

**A BLACK SASH MEMOIR**

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This small book tries to explain clearly what the independence of the homelands means to black people and what influx control and the pass laws mean. It is very important that we understand these things because new laws are going to be made by the Government which will make life much more difficult for black people.

The pass laws will be much worse than they have ever been before and much more strict. People who have to live in the homelands will suffer even more than they do now if we cannot find a way to stop the Government from passing the new influx control law.

There is also to be a new constitution to change the way in which Government works in South Africa. Coloured and Asian people are going to be included in the central Parliament but power is to be taken away from the Parliament and given to the President.

This new constitution will not include black African people and we need to know how the citizenship laws are turning black South Africans into foreigners so that they can never have a vote for the central government.

If people have no vote they cannot choose their leaders and cannot change the government if it does things which they do not like.

This is a teaching book and the Black Sash hopes that many people will have the chance to read it and to study it with other people. For this reason any one can make copies of it, or quote from it, or translate it into other languages without asking permission. We only ask you to make sure that any translation made is accurate and does not change the meaning of what we have written.

Please share this book and teach other people about these things.

September, 1982.

In 1978 Dr Connie Mulder who was Minister of Bantu Administration and Development at that time told Parliament that if the National Party's policy was taken to its logical conclusion the day will come when "THERE WILL NOT BE ONE BLACK MAN WITH SOUTH AFRICAN CITIZENSHIP."

This policy has not been changed and Black South Africans are having their citizenship taken away from them very quickly as different homelands become independent.

**HOW IS THIS BEING DONE?**

In 1970 the Bantu Homelands Citizenship Act became law. This Act says that every Black South African is a citizen of one of the homelands. Even if a person has never been to any homelands and has nothing to do with the homelands he is still a citizen of a homeland. His citizenship is decided by the language he speaks.

- All Xhosa people are citizens of Transkei or Ciskei
- All Zulu people are citizens of Kwa Zulu
- All Shangaan people are citizens of Gazankulu
- All S. Sotho people are citizens of Qwa Qwa or Transkei
- All Venda people are citizens of Venda
- All N. Sotho people are citizens of Lebowa
- All Tswana people are citizens of Bophuthatswana
- All Ndebele people are citizens of Kwa Ndebele
- All Swazi South Africans are citizens of Ka Ngwane

From "You and the New Pass laws published by the Black Sash in 1982."

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In 1970 this law did not make any difference to Black people because they still remained citizens of South Africa as well as being citizens of a homeland. All that happened after that was that birth certificates and Reference Books showed a person's homeland citizenship.

The trouble began when homelands began to take independence. **Transkei** became independent in 1976, **Bophuthatswana** in 1977, **Venda** in 1979 and **Ciskei** in 1981.

The South African Government gave them independence by passing Status Acts.

The Status of Transkei Act **gave independence to Transkei**. The Status of Bophuthatswana Act **gave independence to Bophuthatswana**.  
The Status of Venda Act **gave independence to Venda**.  
The Status of Ciskei Act **gave independence to Ciskei**.

All the Status Acts say the same thing about citizenship. Every single person who was a citizen of the homeland in terms of other legislation **ceased to be a citizen** of South Africa on the day of independence.

For example, **on the day that Bophuthatswana became independent every single Black Tswana-speaking South African lost his or her South African citizenship and became a foreigner**. It was the same with the independence of Transkei, Ciskei and Venda.

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All Xhosa, Venda and Tswana people are now foreigners in South Africa. This includes everybody who speaks those languages in the urban areas.

8 million Black people had their citizenship taken away from them between October 1976 and December 1981.

Young people who are Xhosa, Tswana or Venda are now not allowed to have Reference Books and must have a Transkei, Ciskei, Bophuthatswana or Venda passport (travel document) instead.

People use these passports in exactly the same way as a Reference Book. They are just a different kind of dompas.

The Government of Kwa Ndebele says it will take independence within five years. Then all Ndebele people in South Africa will be made into foreigners.

