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The PC and the Koornhof Bills

AN INTRODUCTION TO A DISCUSSION ON THE PRESIDENT'S COUNCIL PROPOSALS AND THE THREE KOORNHOF BLACK BILLS - A NEW STRATEGY ON THE SAME OLD TACTIC OF DIVIDE AND RULE?

Divide and rule: It would be a mistake to think, just because the new initiatives of the government fell within the old apartheid divide and rule strategy that there is no change - that there are no new issues to understand. This approach leaves one blind to the shifts in state strategy which are important to analyse if they are to be opposed.

Ever since the formation of the Union (1910) divide and rule policy has worked to the extent that the oppressed people, especially the workers, and the poor in the towns and in the rural areas - have been forced to use up all their energies to make a living. They occupy the reserves, locations and group areas which are organised on a racial and tribal basis. The result is that whenever there is any expression of public opinion, any uprising or demonstration, it often appears to take on a racial or tribal form. It is the material circumstances in which people are forced to live that makes this happen. And the state reinforces this through its control over the educational system, propaganda and communications media. This is the one side of the coin.

Even though divide and rule has worked, to a limited extent, an opposite force has been at work at the same time, namely that of liberating people. It is the totality of those forces, which is represented by all democratic organisations in South Africa, the organisations constituting the liberation movement and the struggle against the system. Whereas the system has tried to divide people in every conceivable way, the common experience of the oppressed - whether they are coloured, Indian or African - namely, the experience of hunger, of suffering, of repression over the years and more important the experience of the lack of all rights and the exclusion from all institutions where power is exercised - these experiences have helped to move people in a similar direction of united struggle. Particularly

New "AMS"

in the last decade, the liberatory process has been one of the dominant features of the South African political scene.

Struggle of Opposites : The System vs. Liberation

The state has continued to pursue its divide and rule strategy over the last two decades. But unquestionably, the elements representing the unification and liberation of the oppressed and in particular, those representing working class unity and leadership, have received such an impetus from internal and external events that the liberation movement has won and is continuing to win significant victories on the ideological, political and psychological planes, in fact on all levels save that of the police and military. What has happened is that the so-called ordinary people, the workers, the poor both in towns and country areas, are beginning to take their destiny into their own hands. For the liberation movement this represents a change in quality in the ranks of the oppressed, in particular the working class. This increase in the level of mass participation and of conflict poses new questions for and challenges the liberatory forces. It raises questions about the exercise of power in the political institutions and economic undertakings and on any other levels. (By liberation movement is meant all those people and organisations struggling to achieve a democratic, non-racial South Africa.)

New Strategy?

There is one constant factor in the South African situation - exploitation and super profit. To achieve and maintain this the ruling classes have to take into account the strength of the progressive forces. Hence divide and rule as a general strategy throughout the decades.

It is in this situation, in which there has been a gigantic development in the liberation movement and progress that the ruling class has had to take steps to reverse the tide of the liberatory process in South Africa.

Our purpose is not to go into a whole discussion of ruling class strategy since 1910 - our main purpose at this stage is to make the point that, whilst exploitation of the people and super profit remain operative and whilst cheap labour is still the basic, crucial requirement of the South African system, the ruling classes assess that the liberation movement is posing a serious threat to the continued existence of the cheap labour system and capitalist exploitation. Hence the need for a change in strategy. Major

elements of previous strategies continue to be central e.g. Bantustan, Group Areas, Security Police terror, harassment of individuals and people's organisations, including trade unions - but the new elements and the intensification of the old elements are significant. These amongst others are the increasing role of dictatorial method, the all-pervading presence of the army, the greater repression - and very important - the cooption onto the side of the rulers of various layers from the ranks of the oppressed.

Basic Aims

By this strategy the ruling classes hope to maintain and strengthen the basic capitalist exploitative system, strengthen elements which maintain division amongst the oppressed and smash progressive organisations. That is why we say that the new strategies of the ruling class are designed amongst other things, to reverse the tide of the liberatory process in South Africa.

