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Document on the Proposed Orderly Movement + Settlement of Black Persons Bill

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Bew "AM 4"

RECENT CHANGES IN THE PASS OFFICES

Many workers are angry and worried about the government's plan to introduce a new Pass Law (The Orderly Settlement and Movement of Black Persons Bill). There have been many reports by the Black Sash, the Churches, and groups which oppose the government that this Bill would make the pass laws worse than ever before.

Most blacks have noticed that the Pass Offices have been tightening control over migrant workers for a number of years. The new Bill is in line with the changes that have been happening. It brings these changes into one system, makes them legal, and trys to close the inopholes people use to get around the pass laws.

Some of the changes in recent years are :-

- 1. People from the homelands and the farms can no longer get registered for new jobs in town. They cannot get 'specials' even if ... they have found jobs. Migrants are told that the Pass Office must save the jobs for location people
- 2. If a contract worker loses his job in the middle of the year, he can no longer transfer his contract to another employer, even if he was retrenched.
- 3. People who have worked for one company for 10 years, no longer get 10 (1) b.
- 4. Children born in the location are classified as citizens of one homeland or antother.

Migrants are not actually expelled from the factories where they work, but all new workers in the factories must be township people. This is quickly leading to a situation where black workers are divided. Township peolple get the factory jobs and rural people are unemployed, though some can still get jobs in the mines or shit jobs like foundries, railways and muncipalities. (Even these jobs, the Pass Offices try to give to the local people only.)

So these are changes people have already noticed in the way the Pass Offices use the existing pass laws.

THE NEW BILL

The following section is taken from a booklet published by the Black Sash, called 'You and the new Pass Laws'. It explains the new Bill in detail, and is available from Black Sash offices all over the country.

The Bill says that no Black person may be in town at night between 10pm and 5am the following morning unless he is authorised (has a permit) to be there AND also has approved accommodation.

Black people who are found enywhere in town at night - either in the streets or in a house in a black or white suburb will be arrested if they do not have a permit to be there.

The Punishments

The punishments if the new pass law is broken are very serious.

- 1. Anyone, black or white, who allows a Black person to stay in their house at night without a permit can be fined R500 or be sent to prison for 6 months. They can then also be fined an extra R2O for every day during which the 'illegal' person goes on staying with them.
- 2. Any black person who is found anywhere in town between 10pm and 5am without a permit can also be fined R500 or be sent to prison for 6 months plus the extra R20 per day fine.
 - 3. A black person found working without a permit or found looking for work without a permit can be fined R500 or sent to prison for 6 months plus the extra R20 per day.
 - 4. Anyone who dives work to an unregistered Black person can be fined R5 000 or be sent to prison for 12 months.

A system this strict has been designed because in the past some workers and some managers have ignored the pass system. These huge fines will mean that anyone who comes to town from the farms without a permit will find it difficult to even find a place to stay. Town people will not want to assist them for fear of the . huge fine.

Who can stay in town between 10pm and 5am under the new law? The new law will mean that even fewer people will be able to qualify to live in the urban areas than under the present section 10 (1)a, and b, and c system. Under the new law section 10 is taken away but a new group of people who can stay in the urban areas is made. These people will be called Permanent Urban R^{ω} sidents (PURs). The different groups of people who can stay in the towns are :-

1. 'Permanent Urban Residents

These people will have similar rights to the present Section 10 people. For example, they will be able to work where they want. They will be able to buy a house. And they will be able to have their wives and children live with them. The people who will qualify for PUR are

- a) People who have Section 10(1)(a) or (b) now will be PURs under the new law.
- b) A person who owns a house under 99 year leasehold c) People who are South African citizens and who have been legally living in a town for ten years. Any person who comes from a so-called independent homeland can never qualify to
- become a Permanent Urban Resident. At the moment this would mean anyone from Transkei, Ciskei, Bophuthatswana and Venda will not be able to apply.
- d) Any person whose parents are both proved to be PURs can apply to be a PUR. Not many people will be able to prove this.
- 2. Dependents of Permanent Urban Residents Dependents of PURs will be allowed to stay in town between 10pm and 5am. This will not necessarily mean they can become PURs themselves though.

