

COMMISSION OF INQUIRY INTO THE RIOTS AT  
SOWETO AND OTHER PLACES IN SOUTH AFRICA.

MORNING SESSION:

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COMMISSION RESUMES ON MONDAY, 21/2/1977.

CHAIRMAN STATES THAT HE WILL HAVE TO ADJOURN FOR A SHORT TIME AT 11 O'CLOCK, AND REQUESTS THAT THE TEA INTERVAL BE TAKEN THEN.

OLIVE GIBSON (Cont.)

DR. YUTAR: Right. Now we reached page 6 on Friday but in a further consultation I had with you this morning, it appears that you want to..that you have practically rewritten your whole memorandum, you have got copious notes in your own handwriting. Well, I have given you the choice of either (10) continuing where we left off on Friday or if you feel those copious notes are more adequate, then I give you the opportunity to put them into memorandum form and let me have a copy of it and you can come back and testify at a later day. What do you want to do? --- I think we should continue, sir.

Continue, right. Then we come to page 6. Have you got it in front of you? --- Yes.

Expansion of certain factors, and you deal first with citizenship. Can we summarise that? --- During the period immediately before the riots we found Blacks very angry over (20) this whole question of citizenship and they were being made to feel very insecure and uncertain in the face of the possibility that they would be assigned to territories that they didn't regard as their own and to belong to tribal groupings which they didn't feel as their own, they felt they were one community and they wanted to remain that way. The remarks made in the Assembly about the Transkei Citizenship Status Bill made it clear that Blacks would lose their South African citizenship when they took up the other citizenships and most of them felt very much attached to this country in spite of the frustrations (30) and didn't want to lose that citizenship.

Right/..

Right. Well, that is a topic that will be dealt with by the representative of the Black Sash in detail so I think we can leave that and go on to the ethnic groupings, page 7. --- Could I just make one point, sir?

Yes, sure. --- The most hurtful thing about this I think and it was repeated really, that they would be regarded virtually as fifth-class citizens, after Whites and foreign Blacks, in fact foreign visitors of any colour and the intermediate groups the Coloureds and the Indians. They don't so much want racial independence but participation in the reality in which (10 they are living. Did you want to go on to ethnic groups?

Please. Application of grouping into smaller ethnic entities for both housing and schools is very much resented by parents for the same reason. They don't feel that they are identified with the smaller groupings and they feel this is forcing them back in tribalism and dividing the community. They feel this is something that has been left behind.

Right. --- And very often this actually divides households. If I might cite a case of this the other day, a woman who is Xhosa speaking wanted to get travel documents to visit relations (20 in Rhodesia. She was told she had to report to the Transkei authority to get a stamp in her book about the Transkei. Her husband is Sotho speaking, the children were born in Soweto and she said: What am I to do? And she decided to drop the journey rather than apply. People are being asked to get out citizenship cards and babies are already being assigned to these new territories that the parents don't accept.

Right. The UBC's. --- This you have already heard many times I am sure. It is described as a "toothless talking shop" by the Blacks. They feel that it has no powers, it just (30 gives advice and they are all over the small things like rubbish removal/..

removal and lighting in their own townships, they don't touch the basic big things which are the things that disrupt and tear apart people's lives and which affect them anywhere within the whole area of the Republic.

Right. Representations...(intervenes). --- ..Powers nevertheless of moderate community leaders which will talk about anything need to be strengthened because unless the authorities talk with the moderate leaders, the people are thrown to the extremists who can only see violence as the way out.

(10)

Representations to officials. --- We have already been over the question of the language issue and how urgent representations were ignored and treated apathetically over about two years and the institutions which were set up for communication with them were by-passed in the case of the school boards and we see this particularly as hurtful and anger.. in a community which has no legislative outlet of its own and in which a great many people are as competent as Whites and even more politically aware through their long frustrations. It is very painful and explosive for them to be in subjection to another group and only forced to carry out the latter's will by compulsion and sanctions. This makes neglect of these matters particularly offensive and intolerable.

(20)

Right. Now the tsotsi element, do you want to deal with that? --- We believe that this element is very largely composed of youths who could not establish their rights to live in the urban areas with their families when they had to get reference books and work at the age of 16. This is not always through their own fault and it is very often because the mothers hadn't got birth certificates when they were babies or had as you heard (30 the other day, gone out to the grannies in the country and so they were/..

were zoned in the wrong area, as a result they hide out in gangs because they are on the run from the police and prey on the rest of the community and authority against which they have a standing grudge. This is undoubtedly responsible for a large part of the appalling violence in the townships and on the trains. They naturally surfaced in this latest violence to take advantage of it and settle a few old scores. We feel very much that all these young people should be allowed to stay with their families and the regulations should be altered to allow this at the very least. (10

Right. --- We actually warned about this as far back as 1966 and told the authorities about it then.

We turn now to page 8 - aid centre. --- The aid centres in Johannesburg for the last 3 or four years had accepted self-referred cases which meant that they could bring many of the cases of difficulty over registration and influx in to the aid centre to be helped and this had meant that many of the people didn't actually have to become criminal cases or go before the court or be endorsed out or anything. You know in October 1975 just before the riots this self-referred (20 function was closed down and therefore thousands of these people who had been getting help were thrown back on their own devices to see how they could find their own way out. We saw the chief Bantu affairs officer at that time and warned him that this was doing something that would cause a very explosive situation because these people would hide out and have no solution to their problem. He was not impressed and this went on. We have suggested that a section of the Bantu Affairs Department be set up particularly to deal with this problem. The Commissioner's contention was that the aid centre was set (30 up to help just the people who were coming before the Court and/..

and we think that an entirely separate section should be set up in the early stages of documentation to help and advise people and to put priority on the family and personal need.

We come now to..(intervenes).

CHAIRMAN: Dr. Yutar will you please convey to the..whether it be the Department of whoever is responsible for the aid centre to inform the Commission why there had been such a change in policy, if there was one.

DR. YUTAR: Right, I will make a note of that M'Lord. That (10 will be done. Page 8. "Summary of our suggestions", well, your first suggestion is that we invite the students to come and give evidence before this Commission. We need not go into that because His Lordship has time and again in this Commission, over the radio, on television, invited people to come and give evidence, and if they were afraid for one reason or other they could do so anonymously and even give evidence in camera. We have had some of them who have come forward already. Is there anything else you would like to suggest? --- Yes, could I point out there that we were not suggesting they came (20 as individuals but that the group as such, be asked to prepare a memorandum which explained these things, why they wanted to march, what they..(intervenes).

CHAIRMAN: But there is nothing to stop them and I have invited not only people but I have invited organisations. --- Yes, but this was in a general way it wasn't an actual invitation to the group, was it.

Were you invited in a general way or particularly, your organisation? --- Well, we knew the Commission was set up and we offered to give evidence. (30

Yes. --- But we were suggesting here that if you wanted/..

wanted to know this, it would be worth just asking them particularly.

DR. YUTAR: Well, we have..His Lordship has done that, the executive commission has done that and in Cape Town we had a wonderful response, we had the leaders of the Sociological Department of the University of Cape Town, bringing a number of students and others who testified. We can't do more, we can..right. Page 9. Consultation. --- We feel that the era of deciding and doing things for and about Blacks without their consent should be speedily brought to an end. (10

The top level discussions with Blacks which followed immediately on the disturbances did play a major role in defusing the situation temporarily but it was of course only a stop gap and a far more representative means of communication needs to be developed. They need to go into Black grievances with respect to communication and participation and gradually resolve other matters and they need particularly to find ways to accommodate their abilities, their aspirations, their wish to participate in planning, Government and administration and especially in the first place everything to do with African (20

affairs. We feel that they are perfectly competent to find people to do those and that it is very urgent that it be done now because unless it is done, other ways are going to be found. This was said over and over again and the people who could do this are losing credibility... because they are not consulted.

You next deal with 3. Structures for participation. It is to the same effect, isn't it? --- Beyond that and more deeply we feel it is high time to set up democratically elected structures with effective powers at every level of legislation and administration. I expect we need our own Turnhalle to (30

work out how. We need to examine and rectify existing

structures/..

structures which very often thwart elections of members because when the people have elected those they want, either the structure of the nominations enables the Government to fill them with chiefs or headmen or someone of that kind, who are not..do not hold the views of the elected people or else actual Government nominees outweigh the others so that these things become effective..ineffective as representative bodies. I think this has been slightly improved in the case of the school committees and the school boards but it needs to go to all such bodies. And of course these bodies must be given (10 effective powers to deal with matters that really matter to the people and not just with peripheral individual things in their environment which any experts can deal with.

Right, go on. --- I have got to 4. Accommodating Divergent Views. This was the point about suggesting that the students be asked to come. We think sir that the Government has got to go faster in its attempts to understand and come to terms with the community and therefore it is no good just talking with the people who already agree with this, it has got to go further and try and discuss with the more extreme views (20 and get those people to put positive proposals which are honestly gone into with the possibility of making them plans for action and then we shall begin to be reaching reconciliation.

The next heading: 5. Homelands and Citizen Issues. That we have dealt with earlier. Then is there anything you would like to say which you haven't said already? --- Well, these are suggestions that all questions on the Homelands and citizenship should be the subject of a top level national multiracial conference and thoroughly re-assessed. I hope that this can be done and people can come to it with open minds. It is very (30 vital. And that in the meantime all disabilities attached to citizenship/..



citizenship in South Africa or the Homelands be suspended or withdrawn completely and full citizenship rights be accorded to all Blacks in the common area. And that the rights of members of the present South African Black population should clearly be greater than the rights accorded to foreigners, White or Black from any other place.

