act which states that the State President may order any black tribe or black person or group of blacks to move from any area to any other area. This law takes no account of any process of expropriation, compensation or negotiation. In the Mogopa case lawyers argued that the order must be discussed by Parliament before it could be executed. The Supreme Court rejected their argument and the lawyers were refused leave to appeal against this judgement.

There is also the Black Prohibition of Interdicts Act of 1956, in terms of which black people have no common law right to apply for an interdict to stop a removal, whether the removal be legal or not. There are too many laws like these to list them here. They are described in Volume I of the Surplus People's Project Report on Forced Removals.

However unequal the struggle, in terms of the law, in terms of the State's access to military and police force, and its access to money and resources, people continue to resist removal. They know too much about the lives of the 3½ million people already moved to accept the same fate meekly.

The Mogopa people have lost their land, their diamonds, and a great deal of their livestock and furniture, yet they continue to resist the government's plans for them. Within a month they had left the hated Pachsdraai and gone to settle in Bethanie, the home of their paramount chief. Because no-one is allowed to enter Mogopa now the Mogopa people had to get special permission to go back there recently. The purpose of their visit — to break down their brand new school which was left standing there. The same people who built it went to fetch the roof and the door and window frames. They are using these to build again in Bethanie.

from MOGOPA

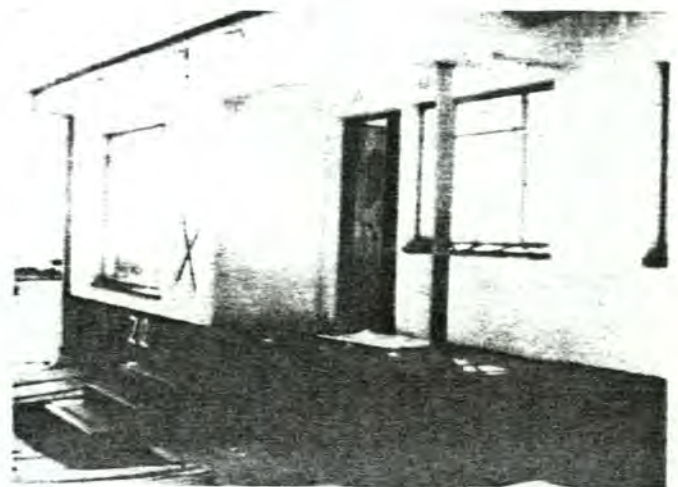


Above: The house of Elizabeth Kgaitsoe. A shop-owner, she was told by Jacob More that she would never get a trading licence at Pachsdraai.

photo: Gill De Vlieg

R: Philip More's house before and after

Twenty one years of saving and the laborious transport of building materials went into Mr Philip More's house at Mogopa. With seven large rooms, it had a bathroom and separate toilet nearly completed. For this and his mother's four roomed stone house and kraal he was given R24 000 in all



to BETHANIE



Photo: Gill De Vlieg



Susan and Catherine More do the best they can at Bethanie. They used to live in a six-roomed house with a veranda and two outside houses. Judging from the amounts paid to others, they estimated their compensation would be roughly R12 000. But they were erroneously given R3 460 for Mr Alan Mashabela's house and he got the money for their house. When they complained they were told to sort this out themselves. This picture was taken when delegates to the Black Sash National Conference visited the area.



Black Sash field worker Marj Brown talks to Mr Piet Mosweu, who was paid R1 971 in compensation (in all) for two houses, one with five rooms, the other with four. With her back to the camera is Mrs Boikanyo who lost four oxen in the move.

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Compensation? *Some examples from the Mogopa removal*

No 'outsiders' were allowed into Mogopa. Apparently exempt from this ban were neighbouring white farmers who entered without hindrance. They left with trucks full of sheep and cattle, bought at giveaway prices. They sent their cattle in to graze in the fields of mealies, sunflowers and beans.