If the South African Government gives KaNgwane to Swaziland all Swazi-speaking South Africans will be foreign in South Africa. The South African Government also intends to give the 95 000 Zulu and Tonga people who live in Ingwavuma to Swaziland. *This has not been done.*

What will happen to Qwa Qwa, Gazankulu, Lebowa and Kwa Zulu? Kwa Zulu has promised that it will never, never take independence. Gazankulu and Lebowa have also said that they will not take independence.

We do not know yet what will happen but if they are made independent all Black South Africans will be foreigners and Minister Mulder's prophesy will become true.

### WHY DO HOMELAND LEADERS SAY "YES" TO INDEPENDENCE?

Homeland leaders ask for independence for many different reasons. One is that a homeland can expect to get **more money for development** from the South African Government if it asks for independence.

People in the homelands are very poor and sometimes homeland leaders think independence will help poor people with money for education, pensions and health care.

In other cases homeland leaders want **more power for themselves** and want independence because they will get big houses and motor cars and money for themselves.

Some people who live inside the homelands voted for independence. Sometimes it was because they were too frightened to vote "no" or to refuse to vote. Sometimes it was because they thought that things would get better with independence.

It is very important that people in the homelands which have not yet taken independence **understand** what independence means.

- If you are a foreigner in South Africa you cannot claim a share in political power. You will **never have a vote** in the central government.

- If you are a foreigner in South Africa and your country is no longer part of South Africa you **cannot claim a share in the land and wealth** of South Africa. The homelands together only have less than 14% of the land of South Africa. The other 86% is reserved for white people together with the so-called Coloured and Asian people.
- If you are a foreigner in South Africa you do not belong here. You **can be deported** if you do things which the South African Government does not like.
- You have **no right to have a South African passport** if you want to travel.
- You are **an alien** in the land of your birth.

This is the reason why many people, White as well as Black, and many Coloured and Asian people too, reject the Prime Minister's constitutional proposals. They are designed to keep Black people out of Government. They try to bring Coloured and Asian people into support of the White people against the Black people. Many thousands of Coloured and Asian and White people refuse to help the Government like this. They believe that all Black people in the country are entitled to South African citizenship and to have a vote for the central Government.

Since this was written there have been promises of change but no new laws to put those changes into effect. On 11<sup>th</sup> Sept 1985 P.M. Botha said that citizenship will be restored to the 4 million people from whom it

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## CHAPTER II

### INFLUX CONTROL AND THE NEW PASS LAW.

54% of the total Black population of South Africa lives in the homelands. That means that 54 people out of every 100 Black people live inside the homelands. 46 people out of every 100 live outside the homelands. Of this 46 people, 21 people are on the "White" farms and only 25 out of every 100 Black people are living in the "White" towns.

SO:-

Many more people live in the homelands and in rural areas than live in town.

The Government is moving tens of thousands of people from the White areas into the homelands. Between 1960 and 1980, 2 million Black people were resettled into the homelands.

More are being resettled all the time because it is Government policy that as many Black people as possible should live in the homelands.

Influx control and the pass laws try to **keep people** who come from the homelands and the rural areas **out of town**.

### JOB

The Government's policy is to give jobs and housing only to Black people who have legal rights to stay in town so homeland and rural people are not allowed to come to town to look for work.

The only way in which a homeland person can get work is to wait at the Labour Bureau in his home area until jobs are offered by the labour officer.

Now fewer and fewer jobs are offered because the Administration Boards do not want to allow employers to recruit workers from the homelands.

Because of this more and more people in the homelands have no jobs and have no hope of getting a job legally.

### HOMELANDS

People in the homelands are very poor. Many have no fields to plough and no land to grow mealies and vegetables. They cannot feed their children if they do not find a job and earn some money but jobs in the homelands are scarce.

Because of this many thousands of people go from the homelands to the towns without a permit to find a job. They are often arrested and sent to prison but they still stay in town illegally because only in town can they find ways of earning money.

They have been able to stay in town because influx control has not worked very well and many people manage to hide from the police.

It is more difficult to find a job now if a person cannot be registered because in 1979 Dr. Koornhof increased the fine which can be imposed on the employer of an unregistered worker from R100 to R500. Many people lost their jobs because of this.