Right. 6. Bantu Education, page 10. --- The system of Bantu Education we know is unacceptable I think very largely because it is separate and separately budgeted and therefore inadequately provided for and this should be also the subject (10 of a top level expert conference. We think the result of this conference would obviously be to call for its abolition as a separate system, the dropping of the ethnic grouping in schools, reinstatement of a national education system of universal standard open to all population groups.

Right..(intervenes).

CHAIRMAN: And what do you suggest coming to the ethnic..

--- Sorry?

When you speak of the ethnic grouping, do you suggest that all the schools should have..that anybody, any student (20 could go to any school, any scholar could go to any school?

--- I think ultimately, yes.

And must you abolish then the present English medium school and Afrikaans medium school system? --- I prefer not to get onto that because it is out of our area.

Look, but you say that it must all be the same. --- You know, I think this is a technical matter, I think that..(intervenes).

Is it a technical matter, or is it a matter of education? --- I think if pupils had the right to go and parents have (30 the right to send them to the school of their choice, they will

go where they are taught in the language that they..(intervenes)

And if they go to a school and they do not understand the language although the parents want to send them there, what do you do then? --- They move.

Pardon? --- They can move to another school I would think.

But who sends them to another school, the parents insist on sending their child to a particular school. For example where they are taught in Sotho and the child does not understand the language at all, what do you do? --- I can't see a parent doing that sir, the parent surely has the interest of his child at heart and will send him to the school where he can understand and in any case I think that the vernacular would only continue in the first few standards. The choice which Dr. van Zyl also..(intervenes). (10)

What must happen then in the first two standards, do you separate them into ethnic groups there or not? --- I suppose it will be a local matter, sir, of what the people in a particular area..(intervenes).

I ask you these questions not because I..this Commission is going to make any recommendations as you know it is merely to find out whether the attack on the education which is to a certain extent based on ethnic grouping, was a cause of the unrest. --- There was unrest about ethnic grouping in the years before the English/Afrikaans question came up and most parents didn't want it. I think that the teaching in nearly all those schools beyond the very early standards was mostly in English, but they felt that the children were being divided up and were having to go perhaps great distances to a particular school simply for ideological reasoning. (20) (30)

Simply for..? --- For an ideological reasoning.

Oh/..

Oh, is it an ideological reason or is it education?

--- I think I will have to answer education to answer this.

Yes. --- I know that the teachers felt it was disruptive and destructive, they didn't want the children divided up in this way.

DR. YUTAR: Right, Ministers and officials in charge of Black affairs, No. 7. That we can summarise very briefly. ---

There is obviously a lot of discontent about officials dealing with the people and the sort of incidents that very often crop up and we feel it is very important that especially high officials<sup>(10)</sup> are people who sympathise and respect Blacks and will put their interests first and expect those under them to behave similarly. This would include Blacks as well as Whites but on grounds of competence and acceptability not just because they are Black. In a township context one would hope that Black superintendents would come in soon. They have been talking about it since the sixties, now I see the Vaal are now going to try it. At least at assistant superintendent level but we feel that Blacks should be incorporated into all levels of decision making and administration on this basis, especially at planning<sup>(20)</sup> stages.

Right. 8. Police. --- We suggest that an investigation be conducted into the whole question of police involvement in contact with the public, especially the non-White groups, and particularly Africans. We have asked for this before in the Security Commission in 1968 or 1969. We think this should cover day to day contact, cases of arrest and detention, behaviour to suspects and prisoners held, conditions and behaviour in police stations and cells, interrogation methods, the use of firearms and any other objects used as weapons during arrests<sup>(30)</sup> or in detention, people killed or injured or dying during or as/..

as a result of arrest, alleged sexual and morality offences and behaviour to people in their own homes. This has of course been a particular matter of unrest and reaction through this whole period of the riots. Much evidence already exists from the courts and about cases..I think prior to the riots and recent extensions of security legislation has put so much power into the hands of the police, this is particularly important and we are very very distressed at the introduction of the Indemnity Bill because we feel that the Minister should be going entirely in the opposite direction, not to greater secrecy (10 and covering over..(intervenes).

You are not suggesting that is the cause of the riots the Indemnity Bill? --- No, but I think it could be the cause of the next..(intervenes).

Well, we are not investigating that, let us hope and pray there won't be. --- I think that this whole feeling that things can happen and one doesn't know what is happening and that the police aren't expected to take responsibility for their actions, is a dangerous line altogether.

Right. 9. Influx Control. --- A depth study of (20 methods of controlling population flow to areas of employment and amenities in other countries should be carried out. We are sure that schemes could be drawn up whereby this problem could be solved without permanently branding a particular person to be relegated to the place determined by the accident of his birth forever and unable to better his situation or marry outside that place. This of course, particularly concerns people living in the poorer rural areas and so on, who have the ability to come to different conditions, but also people who need to move about for various reasons. (30

10. Cost of Living. --- Sorry, we missed something there/..

there. In the meantime we do feel that influx regulations should be waived where they cause hardship to helpless people, old, young or sick who need to be allowed to stay with relatives. We have got some consent to that from Bantu Affairs but also to those couples and people wishing to marry who are unable to live together because of these regulations. This should not be prevented. 10. Cost of Living. Yes, it is obvious the wage gaps need to be closed. I believe African average wages are somewhere down a fifth or less than the Whites and this is obviously a continuing cause of resentment. (10

The gaps in pensions are even worse. You will find this in the Appendix to our memorandum, where the figures set out are quite startling. People dependent on such means should be allowed to have licences to sell in the townships and do odd jobs to a reasonable amount of their income without losing pensions. That is slightly improving. Relatives staying with them to help pay rent shouldn't have to pay lodgers' fees as well. You will also find this in the appendix together with the following paragraphs: That the site rents in the poorest and worst housed areas should be in proportion to those in the (20

better areas and not two and three times as much because of the charging of each tenant for the full amount of the site rent. We have been trying to argue this with the West Rand Board. I don't know whether I should go into the figures about this but in the very poor, conglomerate houses in White City and Mafolo South where you have got ribbon housing or three houses together, the people are paying at least three times in rent what the people in houses on single stands are paying and in addition to that every single adult person, even members of the tenant family are paying this R3 per quarter lodgers' fee which makes (30

it very difficult for them to pay that rent. So an enormous amount/..

amount is being taken in on those houses.

Right. Last topic. 11. Beerhalls and Bottle Stores and Means of Raising Funds. --- We recommend consultation with the leaders of the community before anything is done to rebuild these beerhalls and bottle stores because there is immense resentment that the authorities are making their money out of drink, and all the responsible people are extremely worried about this situation and the conditions that it leads to and the young people particularly resent their parents being brought into that state and neglecting their homes and (10 their education. We think that the Bantu Boards could explore other means of raising funds which would actually make services to the people like drive-in cinemas or cafés in the park which would be low cost, give a service that is wanted and be relatively harmless. And the Black community of course would like to have more say in the funds that are raised. I would like to say in conclusion that we don't want to put these things forward as a lot of little bits that we think need altering. We feel that as a whole, there is a structure imposed on the people which restricts their lives in many ways and which they can't (20 break out of, they have no remedy for, because there are no representative institutions through which they can speak about this and have power to do anything about it, and they are dealt with under a completely separate set of laws and not regarded as equal citizens with other people in the country.

My Lord, I have no further questions.

CHAIRMAN: Thank you very much for your memorandum and for your evidence. If you should feel that there is anything that you had omitted to say or wanted to add to what you have already said or what you have written, please feel free to do so and (30 communicate with the secretary about any further memorandum or any/..

any further evidence. And if you should find it possible to persuade anybody else to give evidence, or any organisation that you may know of, the Commission will be only too pleased to hear such an organisation, or such persons as you may be able to persuade. Thank you very much.

NO FURTHER QUESTIONS

CHAIRMAN: I have mentioned that I had an appointment at 11 o'clock. It now appears that the particular person which I had to speak to is not available at this moment. If you wish to continue until a quarter past..? (10

DR. YUTAR: Surely, I can do that.

CHAIRMAN: If that doesn't affect your..?

DR. YUTAR: No, no I can do that.

CHAIRMAN: ..your arrangements.

DR. YUTAR: I call Mr. Mardon.

ANDREW RAY MARDON, verklaar onder eed:

DR. YUTAR: Mnr. Mardon, u was die Dorpsbestuurder van die Bantoegebied Tembisa? --- Dit is korrek.

En hoelank was u daaraan..in daardie pos? --- As Dorps.. ek het begin in Tembisa as 'n klerk en het geëindig as dorpsbestuurder. Ek was van 1957 tot 1972 daar. (20

Ja. En die diens..oor die hele tydperk, wanneer het u as klerk begin? --- Ek het in Tembisa as klerk begin in.. die 16de Augustus 1957.

1957. --- 1957, ja.

Amper 20 jaar? En u het saam met Tembisa..n mens kan sê grootgeword? --- Ja, van die mielielande wat daar was tot ek daar weg is.