This is not an academic matter or a matter for armchair theorists. At stake is the whole future of the oppressed and the working class in particular. An incorrect assessment of the ruling class strategy can play havoc in the ranks of the oppressed, create division in their ranks and undermine their strength. A correct assessment of the ruling class strategy is essential to enable the oppressed to work out their response to the new situation and avoid divisions amongst themselves.

The President's Council Constitutional Proposals and the Koornhof Bills

Some people in the ranks of the oppressed have mistakenly made the P.C. proposals the major focus of the struggle and seen these proposals in isolation. This could lead to an essentially "coloured" and "Indian" response, even if this was not the intention. The government of course presented the proposals bit by bit - as part of the divide and rule strategy - even of fully aware of the overall plan. We must be careful not to respond in piecemeal fashion.

The government constitutional plans, the Bantustan policy form a central part of the government's "total strategy". It is in this light that the Koornhof Bills and the P.C. proposals must be examined. We propose at this stage to examine some of their main features.

1. Bantustan strategy

A key element of the government policy is the creation of bantustans - "black national states" in South Africa, each supposedly representing a particular ethnic group. In this way the material and geographical basis for the unity of the African section of the oppressed is being destroyed, Africans are retribalized. On the national level, the other side of the bantustan strategy is the existence of the Population Registration Act and the division of South Africa's population into ethnic groups of all kinds, which is part of the governments "plural society" concept.

The concept of a "plural" society consisting of different groups with different interests which cannot be met within a common society, is only one of the many theories which the government has formulated to rationalize its policy of divide and rule. So too with its idea of a "consociational" government which would maintain "peace and stability". The philosophy is not independent from the design. The design is to maintain the status quo and to create division. So the hoped-for results feed the philosophy and the philosophy feeds the results.

The basic feature of the PC proposals is an acceptance of the idea of pluralism and consociation. It is also no accident that the P.C. proposals accept what it calls "multiple partition", that is the creation of bantustans. It is also no accident that the position of so-called "urban blacks" is not dealt with. It was of course known to those who made the plan that the Koornhof Bills would deal with them.

Here we may stress that the hoped for division would be on two levels: (a) between Africans in the reserves on the one hand, and Africans who have residential rights; and (b) between Africans on the one hand and coloured and Indian on the other.

2. For Coloured and Indian?

The P.C. proposals purport to give rights to coloureds and Indians on two levels: (a) at local, and (b) at national levels. The P.C. proposals speak with approval of management committees, local affairs committees and community councils. They provide for what it calls increased powers for these bodies so as to give them credibility. The proposals also make provision for a system of voting for local councils - but it is to be noted that not only are the

voting rights restricted but they are heavily loaded and qualified in such a way that only an elitist group would inevitably represent local communities.

On a national level the proposals provide for a separate parliament for coloureds and another for Indians. Each group would discuss legislative and other measures affecting its "own" group, and make recommendations in connection therewith. Measures affecting everybody are to be dealt with by the President and his executive. It is quite clear that these proposals are hollow and will not in any way extend rights to the majority of the people.

3. Government: Dictatorship

The control of the government and the actual exercise of power would be in the hands of a strong executive president who will appoint a committee to assist him. Such executive would not be responsible to any government. He will appoint its members and dismiss them at his own discretion. Here too is a change in the strategy of the ruling class. Whereas before the strategy has been to exercise power amongst others through a white parliament, now it would be through the President and his executive.

In terms of the proposal, the P.C. would also be retained and would act in an advisory capacity, in such matters as may be referred to it by the President. Thus all power would be vested in the President and he would be assisted by a hand-picked executive. If these are not dictatorship proposals, then we would like to know what are?

