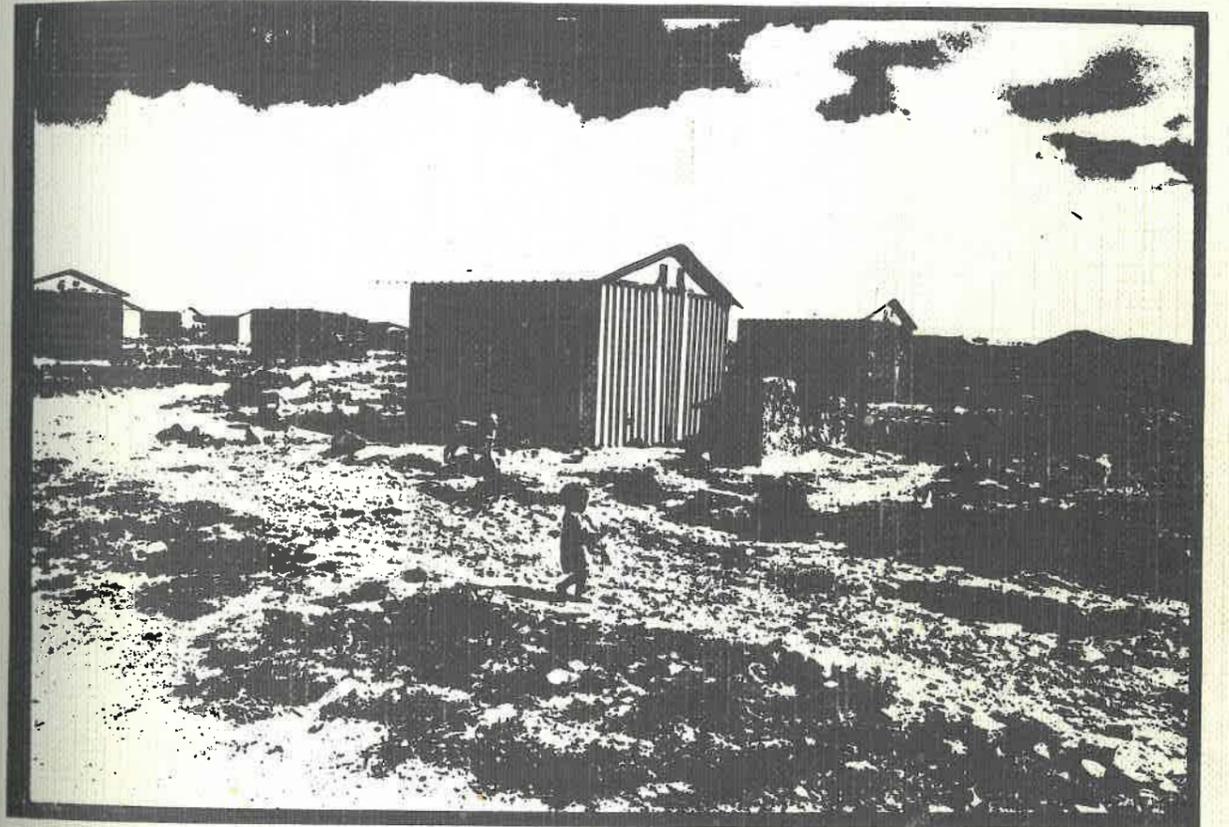


FORCED REMOVALS IN SOUTH AFRICA



THE SPP REPORTS VOL 1

GENERAL OVERVIEW

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⁺ This map was compiled by Ethel Walt, for the Black Sash, and published in 1982. SPP would like to express its warm appreciation to the Black Sash for making their map available for its report.

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GLOSSARY

CATEGORIES OF RELOCATION

Relocation Removals Resettlement	All three terms are commonly used to describe both the overall policy and the processes involved in the massive, State-sponsored removals of people (almost all of them black) from one area to another that have characterised the apartheid system. SPP has favoured using either 'relocation' or the more descriptive 'removal' (or 'forced removal') in preference to 'resettlement' since 'resettlement' implies some accrual of benefit to the people who are moved and disguises the coerced nature of these population movements.
Consolidation	This is the official term used to describe the policy developed by the central government in the 1970s to reduce the number of separate, isolated pieces of land making up each of the bantustans (see below); it is part of the process of turning these areas into independent 'national states'.
Betterment planning	This refers to the schemes introduced by the central government in the african reserves since the 1930s and 1940s in an attempt to control land usage and thus improve and rationalise reserve agriculture. Under betterment, tribal areas are divided into residential and agricultural land and the people living on the land moved into rural villages.
Black spot	See below.
Influx control	This refers to the network of legislation and regulations which controls african access to the urban-industrial centres situated in what is claimed to be white South Africa; it severely limits the numbers of african people allowed to live and work there to those deemed to qualify in terms of Section 10 of the Urban Areas Act of 1923, as amended.
Urban relocation	This refers to the deproclamation of african townships falling within prescribed (see below) urban areas, and their removal to newly created townships within the boundaries of the bantustans. Physical removal does not always occur, as the boundaries of the bantustan can also be redrawn in order to encompass already existent townships within its boundaries.

