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2000

THE URBAN AFRICAN - PROPOSALS ON INFLUX CONTROL AND RELATED MATTERS

A. INTRODUCTION

1. It is common cause that all citizens of modern states require identity documents, and that such states generally make their "legislation equally applicable" to all their citizens.

2. Furthermore, the phenomenon of towns attracting people from the country accompanies the process of industrialisation the world over, and has done so in one place or another for some 200 years. It is also known that wherever people flock to the towns in search of the jobs that are available, there is often a period where slums arise before adequate housing can be provided. But it is generally accepted that the drift to the towns cannot be stopped while industrialisation proceeds.

3. South Africa has nevertheless attempted to halt this process in respect of its African population and has passed a whole series of laws relating to the control of movement, work and residence of urban Africans in our country. The basic reason was the refusal to regard Africans as an integral part of the total urban population.This approach was formulated by the Stallard Commission in 1922. It stated that African people should be allowed in "the white man's towns" only when their labour was needed by whites, and that their residence should be regarded as temporary.

4. Ever since, South Africa has chosen to regard Africans in urban areas as temporary sojourners, in spite of the fact that they were clearly there permanently, partly because an increasing number were born in cities, partly because they had permanent jobs in towns, and partly also because an increasing number of them were drawn to the cities in response to the demand for their labour. Nor are there any signs that the demand of the urban economy for African labour is decreasing, in spite of decentralisation incentives and the application of the Physical Planning Act, which, at most, slow down that demand.

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5. The Deputy Minister of Bantu Administration, the Hon. Punt Janson, recently stated that "urban Africans are here to stay for all time" and suggested that the time had come "to take off the statute book out-dated legislation". This is the point we are making here: we should realise that the temporary nature of urban African living and working has always been more myth than reality, and we should accept the reality in our laws, as Mr. Janson has accepted it in his public statements.

B. IDENTITY DOCUMENTS AND INFLUX CONTROL

6. Once we accept that those permanently employed in urban areas are settled there, it becomes unnecessary to:

enforce a curfew;

produce identity documents on demand;

have monthly proof of employment;

consider possible errors in places of birth on one's identity documents as a calamity;

withhold the right of home ownership -

to name only five major "obstacles and points of friction".

7. We shall comment on the housing aspect of influx control below; suffice it here to state that, once one accepts that permanently required urban workers belong to the towns in which they live and work, the policy question becomes how local and other authorities should set about ensuring that such workers obtain adequate housing reasonably near where they work. Once that is accepted - and morality and national security both demand it - one can clearly not deny workers the right to have husbands and wives living together on a family basis.

Reference books or alternative documentation (Reference 2(a))

8. In order to move from the present set of regulations to a simplified system, the gradual issue of simplified identity documents might be considered, possibly in the following sequence:

8.1. Accept that in addition to all those born and permanently resident in a town, anyone who has worked for one employer for five, or several for ten years, is entitled to be regarded as permanently living in the area in which he works.

8.2. Issue a simple identity card to such a person, and to the members of his immediate family. (Provision can be made on such a document for an "ethnic group" entry but it must be realised that many African people have intermarried and that there are thousands of urban African families where ethnic identity is a matter of choice, as is indeed the case also in many "English-Afrikaans" families.)

8.3. All other people could for the time being remain under the present reference book system, except that:

(a) As recommended in RR. 135/73, production of an identity card or reference book should not be on demand, but people should be given the same amount of time to produce it as is afforded members of other population groups. An exception to this rule should only be made where it is suspected that a crime has been committed; failure to carry an identity document should not constitute a crime.

(b) The Institute recommends that curfew laws in urban areas be abolished. It realises that these curfew laws were introduced in the hope that this would protect people living outside the African townships from robbery, theft and other malefaction. It is of opinion that the curfew regulations in fact give no such protection and that an African intending to embark on an unlawful activity can easily procure or himself write what appears to be a valid "night special".