4. The Role of the Elite - Creation of "Grand Alliance"

Another feature of the P.C. proposals that represents a change in strategy is the attempt to create elitist groups to form buffers and to collaborate with the ruling class. The P.C. proposals state quite crudely that these elite groups must be formed in all ethnic groups and form a "grand alliance" with the ruling class. The strategies envisaged by the P.C. proposals in this regard are two-fold.

- a) to coopt coloured and Indians onto the side of the whites and thus smash unity between Africans, coloureds and Indians.
- b) Combined with the Bantustan strategy the PC proposals aim to create an elite group in every single so-called ethnic group, whether such ethnic group is "coloured", "Indian" or African ("Zulu", "Venda" etc.) In the Bantu-

government employ, filling the bureaucracy and conducting business and possibly allied with a professional layer of teachers, lawyers, doctors etc. In urban locations there would be another layer of elite drawn from the permanent urban residents. (We do not suggest that everybody falling into this category would be prepared to fulfill this dirty role, what we are saying is that this is the design.)

There is also the attempt to create elitist groups on the coloured and Indian levels, as we have already seen. They would conduct business, they would be freed from Group Areas limitations and would be given all sorts of rights which "ordinary people" would not have. Effectively they would become "honorary whites".

5. Other main features of the President's Council Proposals

- a) The P.C. accepts the existence of group areas and says that they should be maintained.
- b) They accept the Population Registration Act and the division of people according to this law.
- c) The proposals emphasise the need for strong government to enable it to deal with forces which threaten the existence of the system. This obviously refers to the liberation movement in general, democratic organisation like trade unions in particular.

6. The three Koornhof Bills

These three Bills have received a great deal of publicity. They are : the Black Communities Development Bill, The Orderly Movement and Settlement of Black Persons Bill, and The Black Local Authorities Act.

We have to study these bills in greater detail all the time but we will restrict ourselves at this stage to giving what we consider to be the main features.

- a) The bills pretend that they extend rights to all Africans. In fact these would not be rights at all, but privileges or rewards. The bills try to create elite groups in urban areas using mainly the following means:
 - i) The denial of South African citizenship to the majority of the people, using the creation of bantustans. In this way the government has created the outrageous situation in which the majority of people who live in South Africa are not S.A. citizens. Some are citizens of Venda or Transkei even though they have always lived in Cape Town or Durban. For example,

ii) The Bills aim to divide Permanent Urban Residents (PUR) from other Africans in the urban areas. The category PUR would constitute a very small proportion of the total African population in the urban areas and it is to these so-called permanent urban residents that the government extends certain privileges.

We wish to say about the Black Community Development Bill and the Black Local Authorities Act that whatever so-called privileges are extended to Africans in Urban areas in terms of these Bills are totally restricted to the small category called permanent urban residents. In passing, we would say that the significant feature of the Black Community Development Bill is that it enables the government to extend leasehold rights to land (for 99 years) in urban locations. The Black Local Authorities Act makes provision for so-called local self-government through local community councils. This means that the vast majority of Africans living in urban areas will enjoy no rights. It can be seen therefore, that one of the main strategic aims of the Botha regime is to create an elite on which it hopes to be able to call to support its policy and help to suppress the rest of the African population both in the reserves and urban areas.

The Orderly Movement and Settlement of Black Persons Bill

Let us turn to the main thrust of the attack on the masses of workers in all urban and rural areas of South Africa. This Bill is possibly one of the most vicious pieces of legislation to come from the South African parliament: It has deliberately been framed in a misleading way.

The Bill is divided into 6 chapters dealing with urban areas, rural areas, provisions relating to powers of officials and inspectors, to court procedure and various general provisions. A tactic used in the Bill is to create the impression in the body of the Bill that rights are being extended to many people and through the use of exclusions in the definition clause in fact very few people are included. Once again we will deal only with the main features of the Bill.