Now it is going to be worse. The Government has written a new law called the **Orderly Movement and Settlement of Black Persons Bill**. This is **not** the Law yet. It still has to be passed by Parliament but it **may be law by the middle of 1984 if we cannot persuade the Government to throw it away.**

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If it does become law it will make it impossible for a black person to stay in town without a permit.

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

A Black person will be able to visit town during the day and will be safe from arrest if he has his Reference Book or Homeland Travel document with him. BUT he may not work or look for work unless he has a permit and he must leave the town by 10 p.m. at night unless he is given a permit to stay for the night.

Black people who are found anywhere 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.

Inspectors will be allowed to enter any house or workplace at any time of day or night without a warrant to search for illegal people.

#### **THE PUNISHMENTS**

The most serious thing about this new system of influx control is the severe punishments which will be given if it becomes the law.

Anyone, Black or White, who **allows** any 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 R20 for every day during which the illegal person goes on staying with them.

Any Black person who is found anywhere in town between 10 p.m. and 5 a.m. without a permit can also be fined R500 or be sent to prison for 6 months plus the extra R20 per day fine.

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.

Anyone who gives work to an unregistered Black person can be fined **R5 000** or be sent to prison for 12 months.

The people who come to town from the rural areas without a permit will suffer very much in the future because no one will want to help them by letting them stay overnight. They will not have shelter and will be forced to leave town and go to a homeland area. Then how will their children have food?

#### **SQUATTERS – "THE BUSH PEOPLE"**

**People who settle on any land** such as the people of Crossroads or the Nyanga Site can be removed by the police **without trial** if the Minister of Co-operation and Development thinks that they are trying to organise to have the laws changed. If the Minister orders such a removal by notice in the Government Gazette the **people can be moved to any place** decided on by the Director General. If such an order is made the **people cannot go to Court** to try to prevent the removal.

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### PEOPLE ON WHITE FARMS

People who live on the White farms will also have to have a permit to stay there and to work on the farms but there will not be much change for them under the new law.

### PEOPLE WHO LIVE IN TOWN

People who live in the towns will have less rights than they do now.

Under the present law people who have lived in one town ever since they were born can have a Section 10 (1)(a) qualification.

People who have been registered in one job in one town for ten full years or who have had a permit to live in one town for fifteen full years can have a Section 10 (1)(b) qualification.

These people have a legal right to stay in town which means that they can appeal to the Supreme Court if the Labour Officer orders them to leave town. They have these legal rights even if they do not have a proper place to stay (approved accommodation).

Under the new law Section 10 is taken away altogether but a new group of people who can stay in urban areas is made. These people will be called Permanent Urban Residents (PURs). They will have legal rights to be in town but will **lose those rights if they lose their accommodation.**

### WHO WILL BE ABLE TO STAY IN TOWN BETWEEN 10 p.m. AND 5 a.m. UNDER THE NEW LAW?

#### 1. "PERMANENT URBAN RESIDENTS"

"Permanent Urban Resident" will be the new "qualification". PURs will be allowed to stay in town if **they have approved accommodation.** These people will be like the people who have Section 10 qualifications now. **They will be able to work where they want to work** (except that the Coloured Labour Preference policy will still make it more difficult for Black people in the Western Cape). **They will be able to buy a house. They will be able to have their wives and children and aged parents to stay with them.** Permanent Urban Residents will be the following people:-

- (a) Section 10 disappears altogether but **people who have 10 (1) (a) or (b) now** will be Permanent Urban Residents under the new law.
- (b) **A person who owns a house under 99 year leasehold** in a Black township will be a Permanent Urban Resident provided he is a **South African citizen** or a **citizen of an independent homeland.**
- (c) **People who are South African citizens** who have been legally living in a town for ten full years can apply to be Permanent Urban Residents. Because this says **South African citizens only** it means that **people from Transkei, Ciskei, Bophuthatswana and Venda cannot apply after they have been in a town for ten years.** People who come to town from independent homelands after this Bill is law will **never** be able to be PURs.

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(We think that contract workers will also not be allowed to apply. We are not sure about this yet and we hope we are wrong but the Government's policy is to prevent migrant workers from getting urban qualifications).