CATEGORIES OF RURAL LAND

Reserve Bantustan Homeland National state	These are the terms that have been officially applied to the african areas by the central government at various stages of recent South African history. 'Reserve' dates from the pre-apartheid period; the last three terms represent stages in the evolution of the policy of apartheid and refer to the various ethnic political constructions that have been created on the basis of the former reserves: Transkei, Ciskei, KwaZulu, Qwa Qwa, Bophuthatswana, KwaNdebele, Kangwane, Lebowa, Gazankulu and Venda. 'National state' is the most recent term to have been coined. SPP has chosen not to use either 'homeland' or 'national state' because of their unacceptable ideological bias. They present an image of these territories as economically viable, politically separate entities that are the only true and traditional 'homes' of the african people of South Africa, themselves divided along ethnic lines, and thus serve to justify the apartheid policy. Where possible we have referred to the various territories by name directly (e.g. KwaZulu, Ciskei etc.); otherwise, depending on the context, we have used 'reserve' or 'bantustan'.
--	--

Scheduled land	Land set aside in terms of the Natives Land Act of 1913 for occupation and ownership by africans. The schedule to the Act was based on the existing african reserves and locations and amounted to about 8,98 million ha.
Released land	Additional land set aside for african occupation and ownership, to be added to the scheduled areas, in terms of the Native Trust and Land Act of 1936. The total amount to be released in South Africa in 1936 amounted to about 6,2 million ha. Some of this was land that was already occupied or owned by africans; the balance had still to be acquired by the South African Native Trust (SANT, later SABB, then SADB) which was established at this time.
Quota land	The total amount of land to be added to the scheduled areas in terms of the 1936 land legislation was apportioned between the four provinces on a quota basis; that amount represented the maximum area that could be occupied or owned by africans in each province. The total area of african land (scheduled and released) was thus fixed at a little below 13% of the total area in South Africa.
Trust land	Land purchased by the State in terms of the 1936 land legislation and administered by the SANT/SADB.
Black spot	This is an official term that is generally used to refer to african freehold land which was acquired before the 1913 Land Act and which lies outside the scheduled or released areas. It is one of the categories of land threatened with removal because it falls within what is considered the white area. In the SPP report we have used this term to refer to all african freehold land that is under threat of removal, including land falling within scheduled or released areas that are to be moved in terms of the consolidation policy.
Badly situated areas	This is a term used by the authorities to describe scheduled or released areas (tribal and, in some instances, freehold) that are to be moved because of the consolidation policy. Officials often use this term and 'black spot' interchangeably and SPP has tried to avoid using the term altogether.
Excised land	Land which has been or is to be excised from the bantustans in terms of the consolidation policy of the government.
Added land	Land which has been or is to be added to the various bantustans, in compensation for the areas to be excised in terms of the consolidation proposals of the government, so as to meet the quota of land set in 1936 constant.

CATEGORIES OF URBAN / RESIDENTIAL AREAS

Prescribed areas	Prescribed areas are proclaimed or deproclaimed by means of a notice appearing in the Government Gazette; they take in all the white urban areas and the presence of africans in them is governed by influx control regulations.
Townships	Residential areas set aside for african, indian or coloured occupation, usually situated adjacent to or within commuting distance of a white urban area on which they are economically dependent. Conditions in these areas vary, but generally formal housing is provided for rent, and sometimes for sale. These areas are generally better off with regard to services and facilities than are the closer settlements described below.
Group areas	These are areas that have been proclaimed solely for occupation by members of a particular race group, either white, coloured, indian, in terms of the Group Areas Act of 1950. The Act also affects trading rights and inter-racial property transactions.