8.4. We wish to comment on certain details of the present administration which come under the definition of "points of friction":

(i) it not infrequently occurs that an African born in an urban area but attending a boarding school in a homeland, on reaching the age of 16 and consequently obliged to obtain a reference book, is given a reference book which records as his home of origin the area in which he happens to be attending school. Subsequently he finds that he has lost his right to be in the town where he was born. The Institute urges that the attention of officials be drawn to the necessity of ensuring that the actual home of origin is recorded;

(ii) we likewise draw attention to the fact that in recording the home of origin of a woman, the rural home of her father is sometimes recorded. This may, and frequently does, have disastrous consequences for the women concerned in that it leads to her being "endorsed out"

of the town in which she has the right to live under Section 10(1)(a) of the Act;

(iii) we regard it as an anomoly that African male employees have to have their reference books signed every month by their employers, while this does not apply to African women. An African woman has to have her employer enter the dates of the commencement and the termination of her employment and is spared what can on occasion be the humiliating experience of obtaining an employer's signature every month. We recommend that if the present reference book system is continued, the practice in regard to African men be the same as that now obtaining in respect of African women. (At present even highly qualified professional men and traders of substance are required to take out a daily labourer's pass and have an official sign it every month. Even if this requirement is not rigorously enforced and is honoured more in the breach than the observance, the degrading requirement stands. If the procedure here suggested is instituted, it would fall away.)

9. Influx Control (Reference 2(k))

9.1. We suggest that the aim of influx control should be to protect the employment opportunities, housing and available amenities of permanent urban dwellers.

9.2. The acceptance of this aim would mean that any people from outside the area who are required by the demands for labour in the area should be permitted to acquire permanent urban status after the prescribed period of time, as set out in 8.1. above.

9.3. The reasoning behind this is that where the economy needs workers, it is the task of public authorities to provide the amenities such workers need for humane family living, e.g. housing, transport, shopping, educational and recreational facilities. In this connection it is instructive to note that, according to figures supplied in Parliament in 1972, ca. 90% of the applications for additional labour, made under the Physical Planning Act between January 1968 and January 1972, were approved. This seems to suggest that even with strict controls the need for the expansion of economic activities in our large urban complexes is accepted by the authorities. This cannot happen efficiently without a permanently settled and increasingly productive labour force.

9.4. A system of enabling people from outside urban areas to look for work there for a limited period was outlined in RR. 135/73. We are well aware that

any such system presents difficulties, since the towns - everywhere in the world - are strong magnets, but we would suggest that increasing homeland development is likely to make the homelands more desirable as places in which to seek not only jobs but all-round human fulfilment. To the extent to which this is likely to occur at an accelerated pace during the next decade, the problem of controlling the drift to the towns is likely to be lessened.

9.5. In sum, the Institute envisages the complete lifting of influx control as the culmination of a series of measures which, in addition to an accelerated and differentiated housing programme in the towns, provide for greatly increased occupational opportunities for Africans in the homelands and the border areas and substantial improvements in standards of living and levels of skill of African farm workers. The Institute welcomed the Government's decision to permit White investment and enterprise in the homelands and it also welcomes the recent decision to permit homeland governments to allow White undertakings to be established without attaching time limits.

C. LIVING AND EMPLOYMENT CONDITIONS

10. Accommodation (Reference 2(e))

10.1. As the papers delivered at the Institute's housing conference in 1972 clearly demonstrate, the serious backlog in housing for urban Africans, the rigid adherence to one type of housing provision and the absence of planning and experimentation to meet the differing needs of the differing socio-economic groups within urban African communities were repeatedly stressed. Since then, it appears that the position has deteriorated in most towns in what is called "White" South Africa. In Soweto, to give one example, only 1 089 houses were built in 1970, 954 in 1972, and 1 137 in 1973, and this includes the rehousing of residents from Pimville, a slum declared as such in the 1930's and now finally demolished. Yet official estimates are that 2 000 houses are required annually for the natural increase of the residents of Soweto, without reference to the applicants on the waiting lists, some dating back as far as ten years. There are 6 416 families awaiting housing on the "primary" list, and 8 633 on the "secondary" list in Johannesburg alone.