Nou vertel ons kortliks die geskiedenis van Tembisa. --- Edelagbare, daar het..sewe munisipaliteite wou elk hulle eie lokasies soos dit genoem was in daardie tyd begin en toe het/.. (30

het dr. Verwoerd wat Minister van Naturellesake was destyds gesê dat die sewe munisipaliteite, dit is nou Germiston, Kington Park, Bedfordview, Modderfontein, Edenvale, buitestedelike raad suid van Pretoria wat ingeskryf het, Lyttelton en Olifantsfontein dat hulle moet saam kom en 'n gesamentlike Pentodorp begin. Toe is daar 'n Kommissie aangestel en die grond is plus-minus aangekoop in 1953 en in 1957 is ek aangesê om die administrasie daar te begin.

Wie het hierdie Bantoegebied beheer? --- Ek het dit beheer. Germiston het dit beheer en ek, Germiston Stadsraad. (10)

En was daar enige regulasies wat van toepassing was in hierdie nuwe Bantoegebied? --- Daar was geen regulasies in die Bantoegebied nie alhoewel daar regulasies in die individuele ondernemers se gebiede was.

En om watter rede was daar geen regulasies nie? --- Volgens 'n regsopinie, was die grond wat..waaruit Tembisa bestaan het nie geregistreer in die naam van een munisipaliteit of een owerheid nie die gevolg is dat nie een van die regulasies wat bestaan het daar van toepassing gemaak kon word nie.

En uself saam met u vrou het in die gebied gewoon? Nie (20) waar nie? --- Ons het vir plus-minus 8 jaar in Tembisa gewoon.

Nou die grond is nou gekoop, hierdie gebied is gestig, wie het die huise gebou? --- Die Stadsraad van Germiston was verantwoordelik vir behuising.

Ja, en het hulle die huise gebou? --- Hulle het huise gebou.

En hoeveel? --- Toe ek daar weg is toe was daar plus-minus 10.000 huise wat..(tussenbei).

In Tembisa self? --- Tembisa self. Ook wat deur die munisipaliteit gebou is en ook deur individuele Swart mense. (30)

Nou vertel ons kortliks..en wat was die getal? Die bevolking/..



bevolking? --- Plus-minus 80,000 op gesinsbasis en op enkel-  
lopende basis plus-minus 30,000.

Nou vertel ons kortliks wat u gedoen het terwyl u daar was?

--- Ons het met hierdie probleem gesit dat omdat daar nie regulasies was nie, kon 'n mens die normale sake wat die bestuur van 'n dorp wat deur 'n regulasie beheer moes word nie toepas nie, en toe moes ek nou die beste van die saak maak en dit toe gevind deur om die hele dorp se inwoners, van kerke, handelaars, huurmotorbestuurders, onderwysers, sportmanne te motiveer om gesamentlik deel te hê in die bestuur van die dorp en sodoende 'n gees van samehorigheid daar te bou. Ook het ek sover dit die huur aanbetref wat gewoonlik 'n probleem is, aangesien daar nie regulasies was nie kon 'n mens niemand hof toe neem nie het ek met die samewerking van die inwoners, die fabriek, nywerhede, handelswêreld gekry om saam deel te hê in die invordering daarvan dat hulle dan die huur vir die inwoners sou aftrek van hulle salaris af en dan die geld deur te stuur na ons toe. Die argumente wat gebruik was is dat as 'n man huur skuld en hy word ingebring na die kantoor toe, dan verloor hy 'n dag se salaris, die fabrikant verloor 'n dag se produksie of hy word..sy produksie word tog geaffekteer. Dat.. en dan ook het ons vir die mense dit onder hulle aandag gebring of dit beklemtoon dat as hy sy huur betaal en veral vooruitbetaal het en daar sou 'n dood in die familie kom of siekte, dan is hy nie onderhewig aan probleme wat hy kan optel omdat hy huur skuld nie. U sien, dit is aan hom baie duidelik ook gestel dat dit is 'n verpligting wat hy as inwoner het teenoor die munisipaliteit dat die munisipaliteit maak voorsiening vir die geriewe en dat hy vir die geriewe moet hy betaal, hy moet daarvoor betaal, en dit was maar min of meer die algemene benadering om die huur gevorder te kry. Dié het ek lateraan oorgelaat aan/..

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aan die ander amptenary, eksel self het gekonsentreer op meer die sosiale aspekte, die vryetydsbesteding van die inwoners van die dorp.

Met ander woorde, die gemeenskap is betrek, en daar was noue samewerking tussen die werkgewers aan die een kant en die werkers aan die ander kant? --- Ja, eintlik..daar was 'n baie goeie samewerking, van die mense aan die buitekant van Tembisa, die binnekant van Tembisa, ook kan ek wel noem onderwysowerhede, Suid-Afrikaanse Polisie, die Departement van Justisie, daar was nie 'n departement of 'n instansie waar daar (10) nie probeer is om te betrek in die beter beheer en bestuur van die dorp nie.

En dan op die sport en kultuur gebiede? --- Dit is natuurlik my besondere stokperdjie, liefhebberij, is sport. Ek glo dat sport is 'n kommunikasiekanaal om mense te bind het ek gekonsentreer en my idee was ook dan om Tembisa een van die sterk punte sover sport te maak op die hele Rand. Ek het geglo aan sport as kommunikasie. Ook dan betrek 'n mens van jou jeugdige tot die volwasse in sekere administratiewe poste bestuursposte waar hy verantwoordelikheid neem as sekretaris, (20) voorsitter of wat ookal van 'n klub.

Nou as gevolg van alles wat u daar gedoen het en die mooi samewerking tussen die verskillende elemente, hoe het Tembisa gevorder? --- Ons het baie goed gevorder. Ek het die syfers self nie gesien nie, maar in..1971 se geouditeerde state is aan my gesê dat ons op daardie stadium, ek is in 1972 weg, was ons plus-minus R29,000 vooruitbetaal met ek dink 'n bedrag soos R10 of R12 slegte skuld en dan 'n ander faktor, ek dink 'n baie belangrike ding is dat ons misdadaisyfer was minimaal gewees. Ons het glad nie 'n hoë misdadaisyfer en dit..as ek (30) praat nou van misdaad dan bedoel ek nou meer in besonder moord

verkragting/..

verkragting, ernstige aanranding ensovoorts. Maar ons was eintlik 'n baie gelukkige gemeenskap en as ek dit sê dan wil ek nie sê daar was nie probleme gewees nie.

Nou was Tembisa 'n voorbeeld vir ander Bantoegebiede?

--- Ek dink stellig so, dit was 'n voorbeeld gewees.

Nou ons handig in as die eerste bewysstuk BEWYSSTUK 272 hierdie boekie wat uitgegee is deur City of Germiston, die naam "The Story of Tembisa - an Experiment in Co-operation".

Was dit werklik so? --- Ja, want dit was sewe munisipaliteite wat nou gesamentlik moes werk met al hulle hervestiging van die mense uit hulle gebiede uit. Die munisipaliteite moes daren daar saamwerk en hulle het ook lekker saamgewerk. (10

Ja, en dit gee nou volle besonderhede hoe Tembisa ontstaan het en hoe hy gefloreer het en interessant dat daar is mooi foto's wat aantoon hoe gelukkig die mense daar gewees het. --- Ja.

Daar is besonderhede van alles wat verskaf is, "survey, layout, design, water reticulation, electricity, street lighting.." die hele lot en ek sien daar is nagenoeg R4 miljoen gespandeer oor watter tydperk? --- Dit was tot op daardie tydperk..dit was vroeg in die sestiger-jare, ek weet nie presies die datums nie. (20

Na 'n paar jaar en dan ook dit gee nou die verskillende dele van Tembisa met ook wat die name beteken. Ekaleni - where we started, ensovoorts..Emkantini - in the middle. Is dit nou die verskillende dele van Tembisa? --- Dit is as 'n mens dit vergelyk met ons dorpe dan is dit 'n voorstad en dit is nou waar die verskillende etniese groepe gehuisves is. Ekaleni byvoorbeeld was die Zoeloe-sprekende of the Nguni sprekende, ons het die Nguni's min of meer bymekaar gehou. (30

En wie het hierdie nou..wie het hierdie verskillende dorpe/..

dorpe gestig binne Tembisa? --- Dit was op die beplanningstadium lank voor die mense ingeskuif het, dit was by my hoofkantoor is dit gedoen.

En dit gee ook nou die getal van huise, skole en kerke paaie, ensovoorts. Nou ja, dit spreek vanself, dit wys ook hoe Bantoebouers self hulle eie huise opgerig het. --- Ja.

Reg, dit is BEWYSSTUK 272. Nou BEWYSSTUK 273 is die uitgawe van "The World" gedateer 3 Maart 1964 en op bladsy.. Ja, bladsy 5 kry ons nou wat hulle nou noem die Tembisa Supplement. --- Dis korrek. (10

Dit gee nou foto's en dit wys ook wat daar gedoen is en dit..wys hoe gelukkig hierdie plek was. Ek sien onder een opskrif is daar "Tembisa is a super town". Was dit werklik so? --- Wel, die mense was "super" gewees wat daar was, en die dorp miskien as gevolg daarvan.