Informal settlements	Areas of settlement which are not planned or approved by the local authorities or the State. Housing is erected by the occupants of the land themselves, generally out of unorthodox building materials. The areas are often densely populated and generally poorly serviced.
Deproclamation (of a township)	The process by which the legal procedure for establishing an authorised african township is reversed. This is a necessary preliminary step before such a township can be relocated.
Closer settlement	The official term used to describe a type of settlement established for african people on reserve or Trust land that is for residential purposes only - no agricultural land is attached - and far more rudimentary in the type of facilities it has than a township. People who are removed off black spots and white farms are generally relocated to these settlements. They are provided with temporary accommodation and are expected to build their own permanent houses. Facilities vary but generally (not always) include pit latrines and a communal water supply point/s.

CATEGORIES OF PEOPLE

black african indian coloured	In terms of the Population Registration Act of 1950, everybody in South Africa was classified according to their 'race' as defined by the Act; the four major classifications being established as 'White', 'Native' (subsequently Bantu, subsequently Black), 'Coloured' and 'Indian'. This is another example of language being manipulated by the government to promote the ideology of apartheid. In this report the term 'black' is used to include all those who are disenfranchised and are not classified as white; it thus includes all the people who are officially classified as Bantu/Black, Coloured or Indian. However since the apartheid legislation affects these different sections of the black population differently in certain important respects, it is often necessary to distinguish between people along the official lines and in those instances we have used the terms 'african', 'indian' or 'coloured'. We have deliberately not capitalised the first letter in 'african' or 'indian' because we do not wish to legitimise the ideology of ethnic divisions and racism implicit in their usage.
Labour tenants	These are african families living on white-owned farms who supply their labour to the landowner for part of the year (3 - 9 months) as a form of rent, in return for the use of some of the land for themselves. Historically the most widespread form of farm labour in the northern parts of the country, the labour tenant system was finally abolished by the government entirely in 1979.
Rent/cash tenants	The term 'rent' or 'cash tenants' has been used in the report to refer specifically to those african families living on white-owned farming land who have commonly been referred to as 'squatters', because they are not labour tenants or full-time farm workers, but who do pay a cash rental for the land. The term has been used to distinguish them from labour tenants. The government has over the years acted to eliminate this class of people.
Squatters	This is another ideologically loaded term. It is used in the report to refer to people living illegally on land without the permission of the landowner. The official use of the term is far broader and looser and it may be used to describe any black person whose presence on a particular piece of land is not approved of by the authorities, regardless of the nature of the agreement between the occupant and the landowner. It has been used to describe people living on white-owned land, on black-owned land, both within and without the bantustans, on tribal land and on State land.
Commuters	The term has been used in the report to refer to workers who work outside of their place of residence but who are able to travel to and from work on a daily or weekly basis, i.e. as distinct from migrant workers (who only return home monthly or annually) or people working in the place where they live. We have not restricted the use of the term to workers travelling between bantustan settlements and non-bantustan centres of employment only, which is the official usage.

GENERAL PREFACE TO THE S.P.P. REPORT

Within days of announcing a reprieve for the Crossroads community outside Cape Town, in April 1979, the Minister of Cooperation and Development, Dr P.G.J. Koornhof, confirmed that 656 african families would be removed off tribal and african freehold land in the Tugela Basin in Natal, to make way for the building of the Woodstock Dam. The latter removal received an obscure report in the press and was forgotten in the wave of euphoria which marked the Crossroads Settlement. In April 1979 Total Strategy (against the Total Onslaught) was at its peak and ad hoc decisions appeared from a number of Departments serving, in this case, to highlight contradictions in the apartheid system.

While Crossroads had been the focus of national and international attention from the churches, liberal organisations and those in opposition generally, it was by no means the only community under threat of removal. Factors which helped Crossroads into the limelight included firstly, the fierce resistance of the people to be moved; secondly, its proximity to a metropolitan area (and therefore press, concerned public, welfare organisations and university resources) and thirdly, the recent demolition of all other squatter communities in Cape Town.

The idea of establishing the Surplus People Project, as a national research project on relocation, took root at this time in response to these events. Some people who had been involved in the Crossroads support group were unconvinced of the desirability of the Koornhof deal there and felt the need to focus on forced removals throughout the country, particularly in the rural areas where access was difficult, resulting in relocation unknown to outsiders. It was felt that an update of The Discarded People by Cosmas Desmond was due, looking particularly at what had happened during the 1970s since the publication of Desmond's study. At the same time Gerhard Maré was compiling African Population Relocation in South Africa, for the South African Institute of Race Relations; this raised the general issue of relocation and suggested further areas of work. After consultation with various community workers and academics, it was decided to hold a seminar of interested people to see if a national project on investigating relocation and raising the issues in public could be launched. The first meeting was held in February 1980. It was attended by 23 participants, most of whom became the core of the project which adopted the name Surplus People Project (SPP).