3. Visitors

Visitors can stay in town between 10pm and 5am if they get a permit to stay immediately they arrive. They will only get a permit if they have a place to stay. No one can have a visitor's permit for more than 14 days in a year.

4. People in Hospital or staying in a hotel People staying in a hospital or in a hotel will be allowed to stay in town between 10pm and 5am. They must leave town as soon as they leave the hospital or hotel.

People who live in a 'homeland' township, but who work in town, can be in town between 10pm and 5am if they are working night shift.

6. People who are registered to look for work or who are registered

People who are registered to look for work or who are registered in work will not be arrested between 10pm and 5am only if they also have a permit to stay in town at night. So, if a person loses his place in a hostel, or loses his lodgers permit, or gets evicted from his house because of rent arrears, then he can be told to leave the town.

The government thinks that if the old 10(1)b system was applied too many Blacks would qualify to remain in town. These proposals are in line with the Riekert Commission. Riekert recommended that urban Blacks should get a better deal or there would be riots and unrest in the townships in the main cities. This policy is basically to divide blacks into 'haves' and 'have nots'. Migrants should no longer be allowed to work in the cities because they are desperate and so are prepared to work for a little money. This brings down the wages of all workers, including township people. Riekert proposed that jobs should be saved for urban people who would get better wages and so be quiet and not get involved in politics. Migrants would be sent back to scattered rural areas where they are starving and powerless.

An article in the Band Daily Mail (20/12/82) says that the security arm of the government had a big say in the drafting of the new Bill. "It is understood the need to ensure the effective combating of urban terrorism received priority attention in the committee and playe a major rôle in the re-drafting of the Bill. It is also understood that the contentious 10pm - 5am curfew on 'unqualified' blacks in the urban areas and the blanket curfew clause conferring wide powers on the Minister of Co-Operation and Development were introduced in this committee", says the article in the RDM.

THE GOVERNMENT'S RESPONSE TO PROTEST AGAINST THE NEW BILL SO FAR Already a number of organisations have said they are opposed to the new Bill. Even some employer organisations have said they are against the new Bill. The government has responded in the usual way by setting up a 'Select Committee' which will make recommendations for some changes.

We have already seen that even without this new Bill the pass laws are being applied more strictly than ever before. We should take this as a warning sign. Because even if the government decides to scrap the whole Bill, they could introduce most of the proposed clauses through the back door — that is without passing any new law. They could just introduce the proposals through 'Regulations' which pass office officials would have to carry out. Many people have predicted that this is exactly what is likely to happen.

This is why it is important not just to look at the Bill as a whole. We should try to look at each provision. It is also why it is important to get the support of managements in opposing the provisions of the Bill.

ACTION TAKEN BY FOSATU IN THE TRANSVAAL

Some of the unions in the Transvaal became interested in the new Pass laws in about September 1982, when the Black Sash announced it was willing to send speakers to any groups who were interested in hearing about the Bill. Discussions were held with a few individual factory groups. It became clear that the new Bill was an issue which affected all workers seriously. So, in October 1982 the Regional Congress of Fosatu decided that the Bill should be discussed at shop stewards Councils and at General Meetings. The Fosatu Executive also put out a press statement condemning the Bill.

Discussions have been held in the Benoni, Wadeville, Kempton Park, and Johannesburg shop stewards councils so far. Discussions have also been held with workers of individual factories.

Report on the shop stewards discussions

Organisers have more or less followed this plan :-

- Asked workers what changes they have noticed in the administration of the pass laws (see the section on 'Recent Changes')
- 2) Discussed why these changes have been taking place (see previous section)
- 3) Described the provisions of the new Bill using the Black Sash booklet.
- 4) Workers responded by t
 - a. saying what they thought of the Bill
 - b. Discussing their ideas as to why the government was introducing the Bill
 - c. Discussing possible forms of action to be taken.