Nou uittreksel uit "The Star", Maandag 2de Junie 1969. Dit sal nou wees BEWYSSTUK 274, en die inleidende paragraaf lees soos volg: "An African writer who lives in Tembisa, north-east of Johannesburg reports on the progress, aspirations and limitations of this new African city. It is to there (20 incidentally that the people of Alexandra Township are being gradually moved. Tembisa, city of hope.." en die "African writer" is 'n man met die naam van Lazarus Motshadi en dan die inleidingsparagraaf lees kortliks soos volg: "In 1957 seven municipalities .....and guided by the Department of Bantu Administration embarked on the massive scheme which is today the sprawling and bustling home of 60,000 Africans, former inhabitants of slums dotting the map from Germiston to Verwoerd...." En in 1969 onder die opskrif "Home Assured. There are in Tembisa today 11 primary schools and one high school. Work has started on two (30 more schools which should be ready by the end of the year.

The/..

The houses consist of two, four and five-roomed units. The rents vary from R4,50 to R6,25 a month. A compulsory school levy of 20c....and including rent. A new post office and telephone services introduced last year....credit for the harmonious resettlement of so many people from many areas goes to Mr. Andrew Mardon, the Township Manager. Mr. Mardon's policy of eye-to-eye indaba's has won him the support and confidence of teachers, church leaders and businessmen".  
n Mooi getuigskrif daardie. --- Dankie.

Dan kom ons by die volgende BEWYSSTUK 275. Dit is iets (10 uit die "Rand Daily Mail" gedateer Donderdag, 24 Julie 1969 onder die opskrif: "The promise of Tembisa is a virtual reality..." en die inleidingsparagraaf lees soos volg: "My ambition is to make Tembisa the sports and social centre of the Reef but of course that will have to wait until the housing project is complete and we have got the scheme really organised. M. A.R. Mardon, the Manager of the ambitious Tembisa Regional Township experiment, said yesterday". En dan is daar 'n mooi foto van 'n pragtige tweeverdieping huis. "This is one of the imposing buildings in Tembisa Township. It is the residence (20 of Mr. Jacob Tata Nyembi, the township's most successful businessman. He has a general-dealer store, café, dry-clean depot, butchery, dairy and green grocery". Is daar baie van sulke huise daar? --- Daar was 'n hele paar in Tembisa gewees en u nie almal so mooi nie maar wel mooi huise.

Dan het ons nou nog 'n uitknipsel uit "The Star", Monday 1<sup>st</sup> September, 1969, EXHIBIT 276 onder die opskrif: "City of promise. From the bare veld to a new town.....80,000 strong Tembisa drive-in..." en dit wys nou foto's van Tembisa die huising daar en ook die skole en die kerk. En dan ten slotte (30 WYSSTUK 277. Dit is die uitgawe "Bantu" en op die laaste bladsy/..

bladsy is daar die Mardon 11 Cricket Club. 'n Foto van die Bantoes wat daar krieket gespeel het en onder 'n foto van die kinders wat nou lekker speel daar in die sportsgronde. Met ander woorde, daar was kommunikasie tussen uself as Dorpsbestuurder, tussen die inwoners, en tussen die werkgewers tussen almal wat daarin belang gestel het? --- Dit is korrek.

En die eindresultaat was? --- Dat ons het baie goed oor die weggekom met baie min probleme.

Ek het geen verdere vrae nie.

VOORSITTER: Dankie, mnr. Mardon.

(10)

KOMMISSIE VERDAAG / KOMMISSIE HERVAT

CHAIRMAN: I regret that another matter connected with the Commission made it impossible to start on time.

DR. YUTAR: As Your Lordship pleases. My next witness is Mrs. Sheera Duncan, National President of the Black Sash. My Lord, I might indicate that Mrs. Duncan is accompanied by her attorney, Mr. Raymond Tucker. I have extended to him the opportunity to lead this witness, but he is quite content to allow me to lead the witness and he is at my side to render whatever assistance maybe necessary.

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CHAIRMAN: Mrs. Duncan, you must have no hesitation if you want..if there is anything you wish to bring out and it doesn't appear to emerge from the evidence.

MR. TUCKER: Thank you very much, Mr. Chairman.

SHEENA DUNCAN, d.s.s.

DR. YUTAR: Mrs. Duncan, you are the National President of the Black Sash. --- Yes.

It is an organisation that was founded some time..? --- In 1955.

And the purpose of it? --- It is a political protest organisation.

(30)

And/..

And you have been associated with it from..? --- No since 1963.

In what capacity? --- I was just an ordinary member for some years, for about 6 years I have been Director of the Advice Office and for the last two years National President.

And since when have you been the National President? --- For the last two years, since March, 1975.

So you speak with a certain measure of authority and past experience? --- I believe so.

You have been kind enough, or rather the Black Sash (10 to prepare a memorandum for submission to this Commission of Inquiry in regard to the riots that broke out in Soweto in June, 1976 and thereafter at other places? You have got it in front of you, may I say that I have read it and I regard it as so important that I have made copies of it available to the representative of the Department of Bantu Administration who will in due course be giving evidence and reply where they feel they can reply, to some of the allegations made. If you want to be present when they reply, you will see in the Press when they are going to testify. Well, we will start off (20 with the Preamble. Would you be so kind as to read it please?

--- Whatever the immediate causes of the June riots in Soweto and elsewhere the Black Sash believes that much of the underlying cause is the great anger and frustration in the urban African communities and the growing hatred of White people by Black people. We believe that this anger and hatred is very largely caused by what are commonly referred to as "the pass laws" and the restraints which these laws impose on every African person in the Republic of South Africa, restraints which are not imposed on any other race group. The term "pass laws" is usually (30 applied to the statutes which require Africans to carry Reference Books/..

Books and which restrict and control their movements to and in the cities and which govern their daily lives. In this memorandum we outline some of the most resented aspects of these laws. We believe that anger and hatred must have contributed to the recent disturbances and that many Black people see the pass laws as being sufficient cause for revolution, whatever other factors may occur to spark off or aggravate disorder. In 1975 218 982 men and 50 003 women were arrested for offences relating to identity documents and influx control. The figures for the Witwatersrand were as follows: Johannesburg - 55 842 (10 men and 5 162 women. West Rand - 16 623 men and 2 375 women. East Rand - 13 991 men and 3 361 women. In 1974 a total of 214 368 men and 60 273 women were arrested. There are no published figures for the numbers of these offenders who were arrested more than once, but it is clear that a significant percentage of the urban African population has been arrested at least once at some time of their lives and that there must be thousands more who have cause to fear arrest but have managed to avoid it by one means or another. It is inevitable when the law causes so many people who are not guilty of (20 any criminal offence applicable to other races to be liable to arrest and punishment for technical infringements, that people will lose all respect for the law and for the forces of law and order. The Black Sash runs Advice offices in Johannesburg, Cape Town, Durban, Pietermaritzburg, Pretoria, East London and Grahamstown. These offices were established to assist African people in difficulties with the laws relating to influx control, reference books, housing, migrant labour and work permits. The office in Johannesburg was established in 1963 and has been approached by approximately 20 000 people in the past 13 years. (30 We have 9 000 files in this one office alone containing individual case/..



case histories. The work consists of advising people as to the Law's requirements, assisting them to carry out the administrative procedures laid down in the various regulations and, where there has been an infringement of their rights which has not been rectified administratively, referring to an attorney for legal action. It is on this wide practical experience that we base this memorandum to the Commission of Inquiry into the Riots at Soweto and other places in the Republic during June, 1976.

Right, I did suggest to you that perhaps we might summarise (10 what follows under various headings but you feel that you have summarised it sufficiently already and it maybe difficult to give us a summary of a summary. --- Well, I'm afraid that if I try to summarise it I would probably get woolly and it might take as long.

Right. So you prefer to read it. --- I'll cut it where I can.

Good. Now under the section of Reference Books: The taking of the fingerprints of all African people, men and women when they turn sixteen is resented, with its connotation of (20 treating every person as a potential criminal and because it is discriminatory. The taking and recording of fingerprints is not applied to other race groups. Every Bantu born in the Republic or in the Territory of South West Africa who has attained the age of sixteen years must in terms of section 3 of the Reference Book Act be in possession of a reference book other than an identity document. This is resented as being discrimina- tory. All African people over the age of sixteen are liable at any time to be stopped by the police with the demand that they produce their reference book. This is seen as being humiliating (30 and degrading. Systematic operations by the police stopping all Black/..

Black people in the streets, at train and bus termini are a common sight. Those who do not have a reference book on their persons are arrested. Even if a prosecution is subsequently waived after investigation at an Aid Centre considerable resentment and inconvenience is caused by the fact of the arrest and the subsequent detention while the investigation is carried out. Many people have approached the Advice Office for assistance because the Bantu Affairs Commissioner has refused to issue them with reference books although they are domiciled in his area. They are not authorised to be in the area for a variety of reasons, frequently because they are the children of domestic workers who have no permits to reside in a Bantu township although they are legally working in the area. Such people have no other area in which they may apply for reference books. The law demands that they carry reference books at all times but, because they are prevented from obtaining them, they become adept at evading the police. They are unable to find legal employment because they are not in possession of a reference book, and it is our belief that a high proportion of the so-called "tsotsi" element in the Black townships consists of young people who are the direct products of this course of events. It is perhaps appropriate at this moment to comment on the attitude of officials in the Department of Bantu Administration and Development. It is our experience that they commonly fail to appreciate that while Black people are subjected to a vast number of restrictions, they nevertheless have certain rights enshrined in the law, and a good deal of time is taken up in obliging officials to exercise the powers vested in them to recognise these rights. They often fail to recognise that possession of a reference book is both an obligation and a right.