The objects of the project were established then as follows :

1. To co-ordinate and initiate research projects into population relocation in South Africa, and anything which has a bearing on such relocation
2. To work in conjunction with other groups and individuals who are engaged in similar work
3. To publish the results of the research in any manner that is decided by the management committee
4. To engage in any activity which is deemed by the management committee to be necessary to the adequate fulfilment of the above objects.

Initially the project was intended to last one year, but this became clearly inadequate

and while funds were raised for that period, they were stretched to cover three years. Sincere thanks are expressed to the Interchurch Co-ordination Committee for Development Projects in the Netherlands for its financial and moral support.

The Surplus People Project derives its name from obvious sources. As a result of increased capitalisation of industry, agriculture and mining relatively fewer unskilled workers are demanded by the economy. The changing nature of capitalist development in South Africa has resulted in an increased demand for skilled workers, hence an attempt on the part of the ruling class to consolidate an urban black population with a stake in the system, and the determination to rid white South Africa of the unproductive, unemployed, disabled and youth. From surveys and field work it has become clear that there are thousands of people who will never gain access to employment in urban areas and unless they are prepared to work for R1,00 per day on white owned farms, where there may still be some work, they have been made redundant permanently. These surplus people will never enter the wage labour market under the present economic system.

However, during the course of the project, it has also become clearer to those involved in it that relocation has not been used only against those surplus to the economy's needs. Large numbers of skilled workers and employed people generally have been relocated under the group areas and urban relocation policies, for instance, while the removals linked to the consolidation planning of the 1970s have had a major political component to them. The original conceptualisation of what the project was investigating, as reflected in its name, has been broadened as a result.

The Surplus People Project was created as a voluntary group with a part-time national co-ordinator and a small steering or management committee for administrative matters. The strengths and weaknesses of a voluntary group were continually present. The experience from so varied a membership, based in Cape Town, Grahamstown, Durban, Pietermaritzburg and Johannesburg but with other participants from the length and breadth of the country, was very valuable. There was a healthy mixture of theoreticians and practitioners with each learning from the other. For the first time many of the academics were involved in field work while community workers, priests and health workers were introduced to theoretical material which helped explain what they had observed for years. But the difficulties of voluntary work lie in the co-ordination of work and the responsibility of members to the group when it comes to working to deadlines. Some dropped out of the group and others joined. Those left to the end have had the major task of collating and writing up the masses of material collected.

The State intervened at various stages: Guy Berger, an early participant, was jailed (under the Terrorism Act) for other activity; Cedric de Beer and Auret van Heerden were detained for over ten months and released without being charged. A number of other participants were detained for shorter periods in connection with other alleged activities. Field workers were harassed at various times.

It became clear that while a national understanding was essential, the whole country could not be covered in the same detail. Some areas were more accessible, both in terms of proximity to metropolitan areas and the level of political repression e.g. KwaZulu, other areas exhibited less relocation on a mass basis e.g. Transkei. In the case of the Transkei it was decided that the Eastern Cape group could not deal in depth with more than the Ciskei where mass removals have taken place on a very large scale and some of the worst conditions in the country occur. Relocation in the Transkei is therefore dealt with only as a chapter in their regional report. The national 5-volume report attempts to be comprehensive but it cannot claim to be uniformly reliable. It is, however, the most up to date and the most comprehensive account yet published.

While it is always difficult to offer the right proportion of thanks to organisations and individuals, two organisations deserve special mention: AFRA (Association for Rural Advancement) in Pietermaritzburg for making the services of Cherryl Walker available at all times for research and fieldwork (which accounts for the Natal volume being so much

more detailed than the others) and SALDRU (South African Labour & Development Research Unit) at the University of Cape Town for giving so generously of staff time, and facilities for computer processing and printing. The churches, particularly the Church of the Province of South Africa, the Roman Catholic Church, the Lutheran Church and the South African Council of Churches cooperated warmly. Without their networks and contacts this project would not have been possible. Sincere thanks go also to the Black Sash, South African Institute of Race Relations, PACSA (Pietermaritzburg Agency for Christian Social Awareness and Action), Diakonia and the Community Research Unit, both in Durban, the Legal Resources Centres in Johannesburg and Durban, the Centre for Applied Legal Studies at the University of the Witwatersrand, journalists and many people from universities and institutions too numerous to mention.