Some cattle prices: Mr Benjamin Modisakgosi sold two head of cattle for R190. Mr Ishmael Makhayane got R150 for three cattle and two calves. Mrs Harriet Voyisa got R700 for four cows. (At rural auctions milking cows fetch R600-R700 each)

Valuable possessions were left behind and most were never found — cows, oxen, goats, harrows, ploughs, basins, building and fencing materials, even tractors and cars; also stoves, wardrobes, dressing tables, radios. (Sash field workers have detailed lists of lost and broken possessions.)

Some house prices: Samuel and Elizabeth Poee had an 8-roomed house consisting of four bedrooms, a bathroom, dining room, kitchen and front room. Plastered inside and outside, it had a corrugated iron roof and the kitchen floor was tiled. They received R6 629 in compensation. Mr Benjamin Mokgatwe had a five-roomed brick and stone house, for which he received R1 812. Mr Gershon Rampou had a six-roomed house with an outhouse, nine peach trees, a kraal and a reservoir. He received R1 300.

Due no doubt to world-wide publicity the compensation for individual Mogopa houses was much more substantial than was paid at any other removal we know of — but clearly not enough to replace anything like the original homes, to say nothing of the uncompensated loss of life-supporting fields; crops, mineral rights and position.

Often compensation money is used up on living expenses and the battle for survival in resettlement camps.

Easter weekend at Driefontein

the anniversary of the fatal shooting of Saul Mkhize

On Easter Saturday this year, visitors cars, surrounded by helpful residents, could be seen struggling at less than walking pace along Driefontein's neglected roads. Others were abandoned as their occupants, fearing they would tip over into one of the many deep dongas along the way, decided to walk to Saul Mkhize's home at the top of the hill. Churchmen, members of the Black Sash and the press went there to take part in a commemoration service for Saul, who last year, in the middle of the Easter weekend, had been shot dead by Constable Nienaber.

A year ago it had been easy to get to Saul's house along a short road running along the top of the Driefontein hill. This year construction on the new dam had cut off access to the top end of Driefontein. Bridges and roads not being a priority for voteless people, let alone a community due to be removed, it is now a major adventure for a vehicle to reach the upper regions of Driefontein. After heavy rains whole areas are inaccessible and sick people have to be carried out.

Just after Easter, a year ago, crowds had come from Johannesburg for Saul's funeral, somewhat bewildering the local people who were partially pleased and flattered, partially resentful when young urban leaders of



Constable Nienaber

photo: Gill De Vlieg



'The Black Sash cannot arrange for Constable Nienaber to be re-tried' explains Aninka Claassens. She re-iterates that lawyers and Sash are powerless to prevent forced removals and are no substitute for community organization
photo: Ingrid Hudson



Easter Saturday — the old men sit under the fruit trees around a photograph of Saul Mkhize, still discussing the Nienaber trial
photo: Ingrid Hudson

COSAS and the Workers Support Committee took over the proceedings and saluted 'the hero Mkhize' with clenched fists and freedom songs.

Now a year later, after a night of prayer and song, the community conducted a traditional commemoration service. It was a heavy day, for Saul's death had heralded a shattering year for the people of Driefontein, Daggakraal and KwaNgema.

A fortnight previously, on April 2, the anniversary of the day he was shot after an argument as to whether a meeting held within the school grounds was legal or not, Constable Nienaber had been found not guilty of his murder and not criticised for his conduct on that day.

Mr Justice J O P de Villiers had said there had been not one aspect of Constable Nienaber's evidence with which a Court could say it was not impressed. Saul Mkhize, he said, had been 'an arrogant, somewhat impolite man with a strong personality'.

Two other trials held during the same Volksrust Court Circuit (detailed on pages 31,32) had been equally traumatic for a community already shaken by all the usual official tactics which are beamed onto communities under threat of removal — the delay or withholding of services, pensions, permits, and licences, the constant intimidatory police presence, searches and as-

saults, and attempts to set up stodge leaders. All this combined with several other violent events during the year had bitterly estranged these quiet people, who two years ago had had unquestioning faith in the processes of law and order.