Other complaints concerning the issue of reference books are

bureaucratic/..

bureaucratic inefficiency which leads to clerical errors in the spelling of names, the omission of a name, the misplacing of a Christian name so that it appears as a surname and vice versa. These mistakes are insulting and resented and can be extremely difficult to rectify as the record in the Bantu Reference Bureau in Pretoria has to be altered. The incorrect noting of the birthplace is a very frequent occurrence for a person who has no birth certificate. The guardian who accompanies the child to make the application is asked for his or her birthplace and this is often erroneously recorded as the child's birthplace and is shown in the reference book of a male person as the tax place. This leads to difficulties in establishing the child's rights in terms of Section 10(1)(a) of the Urban Areas Consolidation Act. Influx Control. Only the following Bantu may under Sub-section (1) of Section 10 of the Urban Areas Act be in a prescribed area for any period in excess of seventy-two hours, viz. a Bantu who produces proof that - (a) he or she has, since birth, resided continuously in such area. In this, as in all other pass law regulations, the onus of producing proof is placed on the African person who wishes to establish a right to remain in a prescribed area in terms of Section 10(1). The proof required by the labour officer for a 10(1)(a) endorsement in a reference book is a birth certificate plus documentary evidence of the person's whole life. This is only easy to obtain if that person has been enumerated on a residential or lodger's permit since he or she was born. In all cases the labour officer is reluctant to accept affidavits from independent Black witnesses as proof of residence unless these affidavits are substantiated by other documents such as clinic cards, school certificates, Church certificates, the parents' marriage certificate and letters from employers/..

employers, which are often unnecessarily demanded, even when all the employment has been registered and is therefore recorded in the labour bureau. When an African has no birth certificate no Section 10(1)(a) right will usually be recognised whatever other documents of proof of birth are produced. In order to apply for late registration of birth, if the birth did not take place in a hospital or clinic, the applicant must produce affidavits from two witnesses to the birth. Whether the record is available from a hospital or not and however well substantiated the proof of birth is, the application will not (10) be accepted if the tax place and the applicant's particulars in the Bantu Reference Bureau are recorded as being different to the claimed place of birth. Such applicants are told to have their tax place changed first. In Johannesburg this entails a further application to a different office of the Bantu Affairs Department and the applicant is frequently told that he must produce a birth certificate before the tax place can be changed. Such persons find themselves enmeshed in a vicious circle and such frustrations fuel the fires of anger. (b)..

Section 10(1)(b) reads: He or she has worked continuously in such (20) area for one employer for a period of not less than ten years or has lawfully resided continuously in such area for a period of not less than fifteen years and has thereafter continued to reside in such area and is not employed outside such area and has not during either period or thereafter been sentenced to a fine exceeding one hundred Rand or to imprisonment for a period exceeding six months. There are many complaints which arise from people's inability to obtain Section 10(1)(b) rights. The 10(1)(b) will not be given to those who have not completed a full ten years in one employment even if the discharge comes (30) only a few months before the ten years is completed and is through

no fault of the workers' - as when a firm goes into liquidation or moves to another area. Such workers often find themselves forced into the annual contract migrant system of labour with no chance of qualifying in the future. The regulation for the labour bureau of Bantu authorities published in 1968 make it compulsory for an employer to discharge a contract worker at the end of a one-year contract and to return him to his home area. Even if the worker returns to the same job for ten years on end, the employment is not deemed to have been continued, because of the compulsory discharge and re-registration.<sup>(10)</sup> If a person has worked continuously for one employer for ten or more years, the 10(1)(b) is refused if the nature of the employment has necessitated temporary registration in other prescribed areas. For example, construction workers may work for many years for one company but spend periods on construction sites in other areas. They are not granted 10(1)(b) rights (i) because the period of continuous employment has not been in one area, and (ii) even if they have remained lawfully resident in one area for 15 years while commuting to work daily because they have been employed outside the area in which<sup>(20)</sup> they reside. In a case which came to our notice recently a man who had worked continuously in Randburg for one employer since 1958 was refused the 10(1)(b) because he lives in Alexandra Township, a separate prescribed area. Randburg has no residential township for Black workers and there is no place in Randburg where he could have been legally resident. To obtain a 10(1)(b) qualification through being lawfully resident in an area for fifteen years is even more difficult. People who have been lawfully employed in an area for fifteen years will not be given the qualification unless they have been in lawful accommodation,<sup>(30)</sup> which generally means that their names are enumerated on a

residential/..

residential or lodger's permit or in a hostel for the whole period. Due to the serious shortage of accommodation this is frequently not possible. Section 10(1)(a) and (b) rights are very important because the labour officer may not refuse to register a qualified person as a workseeker and because only a man with these rights will be accepted onto the waiting list for a house in an urban township. It seems that the policy is to make it as difficult as possible for people to obtain rights of permanent urban residence. Refusal of these rights to people who are proved stable, hard-working members of the community is cause for resentment and contribute to social instability. Section 10(1)(c) reads: Unless she is the wife or the unmarried daughter of/or that he is the son, under the age of 18 years of a Bantu mentioned in paragraph (a) or (b) of this Regulation and after lawful entry into such prescribed area ordinarily resides with that Bantu in such area. This is one of the prime causes of disaffection. There is an almost total embargo on the entry of women into the prescribed areas and if a man marries a woman from outside the area in which he qualifies he has almost no hope that she will be given permission to live with him unless she herself qualifies in terms of Section 10(1)(a) or (b) in another prescribed area and he has accommodation for her. I should like to amend the rest of this section. Since writing this memorandum in July, 1976, it has been brought to my attention that entry into a prescribed area by any Black person who is not a foreigner has been established as being always lawful but in practice, with very few exceptions the only African women whose claim to lawful entry is accepted, are those who can prove that they have been in the area continuously since before the permit system for women was introduced. In Johannesburg this date is deemed

to/..

to be 10th March, 1959. The date varies in other prescribed areas but we know of no area where the date is later than this. For many years the authorities have interpreted entry as being lawful only if the person concerned had been given permission to work or reside in the area. At the same time their attitude was that for a wife to ordinarily reside with her husband, he must be in lawful accommodation for family living. In other words, she cannot ordinarily reside with him in a place where he is illegally accommodated, nor on the premises of his employer, whether or not he is legally living there, nor if he is lawfully resident in single accommodation in a hostel or compound. The Advice Office has been approached by men who are lawfully resident in houses in Alexandra, which are being used as single quarters and whose wives are lawfully resident in Soweto but are refused a transfer to live with their husbands in Alexandra. Men who are legally resident in hostel accommodation may be refused permission to move out of the hostel to family accommodation where they could apply for lodger's permits to live with their families. Recently however the Appellate Division has ruled that in order to be ordinarily resident with her husband a woman must be lawfully resident. So the apparent advantage gained by the Court's ruling on lawful entry has been nullified and the situation has become even more impossible for families trying to live together in a normal way. In 1972, Dr. Koornhof then Deputy Minister of Bantu Administration, announced that men who qualify in the prescribed areas could bring their brides from the platteland or the homelands to live with them provided that the men had family accommodation and that the marriage took place after December, 1971. Almost all the applications subsequently made by husbands for this concession

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has been refused. The authorities state that the reason is lack of accommodation, but permission has been refused even in cases where the man is the registered tenant of a house of his own or where he is still living in his parental home where there is adequate space for his wife and any children who may be born to them.

So Mrs. Duncan, it would appear, reading from page 7 in particular that your complaint really is against the administration of the various sections of this particular Act?

--- No, not necessarily. When it comes to Section 10(1)(c) (10) it is the law that the Court, the Supreme Court has now ruled that ordinarily residents means "lawfully resident" so that it is not entirely the administration.

No, I am not saying entirely, but the great portion of it is directed against the application of these sections. --- I don't think I would agree with you, doctor.

Yes? --- I think that the law itself, the way the law is administered, is one issue and there are many complaints about that.

Yes. --- But even were the law to be administered with (20) the greatest efficiency and the greatest consideration, it is the law itself, that Black people complain of.

Right, page 8. "The phrase..." --- Yes, the first two paragraphs there are now deleted. The same controls apply to the children of men and women who qualify in the prescribed area. If a child is born outside the area or is sent away to relatives outside the area for a period, permission may be refused for them to live with their parents, for example.. and this is typical of many cases in our files: A woman came to us about her 15 year old son. He was born in Dobsonville (30) in 1961, Dobsonville adjoins Soweto but is in the prescribed area/..



area of Roodepoort. She brought him into Soweto in 1965 when he was 4 years old. In 1971, when he was 10, she tried to have his name enumerated on her residential permit. She obtained the necessary transfer permission from Roodepoort, the child's birth certificate and proof of his schooling but she was refused permission to have him to live with her. She appealed and took all the administrative steps open to her but the Chief Bantu Affairs Commissioner issued a final refusal in September, 1976. She is a divorced woman who is the registered tenant of her house in Soweto and her other three children (10 who were born in Johannesburg are on her permit.