10.2. The hardships encountered by widows and divorcées with dependants require special mention for two reasons. One is that frequently such women subsequent to the change in their marital status have

been made to forfeit the tenancy of the house in which they had hitherto been living. Although the regulations were changed to the extent that a divorcée with dependants who had the requisite residential qualifications, was not the guilty party, and could pay the rent was to be permitted to retain the tenancy of the house, there appears to have been no consistency in the application of these regulations. The other reason is that a directive was issued to local authorities instructing them not to place women on waiting lists for houses, which means that they can only be sub-tenants - and, as is well known, the difficulties of finding lodgings, particularly when there are children, in over-crowded townships are formidable. The Institute makes a strong plea for equal housing rights, irrespective of sex.

10.3. The Institute considers the decision taken departmentally in 1968 to prohibit the further erection of houses under the previously existing home-ownership scheme on 30 years' leasehold land and the attached injunction that existing home owners could only dispose of their property during their lives or when they died to the local authority to have been grossly mistaken. On both economic and social grounds, the Institute strongly recommends that the right to home-ownership be restored to Africans. It is of opinion that there should not only be the right to home ownership per se but the right to freehold tenure in urban townships. This would have three advantages: it would meet one of the most ardently desired of African requests; it would give Africans a sense of security which is likely to be a contributory factor to the development of stable patterns of community existence; it would open the way for Africans to obtain loans from building societies, which would give a great impetus to the number of Africans erecting their own homes and would at the same time relieve the authorities to some extent of their obligation themselves to provide the housing which is today once again so disastrously in short supply. Traders in particular would benefit from the opportunity to hold freehold land and from the restoration of the right to build their own premises as this would enable them to obtain credit facilities now denied them.

10.4. While emphasising the crying necessity to reintroduce home-ownership and freehold tenure rights for Africans, the Institute is clearly aware that further measures are required to meet present and future needs. It recognises that the provision of a separate dwelling unit for each family is the desirable form of housing from the point of view of the residents, but it likewise recognises that in large towns such as Johannesburg, with growing African townships, it will not be possible to continue this pattern indefinitely. The Institute

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therefore supports the erection of flats and believes that Africans will accustom themselves to this type of living as other sections of the population have done. It, however, underlines the desirability of enlisting the services and obtaining the advice of architects and other planners with special knowledge of this type of building and of successful innovations introduced both in South Africa and elsewhere.

10.5. In regard to the question of rents, the Institute considers that just as the different socio-economic categories of Africans require that housing provision of different degrees of size and comfort be made, so rents should vary in accordance with actual housing provided and the income of the family unit. It must be accepted that for the foreseeable future at least, the need for sub-economic housing will continue to exist.

10.6. In view of the fragmentation and disruption of family life known to exist within the urban African community and the extent of illegitimacy and fatherless families, the Institute wishes to draw attention to the need for the provision of housing units, very possibly in the form of small flats, specially designed to house such families. If a plan for the clustering of such flat buildings could be designed, providing for a nursery school for each such cluster, the problems of the working mother who is the sole support of her children would be greatly alleviated.

10.7. As stated in an earlier memorandum, the Institute realises that the weakness of any scheme of company-built housing is that this in all likelihood entails a system of tied housing. Nevertheless, in view of the present housing crisis, the Institute believes that companies prepared to provide housing should be encouraged to do so. Once the position eases, it would probably prove feasible for the local authority to negotiate the transfer of ownership.

10.8. The Institute sees no reason why property developers of any racial group should not be permitted to erect dwellings in the African townships, as is done in other areas of towns. Plans would obviously be subject to approval as is normally the case, and a rent board representative of the township residents and the local authority should be established to ensure that rents are fair.