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Them to the meetings in the place? that appropries see that the government sees that it is not a matter of a for organisations. making statements but anothing which nates feel very 6 trongly o are prepared to act 2. PUBLICITY As I we tell the government to send all Will publicity directed at the government have immigrate buch to Empe mill key pany any allentia to no? What kind of Microby groups we the Black sach, the Ag present mill to government pay atenta to. Inglican Church Syrod and MMax English spech churches, the Urban Foundation, the PPP. Assacory Community groups in the Cape of most 3 WHO SHOULD TAKE UP THIS ISS WE OF PARS LAWS Are raker organisates and political organisated divided? Can they wo-operate? made slatements agrumnt the Bill called on the government to withdraw I - joint composigns? Or hald wither organise The governor givernment referred to bill to a goods select took committee & then a have there on separate plans + 10- operate. commission to virentgate it Nar people merchy is in meeting to make a joint are ramed that the government will inthodran the Bill hit water intivoluces many making changes at the pass of is 1981 the Her rapidly & tomother & the we must consider the what experience nates have had of portral organizations the was not muchi publicity but so have they been helpful, have they orlad much act by where that the government people ont. The they active or do theysaw that they would never manage to convince whis to accept the Bill Emplyes bor 80 much many through bite acti ing black whose that they also asked the Note. In Cape Tom various community organisation have been very active in government to scrap the Bill boyests such as FATTU - MONIS and Is there - a way of transfer taking

A BRIEF HISTORY OF THE PASS LAWS

The first pass laws in South Africa were introduced in 1760, and applied to slaves in the Cape. By 1827, all Africans who came from outside the Cape had to have a pass to go there. Pass laws also existed in the OFS, Natal and the Transvaal, but it was only when diamonds were discovered in Kimberley in the OFS, that the pass laws were fully enforced. This was because farm labourers were beginning to leave the white farms to go to Kimberley. The farm labourers were leaving because wages were paid in cash on the diamond mines. Workers needed cash to pay the taxes which the government had imposed on them. White farmers were worried they would be left without labourers, so they called for passes to stop this flow of men away from the farms. In 1890 a law was passed which made it compulsory for all workers to pay a shilling if they wanted to leave the Transvaal.

In 1896 huge deposits of gold were discovered on the Witwatersrand. Mine owners were faced with a problem, however :- The gold was very deep under the ground, and required a lot of effort to mine. It required many many labourers, and these had to be found at the cheapest 'price' to make the mining profitable for the mone owners. So the mine owners now began to call the tune, and new pass laws were introduced. They wanted to control the numbers of workers looking for jobs, and the places they found jobs. One of the reasons for this was that workers continually broke their contracts. Conditions on the mines were terrible, so workers stayed for the shortest possible time. Although it was a crime to break the contract, bosses complained that it was not easy to prove a person guilty of breaking his contract and deserting the job. So according to the new pass laws, any male 'Native' on the Rand had to be employed if he wanted to stay in the area, and he had to show a metal badge to show this. The gold mining areas were divided into labour districts, requiring district passes to move from one district to another. A worker was only allowed three days in a district to find a job.

Already mine owners could see that the system of migrant labour suited them well, as it was cheaper to feed and house one worker instead of his whole family. Most mine workers travelled some distance to get to the mines, and they were employed on a contract basis. At first it was only young unmarried men who went to the mines, and usually for very short periods (about two months at a time).

Bosses continued to find themselves short of workers. So, after the British won the Anglo Boer War, and the mine bosses became represented in the Transvaal government, pass laws were tightened up once again. A document was introduced for the first time to replace the metal badge. The Governor of the Transvaal also increased the size of the police force to control labour movement.

The pass laws and police control were still not enough to satisfy the mine owners' need for cheap labour, however. So in 1901 the Chamber of Mines decided to set up a recruiting organisation — the Witwatersrand Native Labour Association (MNLA). WNLA sent agents all over Southern Africa, who used chiefs to assist them in their recruitment. WNLA offered to pay people's taxes — which in turn would be repaid to the mines through labour.