But that is a matter of administration that surely...?  
--- But it is also the law that unless that child..is already lawfully resident with his mother, he does not qualify in terms of Section 10(1)(c) and the law does not provide machinery whereby a person may compel the Superintendent to enumerate such children on their permit. In many cases, parents send their children to be cared for by a grandparent elsewhere because they have no home in which to rear the family. When a house is eventually allotted to the father and he wishes his children (20 to return to live with him, permission is frequently refused. Such women and children do not always leave the area when they are ordered to go. They prefer to live illegally with their husbands than to live legally elsewhere and accept separation from them. They cannot be employed because they have no permits. They cannot establish stable homes but must always be on the move in order to avoid discovery. Schools are not supposed to admit children who are not legally in the area and when they turn 16 they are unable to obtain issue of reference books. Therefore they in turn remain unemployed. They and their (30 mothers swell the numbers of those who have reason to avoid the police/..

police, who regard the forces of law and order as enemies who become accustomed to recurring arrests during the frequent night-time raids on township houses and to whom prosecution, conviction and sentence are part of the normal way of life. Black people are generally aware that the shortage of family accommodation has been to a major extent caused by Government restrictions placed on the building of houses for African people in the prescribed areas. There is now again since this memorandum was written, another major obstacle been placed in the way of women and children seeking permission..seeking to (10 establish that they are legally entitled to reside with a man who qualifies in terms of Section 10(1)(b). In a judgment delivered on the 16th June, 1976, in the Cape Division of the Supreme Court in the matter between Gideon Ensima versus the Bantu Affairs Administration Board, Peninsula Area, the Court ruled that the 10(1)(b) qualification is limited to persons who already qualified within 72 hours of the 24th June, 1952. This judgment, if upheld in the Appellate Division will cause countless people untold hardship. Section 10(1)(b). In the Case of any other Bantu permission so to remain has been granted (20 by an officer appointed to manage a labour bureau. In terms of Section 22(6) of the Bantu Labour Act, the Labour Officer may "grant or refuse any permission required under paragraph (d) of sub-section (1) of Section 10 of the Urban Areas Act to be in a prescribed area....." He will refuse to grant permission to anyone who has entered the area from the homelands unless a contract of employment has been attested at the worker's local labour bureau in his home area. He will refuse anyone who does not have authorised accommodation in the area. He will refuse anyone who does not qualify in terms of Section 10(1)(a), (b) (30 or (c) unless the regional labour commissioner has authorised him/..

him to grant such permission or unless he is satisfied that the person does belong in the area. He may also refuse to register a qualified man in employment if that man has not registered as a workseeker within three days of becoming unemployed in terms of Regulation 10(1) of Chapter VIII. He may refuse to allow someone to take up employment if there are "unemployed Bantu in the area concerned who are authorised under Section 10(1)(a) or (b) or (c) of the Urban Areas Act to be in that area and who are suitable for employment".

The Municipal Labour Officer may in certain circumstances as set out in the memorandum order such Bantu to leave such prescribed area forthwith or within a stated period. All these powers of the labour officer are widely resented. Men and women are prevented from selling their labour to their best advantage. They have no freedom of movement to seek work where work is offered and the Bantu Affairs Administration Acts of 1971 has not materially increased their mobility as movement is still restricted to within the boundaries of one Administration Board Area. People frequently complain that they are refused registration in employment and that no reason for the refusal is given to them. Those who see an opportunity for advancement in some personal enterprise and are refused permission to be registered as self-employed have a burning sense of injustice. Many of those who are ordered to leave an area are not informed of their statutory right to appeal to the Bantu Affairs Commissioner. Even when people know that they have a right to appeal, enormous difficulties are placed in their way. People must lodge the appeal within seven days of the order to leave the area. It must be in the form of an affidavit and the onus is on them to produce proof which satisfies the Bantu Commissioner. This means that the affidavit must be accompanied

by/..

by documents substantiating what they say, such as a birth certificate, school letters, letters from employers, parents' residential permit, marriage certificate and so on. The Chief Bantu Affairs Commissioner for the Witwatersrand insists that three copies of every document are submitted. This is administration and not law, in this particular case. (Inaudible) of this can be impossible for a person who is unemployed because he has been endorsed out. Commercial firms charge 10c per copy. People have to queue to lodge the appeal, then queue again at the labour office. Many complain that they are prevented from joining the (10 queue by the officials in charge because they have come too late. Sometimes too late is 8.30 a.m. This can be crucial if it is the seventh day of the stipulated period. The Commissioner will not consider an appeal if it is lodged late but sometimes keeps people waiting two or three months before informing them that there is no appeal properly before him. Numbers of men who have no rights in prescribed areas and no association with any homeland are given an endorsement in their reference books stating that they are to register at a District Labour Bureau for "farm labour only". To many this is totally unacceptable and they refuse (20 to obey an order which is their only means of obtaining legal employment. They remain in the towns illegally in preference to forced labour in agriculture which is, more often than not, ill paid, unrewarding and without prospects. A further group which is relatively small but very important in terms of their qualities of leadership, initiative and political awareness are those young men and women who have no rights in any urban area and who have matriculated or acquired technical skills, a university education or a professional qualification, who are not allowed to enter prescribed areas to take contracts in (30 occupations which will utilise their skills and offer them material/..

material rewards and future advancement. Labour officers in prescribed areas are reluctant to allow recruitment of such people because they maintain that there are sufficient workers who qualify in terms of Section 10(1) to fill available vacancies. There are limited opportunities in the service of homeland governments and these young people will often, through political conviction, refuse to seek employment in Government service. Their resentment and anger at the denial of fulfilment for their legitimate aspirations should not be underestimated. In this regard note must also be taken of the effect of controls (10) preventing the upward mobility of Black workers by job reservation White trade union intransigence and Government policy of never allowing a Black to be in a position where Whites are subordinate to him. People who are refused registration in work because they have no authorised accommodation, frequently find that a township superintendent will refuse to issue them with a lodger's permit until they are registered in work. They are thus trapped in yet another vicious circle created by legislation. Many, being unable to see any way out, remain "illegal" drifting from casual jobs to petty crime, into prison and back onto the streets, as (20) do those hundreds of people who are ordered to leave one area but have nowhere else to go to and no hope of being anywhere legally. One 18 year old who came to us in August last year was born in Johannesburg to a mother who lived at her place of employment as a domestic worker. He lived with her until he was eight years old in 1966, when she sent him to live with his uncle at Paul Roux. When he was 12 years old in 1970 the police at Paul Roux told him to go back where he came from. Since then he has been living with another uncle in Soweto but has been ordered to leave Johannesburg. These displaced people can find (30) no way out of this impasse. Local chiefs in the homelands will

not/..

not accept as residents, people who have no relatives, ties, land or home in the homeland areas. So there is no alternative but to remain in the urban township in a rootless, homeless, condition. A common complaint from such people is that they cannot even get any official to listen to their story or to believe what they say. They frequently meet with antagonism from officials when they try to institute an administrative investigation of their position. The Johannesburg Aid Centre used to be of help in these cases, but the Chief Bantu Affairs Commissioner of Johannesburg ordered in 1975 that the Aid Centre closes its doors to people reporting voluntarily for help. His instructions were that the Centre should confine its services to processing those who had been arrested for pass law offences. (10

CHAIRMAN: This matter is also referred to..(intervenes).

DR. YUTAR: Yes, I was just going to say to you, you heard His Lordship say this morning that I should inquire why..(intervenes).

CHAIRMAN: Well, it has already been referred to the..(intervenes).

DR. YUTAR: It has. (20

CHAIRMAN: ...to the relative Department. Yes? --- While I am on the subject of antagonism on the part of officials, it is also necessary to find out that most Black people's experience of officialdom seems to be that the officials with whom they have to deal in both the Department of Bantu Administration and the Administration Board, are unhelpful and sometimes downright obstructive. On Friday last week I was trying to assist two young women who had been unable to find any official who would even read their submission or consider their request for an administrative investigation. Sometimes such consideration(30 is only given on threat of legal proceedings. There are also complaints/..

complaints that the Labour Bureau in Johannesburg prevents men from claiming unemployment insurance benefits by refusing to give them the necessary authorisation for the claims officer. Instead they are continually sent to fill one vacancy after another which turns out to be unsuitable or already filled. This process may drag on for six weeks or more, during which time they are unable even to lodge their claims for benefits. As workers have compulsory deductions made from their wages for unemployment insurance, the labour officer is seen as cheating them of their rights. Even those who experience none of these (10 specific difficulties resent the whole policy of labour control and compulsory registration and the measures which are necessary to enforce them. Even were officials at Labour Bureaux to be unflinchingly courteous, helpful and patient (which they are not and have not time to be) they would still be seen as agents of oppression. It is our belief that this is the major cause of the destruction of buildings belonging to the West Rand Administration Board. Unemployment. Although there are no official figures for the number of unemployed African people all indications are that the present economic recession has (20 caused a marked degree of unemployment. The Financial Mail of 16th July, 1976, reports from Department of Statistics figures and from a document researched by Charles Simkins of the S.A. Labour and Development research unit of the University of Cape Town, that by the end of 1976 African unemployment would reach the staggering figure of almost two million and that one in five Africans of working age cannot get a job. This figure has since been challenged but it is quite clear that there is serious unemployment amounting to crisis for individuals who have nothing between them and starvation. Although people in the homelands (30 are not permitted to leave the area of a tribal labour bureau

unless/..

unless a contract of employment has been attested in terms of the Regulations for Labour Bureaux at Bantu Authorities of 29th March, 1968. Hundreds of men and women are leaving their home areas to seek for work. Unemployment in all homelands is very high and both men and women complain that they have waited many months at the labour bureaux without being offered work of any kind. Others say that they are only offered work at such a low wage that they cannot afford to support their families and prefer to find illegal employment in the cities because they can expect to receive a higher remuneration. Of necessity (10 such people form a very large and unstable segment of society. They cannot earn a living where they are allowed to be and cannot obtain permits to be where they can earn a living. They can never have legal accommodation so move continually to different addresses. They cannot be legally employed so can rarely establish themselves in regular and continuous employment. It is impossible for them to establish secure and stable conditions for their families. For them the forces of law and order become the enemy. They have nothing to lose by joining in insurrection and increasingly coming to believe that violence (20 is the only way in which they can change the condition of their lives. Because their lives are already disorganised and chaotic they have no vested interest in the maintenance of public order and institutions. Housing. Since 1968 it has been Government policy that family housing for Africans should be provided in the homelands and not in the urban centres. For this reason overcrowding in existing houses in Soweto has grown to the stage where there are frequently 12 or more people living in a four-roomed house. Workers in the Advice Office have become accustomed to being told that there are 15 to 20 people (30 and sometimes more living in one house. In April 1975, Mrs.