SPP participants include:

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Jeanne Chunnnett	Colin Murray
Jacklyn Cock	Jean Ngubane
Josette Cole	Jeff Peires
Carole Cooper	Laurine Platzky (Co-ordinator)
Cedric de Beer	Andre Roux
Saul Dubow	Ina Roux
Ross Duncan Brown	Garth Seneque
Toni Duncan Brown	Thabe Shange
Jeremy Grest	Janet Shapiro
Jenny Grice	Judith Shier
Priscilla Hall	Charles Simkins
Ron Hall	Janet Stanford
Kirk Helliker	Pauline Stanford
Lindile Jela	Farouk Stemmet
Jenny Kirk	Clare Stewart
Marian Lacey	Barry Streek
Pat MacCartan	Auret van Heerden
Ben MacLennan	Cherryl Walker
Mondi Makiwane	Nick Wellington
Augustin Marapong	Joanne Yawitch
Gerhard Maré	Helen Zille

Much of the production and co-ordination has been done by Laurine Platzky (National co-ordinator of the project), Cherryl Walker (Natal) and Priscilla Hall (Eastern Cape).

Cape Town
January 1983

Preface to Volume One

As a result of three years research, the Surplus People Project presents five volumes of reports on mass removals or population relocation in South Africa, concentrating on the last 10 to 15 years. It was decided to present the results on a regional basis in five volumes :

- Volume 1 : Overview
- Volume 2 : Eastern Cape
- Volume 3 : Western Cape, Northern Cape and Orange Free State
- Volume 4 : Natal
- Volume 5 : Transvaal

Volume 1, the Overview, is an integral part of the set giving a brief background to relocation from a geographical, historical and legal point of view. While Volume 1 is an introduction, it could be used as an incomplete summary. However, all readers are urged to consult the regional volumes where material is presented in detail, with comprehensive contents and index lists to aid the researcher. The points made very briefly in this volume are expanded upon and refined in these regional reports.

This volume deals with a few selected aspects of the subject from a national perspective. After summarising the main features of relocation in South Africa in the last 10 to 15 years and presenting figures which indicate the enormous scale of the removals carried out in the name of apartheid, chapter one examines the regional variations that exist in relocation around the country. The research experience of those involved in SPP has made it clear that it is extremely important to understand both the similarities and the differences in the application of apartheid policies throughout the country. South Africa cannot be analysed as a homogeneous oppressive State. Within the country there are significant differences in economic, climatic, historical and political conditions which have interacted to produce the regional variations. One only needs to consider why there has been fierce resistance to removal in parts of the Eastern Transvaal and not in others, or why the KwaNdebele administration is so much more repressive than that of KwaZulu to illustrate this point. These issues critically affect the survival conditions of the poverty-stricken masses who have been forced out of the urban areas, off white farms and away from land they previously owned into the rural areas.

In this and the other volumes, relocation has been analysed primarily in terms of categories of removal. The debate that has developed on the limitations and the usefulness of this approach is referred to in this first chapter as well.

The second chapter gives a very brief historical background to the policy of mass removals. Aspects of this background are developed further in the regional reports. This is followed by a chapter discussing the methodology used in the 21 detailed household surveys undertaken by SPP as part of its research and the reliability of the results that were obtained. (The results themselves are incorporated into the regional reports.)

The final chapter, on relocation and the law, summarises the provisions of the major pieces of legislation that are used to implement removals. This is intended as a guide to an area that is enormously complicated and under-researched, and has been rarely tested in court. It is hoped it will be a useful introduction for community leaders, community workers and concerned lawyers.

Volume One concludes with a select bibliography on relocation. This is a national bibliography and does not include literature relating to a single region only; these local references are listed in the more detailed bibliographies attached to each of the regional volumes.

Preface to Volume One SECOND IMPRESSION

Since the Surplus People Project was launched five years ago, the government has moved at least 300 000 more people. And since the five volumes of reports FORCED REMOVALS IN SOUTH AFRICA were published in June 1983, the government announced the biggest single removal in South African history: all africans in Cape Town were to be moved, the 'legals' to Khayelitsha, 35 km from the city centre, the 'illegals' to Ciskei and Transkei.

In June 1984 President P W Botha stated in Berne, Switzerland, that the government does not force people to move to new homes, but "we coerce them." He corrected himself and said that the government "convinced" people to move. (STAR 14 06 84)

The relocation programme has not stopped. If strategies such as dividing the communities, spreading rumours, intimidation and harassment do not succeed in getting people to move themselves 'voluntarily', violence is directly employed to force people to move. For example, despite international outcry and strong local resistance, in February 1984 the Western Transvaal black spot of Mogopa was sealed off from the public, and the people were loaded up and moved to Pachsdraai near Zeerust.