Throughout the trial the security arrangements there had hurt them deeply. It seemed to them that they were treated as the aggressors. Their group of mostly elderly people had been searched and closely guarded by heavily armed policemen. Windows had ostentatiously been opened on a freezing cold day after whites had complained of the smell in the courtroom. With doors being locked and unlocked as they entered and departed, they had been crowded onto the back benches of the court. They saw their Sash friends and members of the press treated with equal antagonism and suspicion: some had been searched while others were expelled from the Court for wearing trousers, even for not wearing closed shoes. They had watched Constable Nienaber laugh and joke with his friends during the court recesses.

The Court interpreter had not been able to keep up with the Judge during the summing up so they had barely understood his reasoning and afterwards many of them were not even aware that the trial was over, but thought the Court had adjourned for lunch. When finally they understood that Nienaber had been found not in any

way guilty they stood aimlessly on the pavement or sat in small groups on the grass, too stunned to give coherent interviews to an overseas television crew.

One of Saul's widows, Angelina, suffering from rheumatoid arthritis and hardly able to move, gathered her three sons around her and wondered who would now support them. Beauty Mkhize climbed into the bus and wept bitterly. It was bad enough that her husband had been shot and that her home and community would probably soon be destroyed. She also had serious problems with her son Paris who had been badly assaulted by men who had identified themselves as policemen, just before Saul's death — and the humiliations of the last week had been just too much. Apartheid had destroyed her life, and she was different, now. When asked if she had expected any different verdict at the trial she replied 'No'.

Back home at Driefontein, the people expressed their pent up anger at the shooting of their leader and the behaviour of the local police.

'What we cannot understand is that Nienaber admitted that he shot Mkhize, he actually agreed to that, and yet the Judge left him to go free. They said that Mkhize was killed because it was an illegal meeting. How could they say that? They shot him before the meeting even began, so how could they know what the meeting was going to be about or that it was an illegal meeting? They came with five guns and three teargasses which shows they were planning violence before they even got to Driefontein. The Judge asked about the Council Board of Directors and the removal in the trial — why did he do that? The trial was about one man killing another not about these things. In fact they wanted to say that Mkhize was guilty not Nienaber. Why did they come prepared to kill Mkhize? Because he was our leader and we loved him and respected him. So they thought that if they killed him we would leave Driefontein. But we never will, unless they can wake up Mkhize and he leads us out of this place. Otherwise if they are so desperate for our land, they better shoot us all dead here and then take it for the whites.'

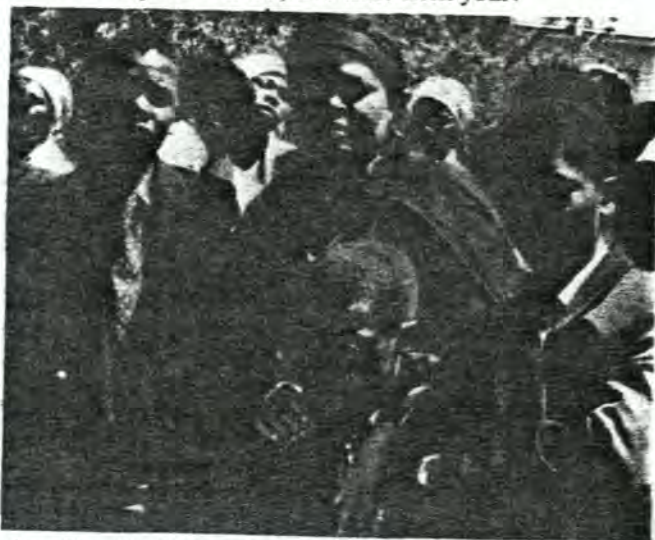
Other families had been dealt with violently during the year by police and neighbouring whites, and there was now a bitter solidarity among the villagers who seemed to have developed the courage of despair. They said to

Aninka Claassens, "We are like dead meat now. We can be shot at any time, quite freely. We are like birds in the sky to be aimed at. If we shot a wild animal on one of the white farms we would go to jail for a long time, but the whites here can kill a human being and be congratulated."