10.9. The Institute wishes to urge that the present prohibitions restricting the development of African commercial enterprise in the urban townships be withdrawn. It is of opinion that it is unjust to impose a "one-man-one-lot" rule on African businessmen. No such restriction applies to businessmen of the other three racial groups: on the contrary, the entrepreneur who is able to

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establish chain stores or to diversify his commercial activities wins acclaim. Furthermore, the Institute recommends that the present directive stating that African traders must confine their activities to the sale of daily essential commodities should be withdrawn. African traders regard this discriminatory ruling which, for example, prevents them from selling electrical goods, furniture and other consumer durables, as designed to protect the interests of White traders. The Institute considers that African businessmen should have the same rights of commercial development as is accorded to White, Coloured and Asian entrepreneurs conducting concerns outside the African townships, including the right to form companies and to enter into partnerships.

11. Subsidies (Reference 2(v))

11.1. The Institute assumes that the "subsidies" to which reference is here made are subsidies in the narrow sense of those specifically connected with the budgets of the Bantu Affairs Administration Boards, and that it is not intended to include the much wider field of subsidies relating to educational and health services, social pensions, the various aspects of homeland development, etc., for which provision is made in the national Budget.

Abolition of Subsidies

11.2. The concept of doing away with subsidies is bound up with the ability of the class being subsidised to pay in full for the service being rendered. The poor need protection and unless they are paid a wage which enables them to pay their rents, transport costs, etc., the need for subsidisation remains.

The question then arises, can commerce and industry afford to pay wages which make it possible for the unskilled and uneducated worker to foot all his bills? Is his labour sufficiently productive to warrant such wages?

To achieve these conditions, the whole South African concept of using Black labour must be reassessed. Migrant labour must be phased out because it is wasteful, expensive and of a low order of productivity. Proper training for industrial skills is essential, which presupposes a settled labour force. As already stated, unnecessary legislative restrictions on the employment, training, organisation and mobility of Black labour need to be repealed so that Black labour can play a proper role in South Africa's economy. The measures instituted by the Government to provide and encourage industrial training in the urban areas and elsewhere are clearly welcome initial steps in this direction.

11.3. We offer some more detailed comments on specific subsidisation. Now that the administration of urban Africans has been wholly transferred from the urban local authorities, a number of which - Johannesburg as an instance - formerly met the deficits of their Bantu Revenue Accounts from the general rates fund, the Institute recommends that deficits incurred by the newly instituted Bantu Affairs Administration Boards should become the responsibility of the Department of Bantu Administration and Development. When the announcement was made in 1970 that it would be possible "for the administration boards to exercise their functions properly without having to rely on the State for additional financial aid", the Institute expressed its grave misgivings and its fears that this presaged a reduction in services and facilities in certain urban areas. Present indications are that these fears were not unfounded.

In view of the general policy of siting African residential townships at a considerable distance from the industrial and other areas where Africans work, which entails high transport costs, the Institute is of opinion that it will be necessary for employers of African workers to continue paying the present transport services contributions.

The other form of contribution levied on employers of Africans is a monthly fee not exceeding R2,50 per month for each African not accommodated by the employer. (This contribution, introduced in 1972 in anticipation of the transfer of urban African administration to the new boards, replaced the former Services Levy in respect of men only of 20 cents per week, the labour bureau fee of 25 cents and the 20 cents monthly registration fee.) At present the monthly contribution in the area of the West Rand Board is R1,50 per month. Whether this form of what is in effect an additional tax on the employer for the privilege of employing African workers is a desirable system is open to debate. This applies likewise to the payment of 50 cents per month for each domestic "living-in" employee in excess of one presently levied on employers. As the position now stands, it seems clear to the Institute that this form of disguised taxation must remain in being. Its abolition can only be considered once average African earnings and productivity are at a much higher level than is now the case.

12. Labour Contracts (Reference 2(f))

12.1. The Institute is firmly of opinion that the one year labour contract system introduced in 1968 should be abolished. It believes that this system was introduced to give support to a prediction made by a Government spokesman to the effect that by

1978 the townward movement of Africans would be reversed. It believes that this prediction has been shown to be utterly mistaken and that any efforts designed to make it come true should be abandoned.