The government has reprieved a few communities where resistance was well-organised. In some cases, such as Huhudi in the Northern Cape and Leandra in the Eastern Transvaal, not all the residents will be allowed to remain. People will be divided into 'legals' and 'illegals', homeowners, tenants and lodgers, etc, so that some will benefit and others will not and this will cause more friction. Over the past five years only Sekgose in the Northern Transvaal has been reprieved for all residents.

Many communities threatened with removal have not yet been moved. Before he became Chairperson of the President's Council in September 1984, Dr Koornhof confirmed that various Transvaal black spots including Mthopetad and Motlatla would be moved shortly.

Consolidation proposals have been published for some bantustans but not for Kwa-Zulu, where the majority of those threatened with removal for consolidation live.

This second printing of Volume One has not been updated. Only the most important

sections have been revised: numbers removed and threatened, the regional overview, the Orderly Movement and Settlement of Black Persons Bill (which has been withdrawn but replaced with various other means of controlling africans) and new items for the bibliography.

Volume One is a general overview. It is the introduction to the other four volumes which are also being reprinted. A more analytical overview of relocation is the SPP book written by Laurine Platzky and Cheryl Walker, *THE SURPLUS PEOPLE*. This book analyses the history, the process, state strategies and plans and the people's resistance. It examines the tactical changes yet consistency of the relocation policy. Case studies form an integral part of the book.

NUMBERS REMOVED AND THREATENED WITH REMOVAL

(refer pp 5-8)

During the 1984 parliamentary session Dr Koornhof challenged SPP's figure of 3,5 million removals since 1960. The press clippings¹ indicate the nature of the debate. Dr Koornhof argued that farm removals were not forced by the government. SPP continues to count the 1,1 million evicted from the farms as forced removals. Although they may not all have been trucked to the bantustans, the political, legal and economic systems force them to leave land they have known all their lives, even if they have not owned it. They have no legal choice but to go to the bantustans. They may not go to the cities. They have no chance of employment - they cannot compete with more educated people for jobs in commerce or industry. They are forced to eke out an existence in some overcrowded, overgrazed bantustan. They are the worst affected by relocation.

SPP did not include influx control in the 3,5 million removals. A recent study has shown that 17,2 million people have been prosecuted under influx control laws between 1916 and 1981/2. They were not all physically moved, that is why they have not been included.

The following two tables have been taken from the forthcoming book, *THE SURPLUS PEOPLE*:

ESTIMATED NUMBERS REMOVED BY CATEGORY AND REGION, 1960 - 1983

	E. CAPE	W. CAPE	N. CAPE	O.F.S.	NATAL	TVL	TOTAL
FARMS	139 000		40 000	250 000	300 000	400 000	1 129 000
BLACK SPOTS ⁺	10 000 ?		40 000	40 000	105 000	280 000	614 000
CONSOLIDATION	9 000				10 000	120 000	
URBAN	151 000 ?	32 000	20 000	160 000	17 000	350 000	730 000

1. Daily Dispatch 16 05 84 and Cape Times 19 05 84

INFORMAL SETTLEMENTS	12 000	a	50 000	50 000 ?	b		112 000
GROUP AREAS	-----c-----	409 000	-----	14 000	295 000	142 400	860 400
INFRA-STRUCTURAL	30 000				18 500	5 000	
STRATEGIC	50 000 e		d	f			103 500
TOTALS	401 000	32 000	150 000	514 000	745 500	1 297 400	3 548 900
	& G A	& G A	& G A				

Notes:

- Major category of relocation affecting many thousands but difficult to quantify how many moved
 - Some informal relocation included in above categories
 - Figures for the Cape to the end of 1982
 - Already included under Black Spot/consolidation
 - People from Glen Grey/Herschel to Ciskei
 - Movement of Kromdraai people to Onverwacht included in previous figures
- † Black Spots - freehold land owned by africans or missions in areas declared for white ownership and occupation only

ESTIMATED NUMBER OF PEOPLE UNDER THREAT OF REMOVAL BY CATEGORY AND REGION, 1983

	E. CAPE	W. CAPE	N. CAPE	O.F.S.	NATAL	TVL	TOTAL
FARMS	150 000	?	?	?	?	?	1 000 000
B S & CONSOLIDATION	38 000				245 000	60 000	1 093 000
URBAN	84 000+	250 000	25 000		61 000	12 000	432 000+
INFORMAL	170 000+						170 000+
G AREAS	-----23 500-----	c-----		150	13 000	17 500	54 150
INFRA/STRATEG	33 000					2 500	35 500
TOTALS	475 000	250 000	25 000	150	619 000	542 000	2 784 650
	& G A	& G A	& G A				

REGIONAL OVERVIEW

(refer pp 8-10 Volume One)

E. CAPE

Since Ciskei took 'independence' in 1981 more than 2 million people have lost their South African citizenship.