I. Let us first look at the existing situation. Insofar as Africans living in South Africa are concerned, their rights of entry and residence in urban areas are governed by the Urban Areas Act No. 25 of 1945. In terms of Section 10 of this Act, an African person - male or female - may not remain in a prescribed area for more than 72 hours unless he or she

- a) has resided there continuously since birth;
- b) has lawfully resided in such area continuously for a period not less than 10 years;
- c) is/was the wife of a person who qualifies and is ordinarily resident with such qualified person.

All other people are liable to be arrested, jailed, endorsed out if they remain in a prescribed area for more than 72 hours without permission. In most cases, of course, permission is very hard come by. However the significant thing from our point of view at this stage is

- a) that some people were able to obtain Section 10 rights;
- b) that in the last couple of years the Supreme Court has upheld the rights of women "ordinarily resident" with their husbands who had Section 10 rights also to get Section 10 rights and also ruled in favour of contract workers. The Supreme Court held that contract workers could also qualify to for Section 10 rights if they could prove that they had worked continuously for one employed for 10 years.
- c) It also meant that an African was entitled to enter an urban area such as Cape Town and remain there for up to 72 hours without having to report. Of course he would have to report within the 72 hours or leave the urban area in that time.

We are not suggesting that these were wonderful rights. We are stressing these points because an important feature of these new Koornhof Bills is that they put an end even to these rights.

Section 3 of the Koornhof Bill takes the place of the old Section 10. If the old Section 10 was vicious in that Africans were harrassed and had to report their presence in an urban area within 72 hours, Section 3 is totally outrageous.

II According to this Bill, no African shall be entitled to remain in an urban area unless he is authorised and unless he has approved accomodation. This means that even if you are authorized and do not have approved accomodation you do not have the right to remain in an urban area. Again, approved accomodation does not mean in any accomodation which is acceptable to you. It means accomodation approved by the authorities. (BAAB officials)

Who is authorised?

It is clear that most Africans, indeed the vast majority would fall into the category of unauthorised persons. The few who are authorised will constitute the following:

- a) a category called permanent urban residents;
- b) dependents living with them; and
- c) others who have been granted temporary authority which could be withdrawn at any time, or which would terminate on a specific date. In the last category would fall contract workers, patients in hospitals, guests in hotels and persons authorised to carry on business in an urban area.

Curfew

So far we have said that only authorised persons may remain in urban areas. The purpose was to emphasise the difference between authorized and unauthorized persons and in the category of authorized person, the difference between permanent urban residents and others. The Bill goes much further. It not only imposes a curfew but it makes it virtually a crime for an "unauthorized" person to be anywhere in the R.S.A. between the hours 10 p.m. and 5 a.m.

Section 3 makes an exception in the case of a "commuter" who is allowed to remain in an urban area if he is lawfully working in an area or if passing through the area in recognised transport in order to take him to his "homeland" to sleep.

In terms of this section the ridiculous situation has been created that if your mother arrives from another area on any day, unless she leaves the area before 10 p.m. she would be committing an offence. If you allow your mother to stay with you then both you and your mother would be committing an offence and each would be liable to a fine of R500. Needless to say, you will also be breaking one of the conditions of tenancy.

Furthermore, in terms of this Bill your mother may not visit you for more than 14 days in any year (that is if she can obtain permission in the first place.) It would be seen therefore that the Bill creates divisions between Africans on a number of levels.

- a) between authorised and unauthorized persons;
- b) creates a category of commuters, who are unauthorized persons;
- c) creates a category of permanent urban residents; and
- d) divides South African citizens from citizens of "homelands"

These restrictions on the free movement of people within urban areas will have the effect of increasing people's fear of being arrested. They will make it more and more difficult for the organisations of the oppressed to operate. Meetings which are normally held at night will have to over long before 10 p.m. so that people can get home before the curfew.