The Institute fails to see any advantages over the pre-1968 system that derive from the one-year labour contract system. But it considers that the disadvantages in terms of an inordinately complex system of administration and of positive encouragement of discontinuity of labour are manifest.

As already stated in 9.2. above, the Institute believes that people should be able to qualify for permanent residence in urban areas. We therefore consider it grossly unjust to deprive in perpetuity the contract labourer of the right to qualify for permanent urban residence. This is what the contract labour system does and what it was apparently deliberately designed to do. It means that no matter how satisfactory the work performance of an individual and irrespective of the improvement in his level of skill attainment, he remains a contract labourer for ever, and is forever denied the right to have his wife and children live with him where he works.

12.2. In so far as the existing system is concerned, the Institute points out that the contract labourer should be provided with a copy of his contract. Further, the Institute urges that sub-section 28 of Chapter 8 (which deals with exemptions) of the Bantu Labour Regulations, Government Notice R.1892 of 3 December 1965, be substantially widened to include professional people such as social workers and librarians and in fact all Africans with a university degree or diploma or their recognised equivalent. At present, only specified professional people and Africans in certain categories of State employment are exempted from the necessity of becoming one-year contract labourers. The Institute considers the present categories qualifying for exemption manifestly inadequate.

13. Pension schemes (Reference 2(g))

13.1. As the State has now begun an enquiry into a pension scheme for all, we do not wish to comment further on this matter here.

13.2. We wish, however, to comment on the related matter of employees' protection against unemployment, and to renew our appeal that the provision excluding workers earning less than R10,51 per week from obtaining unemployment insurance benefits should be repealed. We realise that particularly in the larger urban areas, the majority of African men

are no longer affected by this provision. But there is a considerable number of African women who earn less than R10,51 per week and are hurtfully penalised by this present ruling.

D. CITIZENSHIP

14. Registration of births (Reference 2(c))

14.1. There will be many reasons why Africans do not always register the birth of their children, and especially why many do not do so in time. We are, however, convinced that the twin problem of no and of late registration would be substantially reduced in scope if African people could see that admitting the birth of a child would not endanger that child's chances of living where the parent lives. Once the change in basic policy advocated in A. above has been both accepted and implemented, we believe there will be greater readiness to register births.

14.2. The Institute is not in a position to state what proportion of births in urban areas are registered within, say one month of the birth of a child, but from the many cases which come to its notice of Africans experiencing great difficulty in effecting a late registration, it is clear that many Africans fail to register births timeously. It is self-evident that every effort should be made to secure the meticulous observance of the law. Basic data of this nature are vital to innumerable areas of planning, analysis and development.

In view of the fact that an appreciable proportion of Africans do not know of the provisions of the law itself and that many who do know fail to realise the grave consequences of failure to comply, every effort should be made to bring to the attention of urban Africans the crucial necessity of registering the birth of each child as soon as possible after the birth has taken place (and also informing the relevant township superintendent so as to have the new child entered on the housing permit).

14.3. The Institute understands that Radio Bantu brings this requirement to the notice of its listeners, that the ante-natal clinics in the townships impress on mothers-to-be the importance of registering the birth, and that social workers in the course of their work with clients do likewise. However, it appears to be necessary to intensify these efforts.

The Institute does not know how frequently or in what form Radio Bantu deals with the birth registration

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issue. It believes that it might well be possible to use Radio Bantu more effectively in this regard by, for instance, broadcasting short and simple mini-playlets illustrating the difficulties that arise later if this registration is not effected within a month of birth - difficulty in school admission, inability to obtain reference book at age of 16, etc. It might be necessary to broadcast on this theme more frequently. Large notices might well be helpful if effectively displayed in all superintendents' offices in the townships. A further suggestion is the widespread distribution of a short leaflet in the different Bantu languages.