Helen/..



Helen Suzman M.P., told Parliament that the waiting list for houses in Soweto was at that time 17 225 families. Mr. Sam Moss, M.P.C., who was until recently a member of the West Rand Administration Board, says the figure is now 22,000 families. Last month the West Rand Administration Board said there were 10 739 families on the official waiting list at the end of December 1976, and that there is another list of 10 000 families whose male head was not born in Johannesburg. This statement has serious implications if it means as it appears to mean that the Board has separated those who qualify in terms of Section 10(1)(a) in order to give them priority over those who qualify in terms of 10(1)(b). No such distinction is made in the Regulations and it will be great cause for anger if this is the case. To this figure must be added the large number of families who do not qualify to be accepted onto the waiting list but who are working legally in the area and must live as lodgers in someone else's house, as well as the large number of people who are illegally living in Soweto, as described in the previous sections of this memorandum. The Regulations Governing the Control and Supervision of an Urban Bantu Residential Area, lays down that only a male person who is over the age of 21 years, who has dependants who is permitted to remain in the prescribed area in terms of Section 10(1)(a) or (b) and whose wife is domiciled in the prescribed area, may be allotted a house and be issued with a residential permit. This means that all families where the head is a female or where the male head does not qualify in terms of Section 10(1)(a) or (b) or where the wife of the male head is not domiciled in the area, do not qualify to rent a house. All such families are only eligible to be issued with lodgers' permits to live in someone else's house.

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Widows/..

Widows and divorced women who have minor children and qualify to remain in the prescribed area in terms of Section 10(1)(a) or (b) may now be allowed to remain in their houses after the divorce or the death of their husbands but no widow or divorcee will be accepted onto the waiting list. It is estimated that 2 500 new houses are needed annually in Soweto to provide for the natural increase of young people marrying and wishing a home of their own. This figure makes no provision for eliminating the backlog of families already on the waiting list. In 1974 1 009 new houses were built in Soweto and in 1975 761 new houses. (10

The Director of Housing for the West Rand Board said recently that houses are at present being built at the rate of 50 per month which gives an annual total of only 600. We have been approached this year by families who have documentary proof that they were placed on the waiting list in 1969 but are still waiting. Because of this shortage social conditions in Soweto have deteriorated rapidly. Thousands of families live in grossly overcrowded houses with the resulting build-up of tension and many more are unable to find anywhere permanent to live, and are compelled to beg a few nights lodging from (20

anyone who will take them in. Such a situation can only produce instability. Every residential permit, whether issued before or after the date of application of the regulations shall expire on the last day of the month for which it is issued. There can be no stability in any community where the large majority of residents have no security of tenure for more than one month at a time. This insecurity is increased by the powers given to the Superintendent to cancel a residential permit for a wide variety of reasons, including the holder being unemployed for a continuous period of more than 30 days, being employed for a (30

continuous period of more than 30 days outside the prescribed area/..

area, leaving the house or site for more than 30 days without the written permission of the Superintendent and ceasing to be in the opinion of the Superintendent, a fit and proper person to reside in the residential area. When a family is evicted from a house, whether through the death of the permit holder or for any other reason, its members are not only faced with homelessness but with the loss of all their furniture which, for urban people, is their only property. If they are forced to seek lodgings in a room in someone else's house they cannot keep all their furniture. More often than not they are in no (10 position to pay the cost of storage and, if they sell, the financial loss is heavy. This factor should not be under-estimated in assessing the alienation of the Black community. African people have not been allowed to invest in property in the towns and even with the re-introduced leasehold title to houses, cannot regard the ownership of a house as a profitable investment when normal market factors do not apply. Furniture therefore may represent the total investment of a lifetime's work. To be deprived of this by the action of the authorities is regarded as another act of oppression. It is our impression at the (20 moment that the present operation of the re-introduced leasehold provisions may be aggravating the insecurity of monthly tenants. It is well known that the West Rand Board is critically short of money and therefore anxious to raise capital by the sale of houses. It is unlikely that tenants who infringe the regulations even in minor ways, although to become technically ineligible to continue renting, although through unemployment fall into arrears with the rent, will be allowed much latitude before they are given notice to vacate their home. For example one old man in Chewelo who was a widower, was told to marry again (30 or to lose the house. He married a woman from the Louis Trichardt area/..

area who was endorsed out of Johannesburg nine days after the marriage took place. Her appeal was disallowed. He was exceedingly angry because he says he was not told "where he should marry". His daughter and her two minor children are enumerated on his permit and he will find it exceedingly difficult in the present overcrowded situation to find somewhere else to live with his family, if he is turned out of the house. Another man who lived legally in his uncle's house with his wife and two small children face literal homelessness when the uncle, who was a widower and old and frail, was ordered to vacate because he was in arrears with the rent. Although the nephew paid the arrears in full, the family were told on the 6th of December to vacate the house by the 8th of January. They tried to appeal but were told it was no good going on complaining because the house had already been sold. People have a right to lodge an appeal to the Manager within seven days against an order to vacate a house. They experience considerable difficulty in lodging such appeals. Recently ten men ordered to vacate their houses in Tembisa could get no official of the East Rand Board to accept their appeal affidavit and one of our Advice Office workers acting on the instructions of their attorney experienced considerable difficulty at the head office of the East Rand Board in handing over the documents. She was sent from one room to another and only when she announced that she was not leaving the building until the appeals were accepted, did she manage to lodge them. People in the West Rand area say the only official they are able to see, is the Superintendent who served the order to vacate and that he frequently refuses to accept the documents. Nowhere in Johannesburg do Black people have access to the Senior Administrative officials who actually make the final decisions. A residential

permit/..

permit shall specify the names, identity number dates of birth, relationship to the holder and ethnic groups of all persons who are entitled to reside with the holder thereof. No person may accommodate or permit any person who is not in possession of a current lodger's permit issued in respect of his site or building in the Bantu residential area, to reside on a site or in a dwelling or place under his control, unless such person is otherwise in terms of these regulations authorised to reside on such site or in such dwelling place. In order to enforce these clauses the West Rand Administration Board carries out (10 regular raids on the houses of residents in Soweto. These raids take place in the early, pre-dawn hours of the morning and are bitterly resented. People are roused and made to get out of their beds to have their names and identity numbers checked against the official list of registered occupants of the house. Those who are not enumerated on the residential permit and are not in possession of a lodger's permit, are arrested. We have been told that such arrested people are handcuffed together and made to walk through the streets with the Administration Board police as the systematic raiding and search of premises (20 goes on. The invasion of privacy, the arrest of people's close relatives, particularly of their wives and children, the fear engendered by the abrupt awakening in the night are cause of great anger. Also resented: (i) the regular increases of rental without consultation when there is no improvement in conditions in the townships and nothing to show that the money is being used for the benefit of the residents. (ii) the lack of street lighting and the high costs of electrical connections to houses even when the main cable is laid in the street; the controls imposed on alteration and improvements to houses and the (30 lack of compensation for these; the inadequate refuse collection and/..

and street cleaning; the high crime rate; the lack of telephones; the inadequate provision of recreational facilities; and the insistence on ethnic grouping which is particularly irritating to that section of the adult population which has been urbanised for many years and has long ago ceased to place value on ethnic identity. (iii) the West Rand Board's policy of removing all adult offspring of the registered tenant from the residential permit and forcing them to take individual lodger's permits at a charge of R1 per month, thus greatly increasing the total rental period by the family. (iv) the sale of liquor (10 to finance the Board's operations and the monopoly the Board enjoys of liquor and beer outlets in the townships. (v) the suspicion that, because of the shortage of accommodation, abuses occur and that some people are paying bribes in order to be allotted a house before their names can possibly have reached the top of the waiting list. Homeland Citizenship. When the Government announced that leasehold title was to be re-introduced in urban Bantu residential areas African people welcomed the announcement as an indication that the Government did intend to bring about some changes and would recognise the permanence of urban African (20 communities as part of South African society. They were therefore shocked when it was announced that application for a leasehold house would only be accepted if the applicant was in possession of a homeland citizenship certificate. This announcement came at a time when the imminent independence of the Transkei and the question of citizenship of that territory was beginning to be widely publicised. When the Bantu Homeland Citizenship Act No. 26 of 1970 was passed, few people understood the implications nor believed that it would be possible for the South African Government to deprive the majority of citizens of their South (30 African citizenship. Indeed Section 2(4) of that Act states:

A citizen of a territorial authority shall not be regarded as an alien in the Republic and shall by virtue of his citizenship of a territory forming part of the Republic remain for all purposes a citizen of the Republic and shall be accorded full protection according to international law by the Republic. People were not at that time forced to apply for homeland citizenship certificates and regarded as irrelevant the provision made in Section 2(2) of the Act that Every Bantu person in the Republic shall, if he is not a citizen of any self-governing Bantu territory in the Republic and is not a prohibited immigrant (10 in the Republic, be a citizen of one or other territorial authority area. People in the urban areas only applied for citizenship certificates if they wished to vote in elections for homeland legislative bodies and if they chose to identify themselves with their homeland. But over the last nine months the position has altered radically. 1. In October 1975, it was announced in the Press that those Africans wishing to apply for leasehold houses would have to be in possession of homeland citizenship certificates. There were immediate protests both from urban people and from homeland leaders. These protests were (20 ignored and on the 7th May, 1976, Regulations were published which amended the 1968 housing regulations as follows: A registered occupier who applies to purchase or erect a house shall - 1. produce evidence that he lawfully works or practices his profession within the urban area; and (2) possess a citizenship certificate. After the coming into effect of these regulations in the Bantu residential area, no site shall be allotted in the Bantu residential area for trading, business or professional purposes - except to a trader as defined in regulation 1 of ....provided that in the case of a person, such person shall be in possession of a (30 citizenship certificate; in the case of a partnership, all the partners/..

partners shall be in possession of citizenship certificates and in the case of a company, all the shareholders shall be in possession of citizenship certificates. It must be noted that people who qualify to and can afford to purchase a leasehold house and those who qualify to trade and have the ability to do so, are potentially the most stable members of the society. The requirement that they possess citizenship certificates causes the alienation of this group, which is settled in the common area, from the Government, the White administration and the White community. They are forced to apply for a citizenship which they totally reject and comply with a policy which they abhor. We welcome the subsequent decision by the Government that homeland citizenship certificates will not be required in future for the purchase of houses. Regulations under the Births, Marriages and Deaths Registration Act, were published on the 19th December, 1975 making it obligatory for the form of application for registration of a Bantu birth to include the homeland citizenship of both parents and of the child. Parents saw this as a forcing of homeland citizenship on all Africans, whether or not they wished to be citizens of a homeland. 3. The anxiety and resentment caused by these measures was then aggravated to fever pitch by the publication of the Status of the Transkei Bill. Section 6(1) of this Bill now Act, states: Every person falling in any of the categories of persons defined in Schedule B shall be a citizen of the Transkei and shall cease to be a South African citizen. Schedule B includes not only those persons born or domiciled in the Transkei or whose parents are Transkei citizens but also: (f) every South African citizen who is not a citizen of a territory within the Republic of South Africa, is not a citizen of the Transkei in terms of the previous paragraphs and speaks a language used by/..



by the Xhosa or Sotho speaking section of the population of the Transkei including any dialect of any such language;

(g) any South African citizen who is not a citizen of a territory within the Republic and is not a citizen of the Transkei in terms of the previous paragraphs and who is related to any member of the population contemplated in paragraph (f) or has identified himself with any part of such population or is culturally or otherwise associated with any member or part of such population. These provisions were widely reported in the press and it is our belief that they are known to and understood by a large number of the people in Black townships on the Witwatersrand and in other urban centres and that people now realise that it is the intention of the White Government of the Republic to deprive all Africans of their South African citizenship as the policy of separate development unfolds and as the homelands become independent countries. The foregoing has been confirmed in the months since 26 October when the Transkei became independent. Urban people who are refused issue of reference books are now told to apply for Transkei passports instead, those who are refused registration unless they first submit to having their fingerprints taken again as they are now foreigners, are angry and anxious and reject and resent the enforced deprivation of their South African citizenship. We are fearful for the future should the terms of independence for BophuthaTswana contain the same provisions. Although at the present time Section 10(1) rights are not affected by a person's citizenship, provided such person was born in the Republic, Black people are convinced that the intention of the Government is to force them into the homelands and to allow them back into the cities only for purposes of labour. Apart from the well-understood distinction between the legal rights of citizens of the Republic and promised "privileges" /..

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"privileges" which may or may not be extended to them as guest workers, Black people have the same emotional patriotism and love for the whole of South Africa, their fatherland, as do Whites. To them it is intolerable that they should be stripped of their citizenship and have their country taken away from them by a White Government and administration in which they are completely unrepresented.

CHAIRMAN: It is almost one o'clock, I am quite prepared to - there are two further pages, quite prepared to hear them out unless you are too tired and you wish to..? --- No I think (10 if Mr. Chairman..we should finish the next two pages.

You would prefer to finish? --- Yes.

Right. --- The Black Sash believes that the laws outlined in this memorandum are a fundamental cause of the existing anger and frustration in all urban Black communities and among Black people in the rural areas and in the homelands. Because these laws have been a permanent facet of life for African people for so many years, they may possibly not be seen as the immediate cause of riots and civil disorder, but we are convinced that when any crisis sparks off insurrection, the (20 pent-up fury and hatred caused by the pass laws increases the number of people willing to involve themselves in rioting, and means that a substantial proportion of the whole Black community gives tacit approval and support to those involved in violent action. In the riots which are the subject of the present inquiry, the immediate cause appears to have been the enforcement of the use of both English and Afrikaans as media of instruction in post-primary schools but we suspect that in addition to objections based on sound principles of education, Afrikaans has tragically come to be seen as the language of the minority (30 oppressor who enforces the pass laws upon a subject majority.

People/..

People are increasingly aware that were they to have effective political representation in the central government such laws could not be kept on the statute book. Further they are aware that until they enjoy political rights such laws are unlikely to be removed. Hopes were raised by the promises of intent to move away from discrimination made to the United Nations by South Africa's ambassador, promises which led the older, stable section of the Black community to think that after all, change might be brought about by peaceful means. These hopes have been frustrated by the lack of Government action (10 in any area which affects the life of the average Black South African. Conditions have worsened considerably in all important aspects of life for working people and their families. In addition, great anxiety amongst the older people and great rage among the younger members of the community have been caused by the repressive security measures adopted by the South African Government. The repression of political, trade union, cultural and social organisations by constant security police surveillance together with the imposition of banning orders and detentions of potential leaders for long periods without trial (20 has made it appear, even to the most moderate people that no change in the social economic or political ordering of South African society is likely to be brought about by consultation or peaceful means. We have been brought to a situation where the force used by Government to control the whole Black community is seen by that community to be so powerful that only violence and an equal degree of force can bring about change. The history of the language issue in schools as far as it is publicly known would seem to demonstrate that peaceful representations and the use of authorised channels of communication avail nothing. (30

It could be claimed that only violence achieved the redress sought

and/..

and there is a real danger of this concept spreading to the disadvantage of both Blacks and Whites. Where there are large numbers of young people deprived of all opportunities to fulfil their legitimate aspirations, where there are large numbers of men who are prevented from providing food, shelter and security for their families, where there are women who are prevented from holding their families together in stable conditions and where these grievances exist in a wealthy country where a small minority of the population lived in conditions of extraordinary privilege and prosperity there are (10 the classic ingredients for upheavals of the kind the Commission is investigating. What will happen if nothing is done to make changes of a meaningful kind is "too ghastly to contemplate".

DR. YUTAR: Do you hold any legal degrees, Mrs. Duncan? --- Pardon?

Do you hold by any chance any legal degrees? --- No, I don't.

I have no questions.

CHAIRMAN: Thank you very much Mrs. Duncan, what has been said.. you will remember that if you wished to be present when this (20 particular memorandum of yours is dealt with by the Administration naturally you are welcome, you are welcome to all sessions for that matter and if you wish to put anything else before the Commission, the Commission will...(intervenes).

DR. YUTAR: M'Lord, my Learned Friend would like to put three short questions to this witness, if your Lordship will allow it.

CHAIRMAN: Yes.

MR. TUCKER: Mrs. Duncan, what has been the attitude of the Department of Bantu Administration and the West Rand Administration Board and other Administration Boards, to any attempt at (30 intercession or attempts by your organisation to obtain information/..

information concerning a particular case? --- Non-co-operative, at times actively hostile to the prejudice of people who have come to us for help.

Have you kept any form of record of percentage..cases successfully concluded? --- Yes, during the year ending March, 1976, it was about 22,4% of new files, of files opened in that year.

And would you say that any substantial portion of those matters could have been successfully dealt with by the Department concerned if they had investigated them properly themselves? --- Yes, well the fact that we have been able to close a file successfully means in fact that the administrative procedures have at last been undertaken, because there is no way that people can get alterations in the law, therefore if the officials had carried out the correct procedures, would confirm those people should never have been in the position they were in in the first place. (10

Thank you.

CHAIRMAN: Thank you very much.

NO FURTHER QUESTIONS

COMMISSION ADJOURNS UNTIL 2 O'CLOCK

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