Seven black spots between Ciskei and Transkei are threatened with removal in the next few months. In June 1982 the people of the black spot Alsatia were moved to Frankfort, which is Trust land to be incorporated into the Ciskei.

W. CAPE

On 30 March 1983 Dr Koornhof announced that all africans in Cape Town would be moved - the 'legals' to Khayelitsha and the 'illegals' to the Ciskei and Transkei. The existing townships are to become 'coloured' areas. In March 1984 Dr Koornhof said there were 229 000 africans in Cape Town. In September 1984 the new head of the Department of Cooperation and Development, Dr Gerrit Viljoen, estimated 100 000 of them were illegally in Cape Town.

The government has promised that they will not be forced to move. But people are being forced to move by circumstance. Nurtured divisions within the squatter areas are very serious. Violence erupts regularly. As a result many people are only too relieved to be offered a core house or a place to squat in faraway Khayelitsha. But Khayelitsha core houses will be for 'legals' only. It is the most recent and blatant attempt to tighten control on africans in the Western Cape.

At the Cape National Party Conference in September 1984 P W Botha announced that the Coloured Labour Preference Area policy would be scrapped and that 99-year leasehold would be introduced for the Western Cape - in Khayelitsha and certain (unnamed) other townships. This is a concession to big business and industry. It is an attempt to attract the private sector to build at Khayelitsha and to encourage people to move there. The government has withdrawn Phases 2 and 3 of New Crossroads and told the squatters that they will be the first to be moved.

N. CAPE

Huhudi, the township of Vryburg, has been given a (partial) reprieve. It seems that only certain homeowners will be allowed to remain, while those on waiting lists and those who live in condemned houses will still have to move to Pudumong in Bophuthatswana. Those to be moved may not build their own housing in Huhudi, and the officials claim that there is not enough money available to build for them. The business sector is arguing for 'legals' only to remain in Huhudi.

ORANGE FREE STATE

It is estimated that more than a quarter of a million people are now living in Onverwacht or Botshabelo, as it is officially designated now. While some solid houses, schools and shops have now been built, the vast majority of this sprawling rural slum live in desperate poverty and appalling conditions.

TRANSVAAL

The 1975 consolidation proposals have been succeeded by the 1983 plans. With the exception of Bophuthatswana, the plans are secret. Internal removals are likely to increase as ethnic groups are sorted into the relevant bantustans. Most removals from the white area have been completed but vast numbers of people will probably be shifted from one bantustan to another.

There are rumours that the Ingwavuma land deal will be revived, that the Temba

tribe on the Swazi/Mozambique/South African border may be persuaded to demand independence from KwaZulu and request consolidation with Swaziland.

Much of the information on black spots is speculative because dates have not been set for the removals, and the communities continue to resist relocation. Mathopestad is rumoured to be cleared in December 1984. KwaNgema and Driefontein will have to move about March 1985 because the dam waters will have risen with the summer rains. While KwaNgema has enough land to accommodate residents, Driefontein does not and needs more compensatory land.

NATAL

The consolidation proposals have still not been completed and thousands of people therefore continue to live in insecurity and fear of removal.

A number of new sites are being prepared near Ekuvukeni in the Ladysmith district for the communities of Matiwanes Kop, Jononos Kop and others. Some, such as Matiwanes Kop, adamantly refuse to move and demand that the money set aside for their relocation be spent upgrading their existing facilities.

Forced removals continue. At the end of November 1984 250 people, categorised 'squatters', were moved from the Berlin Mission farm of Stendahl, where they had lived for generations, to Waaihoek near Ekuvukeni.

AFRA continues to monitor relocation in Natal and work with affected communities.

Cape Town

December 1984

W. CAPE

In February 1985 18 people were killed and more than 230 wounded in Crossroads when residents and police clashed over a rumour that the people were to be moved to Khayelitsha. As a result the townships were granted 99-year leasehold, relieving them, and phases 2 and 3 of New Crossroads were reintroduced. The government cleared 'Site C' near Khayelitsha and in six weeks moved 30 000 people there giving them 18-month permits to live in Cape Town. However, up to 80 000 people still refuse to move. They demand full rights where they are. The Minister has still not given a guarantee that people will not be coerced to move to Khayelitsha.