Perhaps it is important to ask the question who can become a permanent urban resident? Looking at the Bill it is not easy to give a categorical reply to that question. But what is quite clear is that this group would be a very small group indeed and would be limited to the following persons- (1) persons who presently enjoy Section 10 rights would be permitted to become permanent urban residents;

(2) their dependents;

(3) in terms of Section 6 a black who is a South African citizen and who has been legally resident in an urban area for a period not less than 10 years may apply to be recognized a PUR.

This means that no more people would as of right qualify as they did under Section 10. If a person has been resident for a period of at least 10 years in an urban area and he is a South African citizen he "may apply". This does not mean that his application will be granted because in terms of Section 6 an officer who is called a "designated officer" will have the right either to grant or refuse the application. Other provisions of the Bill are:

- a) In terms of Section 8 only authorised persons may seek work. Any other person seeking work would be committing an offence and liable to a fine of up to R500. Any person giving work to an unauthorized person would be liable to a fine of up to R5000.
- b) Any person giving accommodation to an unauthorized person would be committing an offence and liable to a fine of up to R500.
- c) Similar provisions are created with regard to rural areas but in this regard the relevant section is Section 15.

Squatters

- a) The Bill creates a section (Section 31) which gives the authorities vast powers to deal with squatters and "eliminate" them from areas of squatting.
- b) Sections 33 to 42 extend vast powers to "designated officers" and inspectors. Every person who is authorized to be in an urban area would be issued with a "certificate". Officials would have the right to demand sight of these.

certificates at any time.

c) The Bill also provides for the creation of "aid centres". At present "aid centres" do exist in urban areas but it is a procedure adopted by the authorities to prevent charging people in open court. The "aid centres" are used virtually as venues for "secret trials". During the time of the raids on squatters at Nyanga and Crossroads just over a year ago, many people were "tried" at "aid centres" without the knowledge of legal representatives or relatives. They were then herded into buses and taken to the Transkei and other areas. It seems that in terms of this Bill this kind of procedure will be encouraged. It will therefore be no accident to find that persons charged under this Bill would face secret trial.

In terms of the Bill, the power of courts is removed in certain instances. If an order is made for the removal of a person from an urban area and he is so removed, no court of law can grant an interdict or rule on the validity of such a removal order. This means that even if a person in his opinion is being unlawfully removed, he cannot go to the Supreme court for assistance as he is able to do at certain levels at present.

Of course, a similar law, the Black Prohibition of Interdicts Act already prevents Africans from applying to court for an interdict to prevent their removal in certain other instances. It seems that this provision is now being extended in the present Bill to other situations as well.

These are but some of the provisions of the Orderly Movement and Settlement of Black Persons Bill. It is quite clear that in totality it amounts to nothing less than the total regimentation and harrassment of the lives of every single African person in South Africa.

It is to be noted that the Black Communities Development Bill, the Orderly Movement and Settlement of Black Persons Bill are not yet law. They were referred to a Select Committee and the government has apparently now converted the select committee into a "commission" which will go into these Bills and eventually come up with the final proposals, not only of the government but with the active approval and cooperation of the Opposition.

The Response of the Oppressed

We have not gone into great detail with regard to either the P.C. proposals, the government's constitutional proposals, its plans for economic decentralization. Nor have we gone into details of the three Koornhof Bills. On another occasion one will have to do so. It is imperative that every single person interested in the democratic struggle in this country must acquaint himself with the contents of these laws and the basic ruling class strategy contained therein. We are not suggesting that we have said the last word insofar as the strategies are concerned. We are certain that we have raised matters which are controversial and many people may disagree with us. Certainly what is important is that we will have to discuss them and work out the response of the oppressed people - not in theoretical terms but in practical day-to-day terms as part of day-to-day struggle.

Inasmuch as the basic ruling class strategy of divide and rule has received a new dimension and inasmuch as we can say that there is now a qualitative change in ruling class strategy, there is need for an overall response on the part of the oppressed people and all progressive organisations so as to ensure that the liberatory process is not placed into reverse gear but indeed is able to flourish in spite of the new ruling class strategies.

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