So, by using the pass laws and a system of organised recruitment, the mine owners were able to ensure for themselves a regular flow of cheap male labour, whose bargaining position was extremely weak. Workers were not free to move where they wanted, and were directed through the pass law system to where employers needed cheap labour most. The pass laws also meant that the contract system was enforced, and that the unemployed were 'weeded out' of the Reef area.

The pass laws continued to be changed over the years. In 1912, 1919, and 1022 it was proposed in the South African parliament that passes should be extended to women. However, just as the mines needed a controlled source of labour, so the newly emerging industries actually benefitted from an uncontrolled flow of women to the towns. Also, women protested loudly against the extension of passes to them. (For example in 1913 and 1914 there were huge protests in the OFS and an organisation called the 'Bantu Womens League' was formed to oppose passes for women.) So the proposals were withdrawn. It was only in 1930, when farmers again complained that too many of the women and children they depended on to work their farms were leaving for the towns, that

the government amended the Urban Areas Act, and gave municipalities the option of issuing passes to women for the first time. In 1937 the Native Urban Areas Act was amended again. Black women entering an urban area for the first time should have a certificate from their home district authorities giving them permission to leave that district. In 1952 urban residential qualifications became necessary for women, and passes giving their qualifications were to be issued. However, at this time very few women were registered in employment, and so the question of urban qualifications did not really apply to many women. Later in 1952, the 'Native Abblition of Passes and Co-Ordination of Documents Act' was passed. New reference books were to be issued to men and women. However, because of massive protests (we will talk about these in the next section), the government was very slow in introducing the new reference books. The first passes were issued to women in 1956. Then in 1959 it became impossible for a black woman to enter employment legally until she had reported to a local employment officer. At this time it was not yet compulsory to always carry . a reference book. In February 1963 this became compulsory, however.

Since the 1960's the government has continued to make changes to the pass laws. Most of these changes have tightened the control over the movement of black labour. And the Orderley Movement and Settlement of Black Persons Bill is yet another attempt to tighten up these controls further. Even if the government decides not to pass the Bill as it stands, it is likely that many of the suggestions will be implimented through the 'back door'.

Black workers in South Africa have not sat back and accepted the pass laws, however. They have protested loudly ever since the first pass laws were introduced. By looking at the past, we can learn lessons for today. So the next section will look at how workers responded in the past......

RESISTANCE TO THE PASS LAWS

We have already mentioned that as early as 1913, black women. were protesting directly against the pass laws. Male workers' resistance was in the beginning mostly directed against working conditions on the mines. For example, in 1902, the first major strike of African mine workers broke out at Langlaagte Deep Mine. 1100 workers marched on the mine officials to complain about their treatment in the compound. More strikes broke out the same year. Most of them were broken up by the police. Wages did not increase, but conditions improved very slightly. Mine owners, who continued to complain about shortages of labour, and desertion, started to import Chines labour. By 1908 they had brought nearly 100 000 Chinese workers to work on the mines. This weakened the position of black workers, and there were no further strikes until 1913. (The last Chineseworkers were sent back to China by 1910.) In 1918 there was a boycott of compound stores in protest against food prices. Workers soon saw that wages were a more important issue, and so in the same year a wage campaign began. This wage campaign gradually turned to the labour system in general, as people started to say tha low wages were part of the system of cheap labour and control. Workers called for a 'free labour system' and in 1919, 1 000 men marched on the Johannesburg pass office and handed in their passes. Organisation spread throughout the Rand. Bags of passes were collected and handed in at pass offices. Hundreds of men were arrested, and getherings were broken up by the police.

At the same time, protest about conditions on the mines continued. This lead up to a massive strike in 1920, when over a period of twelve days, 71 000 black miners struck. All the mine-owners power was used to crush the strike with force, and none of the workers' demands were met. As a result of this strike, the pass laws were tightened up to control black workers in the towns further.