14.4. The Institute also wishes to draw attention to the difficulties and inordinate delays experienced by Africans seeking to effect a late registration. Delays of six months or longer are said to take place. The queues at the Bantu Commissioners Courts are extremely long and people have been known not infrequently to wait all day without being able to make the necessary application. There are also, the Institute feels itself compelled to state, allegations that certain people are able to "jump" the queue by reason of financial inducements given to the African clerk regulating admission to the relevant office.

14.5. The Institute in the first place makes the request that the internal staff arrangements in the Department of Bantu Affairs be investigated with the aim of reducing and finally eliminating these long delays and alleged malpractices. It also wishes to recommend that the Department explore the possibility of providing for such applications to be made in the township offices. This would facilitate matters particularly for women - and it is mainly the women who have to make arrangements of this nature - who have young children and find it difficult to leave their homes for a whole day at a time.

15. Citizenship certificates (Reference 2(b))

15.1. The Institute considers that such certificates should only be issued to Africans who are resident in a homeland and, if they leave such homeland, do so on a temporary basis. It is opposed to the issue of such certificates of citizenship to Africans who permanently live in the area outside the homelands.

15.2. Once a homeland has attained the status of independence, Africans from such an independent state will presumably be admitted into the Republic as other Africans are, very possibly, as recent Ministerial comments have suggested, on more favourable terms. But whatever the regulations governing

admission to the Republic, the Institute emphatically urges that the whole question of the right to naturalisation of all Africans, from wheresoever they originate, be carefully examined. The Institute is of opinion that it is unjust to deny Africans the right accorded to White immigrants to become naturalised South Africans if they qualify in terms of the conditions laid down.

16. Taxation (Reference 2(j))

16.1. The basis for the taxation of Africans differs from that for Whites, Coloured and Indians. Every African male between 18 and 64 years of age must pay a general tax of R2,50 per annum (full-time scholars and indigents being exempt). Proof of payment must be made on demand, and failure can mean summary arrest and prosecution. All Africans whose income exceeds R360 per annum become liable for a graded tax: no abatements are allowed, nor is any part of a wife's earnings tax free.

16.2. The Institute draws attention to the fact that a single White does not pay tax until he or she earns R700,00 per annum, and that a married White is not taxed until he earns R1 200 per annum. Even if the tax on the individual African man or woman is only R1,20 per annum, on annual earnings of R360, R4,32 on R700, and R13,32 on R1 200, the principle of taxing such people if they earn less than R700 if unmarried and R1 200 if married cannot be justified. Nor can there be any justification for the fact that a married African with two or more children in the higher income groups consistently pays more than Whites of the same category in the same income groups. The following are figures to illustrate this situation.

		White Tax					
					Married		
Income p.a.	African Tax	Unmarried	No children	1 child	2 children	3 children	4 children
4 000	168,12	402	246	194	135	77	23
5 000	270,62	528	356	299	246	183	115
6 000	396,72	724	489	426	367	299	236
7 000	538,32	984	656	582	514	438	368

The Institute supports the principle that Africans should become liable to pay tax on the same basis as other groups, and that the same abatements should apply, as also provision for a stated amount of tax-free earnings in respect of a gainfully employed wife, with the proviso that a polygamist would qualify for rebates in respect of only one wife and the children of that wife.

E. CONCLUSION

17. We have been asked to comment on the acceptability of policy and would only say that policy in a changing situation must evolve. Any policy in the direction of regarding urban Africans as belonging "elsewhere" is emphatically rejected not only by the Institute but also by the overwhelming majority of African people, both those living in urban areas and those in the homelands; there are several statements by homeland leaders to this effect on record.

However, as policy is seen to evolve in the direction of providing opportunities and facilities, and accepting the permanence of urban Africans, as foreshadowed by Mr. Janson, it is more likely to become acceptable than is the case at present.