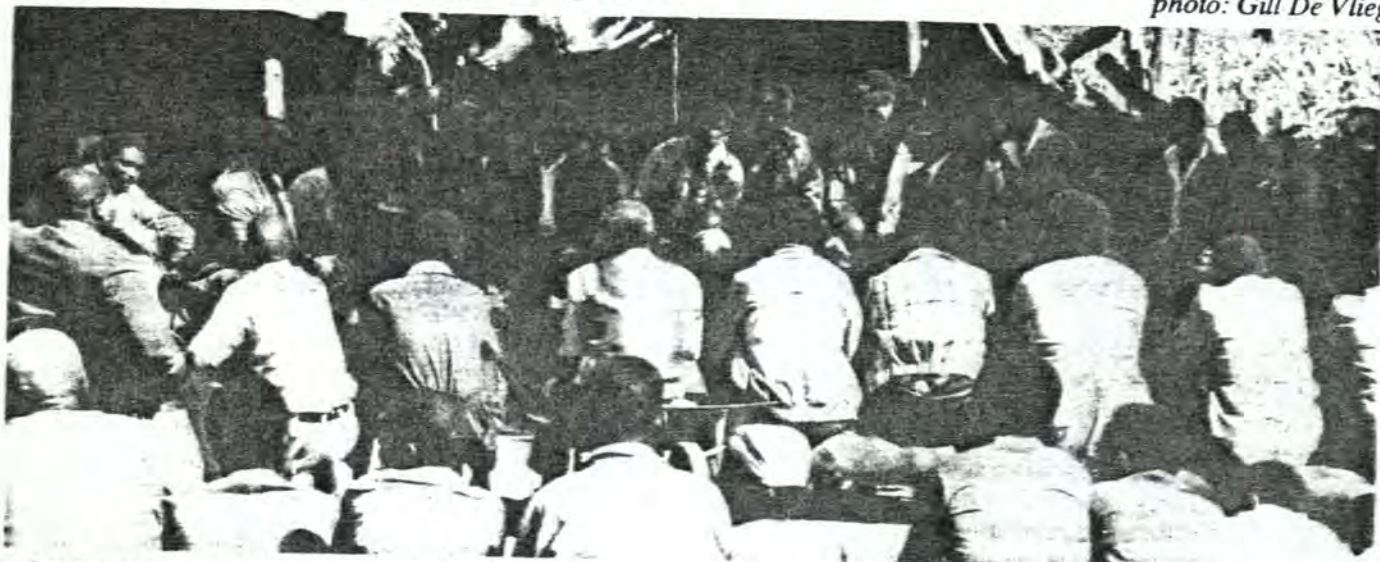
Meetings are virtually never permitted in Driefontein (or in other communities under threat of removal) so it is difficult to organize any cohesive protest or resistance. But the people of Driefontein, Daggakraal and KwaNgema are determined to resist removal and to act cohesively in support of each other. They plan in future to systematically chronicle and take up with lawyers all injustices and irregularities that occur in their area.

And so, this Easter, the Driefontein people commemorated their afflictions and, fearing the attentions of a now triumphant police force, contemplated an even more difficult future.

After the service Beauty gave everyone a delicious lunch on the terrace under the fruit trees — stew, salads made from her vegetable garden and her famous bottled peaches — the kind of meal that won't be possible if she and her neighbours are removed from these benign surroundings. Enjoying despite everything the soft hazy beauty of Driefontein and of Africa, we wondered where everyone will be, this time next year.



Angelina Mkhize at the Nienaber trial with her three sons
photo: Gill De Vlieg



After the commemoration service, the talking begins

photo: Ingrid Hudson

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DELMAS TREASON TRIAL 1985 - 1989

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