- (d) **People who were born in town** who are South African citizens or **citizens of independent homelands** will also be Permanent Urban Residents only if **both** their parents are Permanent Urban Residents. Many people cannot prove that both parents are Permanent Urban Residents. Many people have a mother who qualifies to be in town but their father is a contract worker. Many other people do not know their fathers. These people will not be PURs even if they were born in town because they will not be able to prove that **both** their parents were PURs. Other people whose mothers or fathers come to town after the new law from **independent homelands will not be PURs** even if they are born in town because their mother or father cannot be a PUR **because they are foreign and were not born in town.**

## 2. DEPENDENTS OF PERMANENT URBAN RESIDENTS

Dependents of Permanent Urban Residents will also be allowed to stay in town between 10 p.m. and 5 a.m. A dependent is a wife or unmarried child, or parent or grandparent who is too old or sick to work, or a disabled adult child who cannot work.

The Permanent Urban Resident dies his dependents will be allowed to stay in the town until they become Permanent Urban Residents themselves. They will become Permanent Urban Residents if they were born in town and both mother and father were Permanent Urban Residents, or if they inherit the father's house or, if they are South African citizens and have lived in the town for ten full years. Dependents who come from independent homelands will never be PURs unless they inherit the father's 99 year leasehold house.

## 3. VISITORS

Visitors can stay in town between 10 p.m. and 5 a.m., if they get a permit to stay immediately they arrive. This permit will only be given to them if they have approved accommodation. **No one can have a visitor's permit for more than a total of 14 days in any one year.**

## 4. PEOPLE IN HOSPITAL OR STAYING IN A HOTEL

Black people who are in a hospital or medical institution or who are staying in a hotel will be allowed to be in town between 10 p.m. and 5 a.m. until they are discharged from the hospital or leave the hotel.

## 5. NIGHT SHIFT WORKERS

People who live in a rural area and work on night shift can be in town between 10 p.m. and 5 a.m. if they have a permit to be in the job.

6. **PEOPLE WHO ARE REGISTERED TO LOOK FOR WORK OR WHO ARE REGISTERED IN WORK**

People who are registered to look for work or who are registered in work will be safe from arrest between 10 p.m. and 5 a.m. only if they **also** have a permit to stay in town at night. A person might be given a permit to work but be refused a permit to stay in town at night if the Designated Officer thinks he can travel to his home outside the urban area each evening. (Designated Officer is the new word for a Labour Officer, or Influx Control Officer etc.). If this happens such workers must leave the town at night and go to the nearest homeland.

**COMMUTERS**

People who live in a homeland and travel to work in the White areas each day are called **commuters**.

**MIGRANTS**

**Migrants** are people whose homeland is a long way from the place where they work. They will need a permit to work **and** a permit to stay in an urban area at night. Because recruitment from the homelands is being cut back there will be fewer migrants in the future and there will be more and more unemployed people in the homelands.

**CURFEW**

**Under the new law** the Minister will still be able to impose a **curfew** at night to prevent Black people from being outside in public places anywhere in town except a Black township.

**AID CENTRES**

Aid Centres will stay the same.

**ADMINISTRATION BOARDS**

Administration Boards will stay except that they will be called Development Boards if another new Bill called the Black Communities Development Bill is passed.

**PASSES**

Black people will still have to **produce a pass or certificate** showing that they can stay in town if it is demanded by a policeman.

THE PASS LAWS WILL STILL BE IN FORCE and will be much worse than they are now for everybody but especially for homeland people.

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## CHAPTER III

### WHAT CAN WE DO ABOUT IT?

**Apartheid** is a policy which is planned to push Black people away.

**The resettlement programme** of the S.A. Government takes them from where they are living and dumps them into the homelands.

**Influx control and the pass laws** lock them up in the homelands and prevent them from coming back to the White areas to earn a living.

**The Citizenship laws** make Black people into foreigners in their own country so that they cannot claim political power.

Apartheid has not changed even if members of the Government tell us that change is happening.

Apartheid is becoming worse all the time and many thousands of people are suffering because of it.

We can only do something to bring about real change and to get rid of Apartheid if we are prepared to work very hard to change it.

- We can change things **if we know how the system works** so use this booklet to teach yourself and to teach other people.
- Have a **study group** to work on these issues.
- Decide to **tell one other person** about these things every day.

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