It will be seen that the basis of all our proposals is to move rapidly towards a position where all legislation is made applicable to all races: that is, where no additional constraints are placed on some people in the Republic of South Africa because of the colour of their skins. Furthermore, we express the hope that legislation which is implicitly even if not explicitly racially discriminatory in its effects, such as the Reservation of Separate Amenities Act, the Group Areas Act and the Prohibition of Political Interference Act, will be repealed.

We realise that this state of affairs cannot be reached overnight, but we firmly believe that swift moves in the direction of legal equality should be made, and seen to be made, in the interests of the peaceful future of South Africa.

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2(h) THE POSSIBILITY OF MAKING ALL LEGISLATION EQUALLY APPLICABLE TO ALL RACES

Dr. Ellen Hellmann

1. This is certainly the situation I regard as the desirable and attainable end aim. I am firmly convinced that South Africa will be unable to make substantial progress towards the elimination of the present sense of burning Black grievance and resentment against legally entrenched discrimination or to win international acceptance until this end aim is substantially accomplished. At the same time I recognise that there can only be a gradual transition towards this end.

While there exists in South Africa a dual, though independent economy - a modern industrial economy in the common area and a predominantly subsistence economy based on communal tenure and traditional agricultural and pastoral practices in what were formerly the Bantu reserves - the relevant laws cannot be the same, largely because the operative laws in this area offer some degree of protection to those not yet culturally or educationally sufficiently equipped to hold their own in open competition. If, for example, African traders were not given exclusive trading rights in their own areas, it is probable that very few would be able to withstand the competition of White and Asian traders with their incomparably greater capital resources and commercial expertise. If, to look at one of the many examples of presently existing cultural differences between different racial groups which militate against one uniform legal system, only the common law appertaining to marriage were recognised and not African customary unions, there would undoubtedly be vehement protest from a large number of African traditionalists. On the other hand, if the system of customary unions were recognised in respect of all groups, it would open the way to untold confusion and possible exploitation. Until there is a wider extension of cultural conformity - which in itself is bound to be decisively influenced by formal education, which, in turn, depends not only on the extension of compulsory education to all, but on a very marked improvement in the quality of African education (teacher training, educational equipment, etc.) and changes in pupil's motivation - legislative equalisation will necessarily have to be a gradual process.

2. The important question is, are we moving towards this goal? In my opinion, not only is this not occurring (with the

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exception of certain limited sports activities, the elimination by a number of local authorities of some aspects of what is called petty apartheid, and, for instance, the recent repeal of a number of Master and Servants Acts and Ordinances), but South Africa has during the past quarter of a century been moving in the contrary direction. It is not proposed to detail all the laws passed during this period which introduced intensified discrimination. (The booklet "Legislation and Race Relations", (1971), by Muriel Horrell, of which a copy is attached, documents this.)

By way of example, I draw attention to the legislation in 1959 which deprived those English-language universities, which had until then admitted students irrespective of racial group, of the right to admit other than White students unless Ministerial permission was obtained. In effect this has meant almost complete segregation at all universities, a situation I regarded as detrimental in that it isolates precisely those people from whom leaders of the future are likely to be drawn from any inter-racial contact and consequently from knowledge and potential understanding of each other. Freehold tenure by Africans outside the homelands has been all but eliminated. Further home ownership in African townships has been banned. In 1963 new and stringent curbs were imposed on African traders in urban townships. The Physical Planning Act laid severe curbs on the employment of African workers in excess of the existing African labour force in existing industrial areas. In 1968 the one-year labour contract system for all African entrants into towns was introduced. These examples could be multiplied many times over.

3. I believe that there are many ways in which South Africa could promote the process leading to a stage where legislation is equally applicable to all races. Again, to attempt to list every instance in which I believe that this could be successfully undertaken, either immediately or in stages, would require an exhaustive treatise. Hence, I give only some examples.