In 1930, a national anti-pass campaign was organised by the Communist Party of South Africa (CPSA). Demonstrations were held in every city, but the only really large one was in Durban. Here 3 000 people attempted to march on the Durban City Hall. Their leader, Johannes Nkosi, was stabbed to death by the police, and the march was broken up.

It was during the 50's, when the government seriously made attempts to extend the pass system to black women, that opposition to the pass laws increased.

In 1954, the Federation of South African Women (FSAW) lead a demonstration of over 2000 women in Pretoria against the pass laws and other laws. Protest continued, and in the first seven months of 1956, about 50 000 women demonstrated against the pass laws on 38 different occasions. On August 9th 1956, about 20 000 women marched on the Union Buildings in Pretoria. Thousands of petitions were handed in to the authorities, but the Prime Minister refused to meet a delegation. In October 1958 2 000 women were arrested in Johannesburg during a two week period of demonstration. Black women at this time had no industrial base. Those who were employed were mostly in domestic service and farm labour. There were only a few thousand women employed in factories. So it was not easy to put pressure on employers, and most of the protest of the women against passes was of the 'demonstration' type. By late 1958, 1300 000 reference books had been issued to black women.

At the same time, organised workers through the South African Congress of Trade Unions (SACTU), began to take a stand against the pass laws. In 1956 Sactu contacted the Chamber of Industry and Commerce requesting it to put pressure on the government to stop the extension of passes. Sactu argued that the pass laws were not in the interests of harmonious labour relations. The Chamber refused to intervene. They said the issue was 'political' and that they had no say over such issues. The Associated Chambers of Commerce also refused a similar request. Unions in Sactu then decided to make approaches to individual employers. In October 1958 a circular was sent to 400 employers of African women. Employers were warned that the extension of passes to women would increase dissatisfaction and unrest. No other trade union federations joined Sactu in opposition to the passes. Some unions even refused to join in a delegation to the Johannesburg Chamber of Commerce and the Federated Chambers of Industries.

Also during the 1950's the African National Congress (ANC) was involved in leading what they called the 'Defiance Campaign'. This was a campaign which encouraged people to break what were considered unjust and racial laws. For example, people got themselve: deliberately arrested by going into public places like post offices through the 'Whites Only' entrances. Thousands and thousands of people became involved in this protest activity. The ANC planned to include opposition to pass laws in this campaign. A campaign against the pass laws was planned to start at the end of March 1960. However, this plan was pre-empted by the Pan African Congress (PAC), which called for demonstrations on that date. People responded to the PAC call in two areas of South AFrica - in Sharpeville in the Southern Transvaal, and in the Western Cape. People gathered in front of police stations to carry out nonviolent pass-destroying protests. However, in Sharpeville, the police opened fire on a crowd of 10,000 people . In a short time 69 blacks had been killed and another 180 wounded. Many were shot in the back. Two people were also killed in the Western Cape.

This violence was fellowed by the banning of both the ANC and the PAC, and the detention of hundreds of people from a variety of organisations. (Including the trade union movement). The police were effective in squashing organisation for at least ten years after this. It was a great struggle to re-create organisations and new leadership. When we look at this history then, we need to ask how wise it was to try and take direct action against the police and the courts, when the government had such force in their hands.

SUGGESTED AGENDA FOR GENERAL LOCAL MEETINGS

- 1. Introduction to the Meeting and welcome
- 2.a What is a union (briefly)
 - b Why we have a Local, and the need for workers to act together What the jobs of the shopstewards in the Local are (eg reporting back to membership activities of the shop stewards council)
- 3. The New Pass Laws
 - a Why of the pass laws exist (very brief)
- b Brief explanation of the Orderley Movement Bill
- o What the new law could do to divide workers
- d Discussion on petition to be signed by workers and managements -
- e Other activities, and how to educate the full membership
- f Publicity press statement
- 4. Presidents Council announcement of Fosatu statement
- . General (In Bree, assistance for dismissed strikers will be raised)

Each item should be lead by a different local member or official

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DELMAS TREASON TRIAL 1985 - 1989

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