Those sections of the Industrial Conciliation Act (28/1956) excluding Africans from the definition of "employee" (and hence precluding them from becoming members of a registered trade union), preventing the establishment of further "mixed" unions and providing for the reservation of special types of work for persons of specific racial groups should be repealed. Opinions publicly expressed by individual trade unions, organised groups of trade unions and of employers indicate, I believe, that there is a receptive public climate for changes of this nature. Property rights for urban Africans and the removal of all present restrictions on African traders are, I stress, an immediate necessity. The right of universities to make their own regulations for the admission of students should be restored, and the injunction compelling the five Black universities to be

racially and/or ethnically exclusive should be lifted. The provisions of the Physical Planning and Utilisation of Resources Act (88/1967) relating to the control over the establishment or extension of all factories (which means the employment of Africans in excess of those previously employed) should be repealed. I consider that the decentralisation of industry should continue to be promoted by positive incentives but not by prohibitions curtailing the development of existing industrial areas. It should be remembered, as a prominent industrialist pointed out, that the existing industrial areas are the seed-beds of new industries.

I also draw attention to the great need to commence dismantling the apparatus of segregation which now applies to hotels, cafés and restaurants, and to sporting and entertainment facilities. Mindful of differing opinions and attitudes among all racial groups, I realise that action in these areas should take the form of a gradual process. I suggest that in the first instance those hotels, cafés and restaurants which desire to serve all racial groups should not be prevented from doing so. This principle should likewise apply in the case of sports-clubs and entertainments.

4. I suggest that the more just society envisaged as the objective of public policy will not be brought about only by making legislation equally applicable to all races. Many laws are apparently "equally applicable" but do in fact entail racial discrimination. For example, the Reservation of Separate Amenities Act of 1953 specifically provides that failure to make separate facilities for different race groups substantially equal or to make provision for all races do not constitute offences. The Prohibition of Political Interference Act (51 of 1968) makes it illegal, inter alia, for anyone to belong to a racially mixed political party. The purpose of this Act is clearly not to exclude Whites from joining Black political parties, for these have no effective political power (even though this is also the Act's effect) but to exclude Blacks from joining White political parties, which do have actual or potential political power. Another example is the Group Areas Act which is also ostensibly "equally applicable". In its actual administration it confers wholly disproportionate advantages and privileges on the White group (e.g. by the end of 1972, 1 513 White families, and 72 650 Coloured and Asian families had been compelled to move from their homes, and the number of those still to be moved was 1 648 White as contrasted with 11 906 Coloured and Asian families). In my opinion the Prohibition of Political Interference Act should be repealed, thereby restoring to political parties the right to decide their own membership rules. I consider that further forced removals under the Group Areas Act should cease.

5. I have in the foregoing paragraphs not dealt with what is in effect the most crucial aspect both of "equall applicable" legislation and of the acceptability of policy, namely, the question of political rights. I am convinced that unless the attainment of equal rights of citizenship by people of all races in the common area of South Africa becomes the goal of policy, there will be no internal peace for our country nor international acceptance of it. The Institute itself has not designed, nor attempted to design, a constitutional blueprint. I believe that any plan for constitutional evolution and development will, if it is to prove capable of implementation, have to be formulated by a multi-racial body representing the major groups, both ethnic and political - in other words, a new National Convention.

I doubt whether the questions submitted to the Institute were intended to include this basic matter of political rights, which lies at the heart of South Africa's problems. I feel, however, that I am reflecting the most deeply held convictions of a substantial proportion of the Institute's membership in stressing the centrality of designing some means of giving all groups access to decision-making at all levels.

With specific reference to urban areas I stress that urban Africans in general reject the present policy of separate development which denies them, for ever, political, social, and economic rights in the areas where they live - a policy which encourages them to exercise their right to vote in a homeland which many of them have never seen and may never see. The Urban Bantu Councils clearly command neither prestige nor support (in the recent Soweto elections, 14 per cent of registered voters cast their votes). Their complete lack of power is clearly manifest which, in part at least, accounts for their inability to attract to their service many of the Africans most qualified so to serve. They are totally unacceptable as substitutes for a real voice in defining and administering the policies which govern the lives of urban Africans.

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