TRANSVAAL

No more black spots have been moved but, for example, Mathopestad is threatened by official attempts to find people who may agree to move, in line with the statements of the Minister of Cooperation and Development on 1 February 1985 that where 'leaders' agree to move the community will be moved. He also claimed that Magope was a negotiated removal.

Cape Town

June 1985

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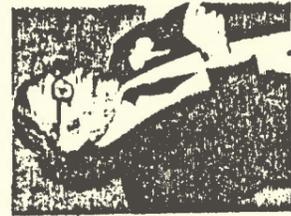
Govt's removal figures attacked

Political Staff

THE Surplus Peoples Project (SPP) yesterday accused the Minister of Co-operation and Development, Dr Piet Koornhof, of giving "incomplete, incoherent and misleading statistics" about relocation in South Africa.

It also called on Dr Koornhof to provide reassurances to communities living in fear of removal and accused him of planning the "biggest single removal ever" with the proposed resettlement of the African population of Cape Town in Khayelitsha.

Earlier this week, Dr Koornhof criticized the SPP finding that 3.5 million had already been relocated in South Africa.



Dr Piet Koornhof

At a three-hour press conference, Dr Koornhof also accused the SPP of creating propaganda against South Africa.

In a statement yesterday, the SPP said it was "extraordinary" that Dr Koornhof should have quibbled about the inclusion of Group Areas Act removals in the SPP total.

"These bitterly resented relocations make up nearly a quarter of the SPP total of 3.5 million removals. They are not part of the normal process of urbanization."

"They are quite specifically a part of apartheid policy," it said.

The SPP also said Dr Koornhof had mentioned that just under 50 000 removals had resulted from "action tak-

rather than elsewhere".

The SPP said the Department of Co-operation and Development had changed its name several times during the past 25 years.

"One thing remains constant however, its habit of issuing incomplete, incoherent and misleading statistics about relocation."

Dr Koornhof had admitted that suffering had been caused by removals but had said this had been limited and that the magnitude of suffering had been matched by the sacrifices of whites.

"This is totally unacceptable. All our evidence suggests that both these propositions are untrue."

"Either the minister is misinformed or he is attempting to justify the unjustifiable by discrediting the SPP's work with quarrels over statistics or 'ideological orientation'."

The SPP had made its reporting and analysis as accurate as it could and it belonged to a long and honourable South African tradition of independent research and commentary.

"It is Dr Koornhof's failure to respect the report on this basis that does South Africa no credit."

It concluded by pointing out that its report was published in June 1983. This had left it wondering why Dr Koornhof and his department had decided to comment on the report at this particular moment, the SPP said.

CAPE TOWN — A report that over 3.5 million blacks had been relocated since 1960 was a "damned good piece of propaganda against the country," the Minister of Co-operation and Development, Dr Piet Koornhof, said yesterday.

He put the official figure at 1 971 908 and said the Independent Surplus Peoples Project five-volume report was filled with generalities, glib statements, carefully chosen words, distorted and out of context facts and half-truths.

He told a three-hour press conference his department had conducted a comprehensive study to check the figures which had a specific political purpose in mind.

Official figures gave the number of relocations of blacks within white areas, including removals from old to new and improved areas as 979 034.

Removals from white areas to national and independent states, including resettlement from urban black townships incorporated into these states, came to 437 321.

Actions undertaken by chief commissioners, chiefly from rural areas, affected 48 693 people,

POLITICS

Koornhof rejects relocation figure

the process of consolidation which was not a brainchild of the Nationalist government. It had started in 1944 and progressed "not incorrectly" up to the present.

Consolidation had almost been completed — with only some 80 000 ha to go — and relocation of people was coming to an end.

There was no denying that some removals had taken place with a measure of force, but these cases had invariably involved minorities who had gone against the majority of their community's decision. These sort of situations had been "blown up".

Mention was seldom made of the hundreds of thousands of blacks on white farms who were eager to be resettled on land of their own where there was infrastructure available.

No mention was made of the thousands who had streamed to Kwanabele of their own will.

On demolition of squatter camps, Dr Koornhof pleaded for "some understanding".

No responsible government anywhere could allow haphazard squatting to develop to the extent that law and order got out of hand — SAPA.

while removals from "black spots" and poorly situated areas amounted to 456 860, to total 1 971 908.

Dr Koornhof, accompanied by his two deputies, Dr George Morrison and Mr Ben Wilkens, and senior departmental officials, emphasised that he was not attacking the report.

Its contents had been used against the government and he had been challenged by the opposition to reply to it.

The report also said a further 1 765 500 people were under the threat of removal, but Dr Koornhof said not even he could say how many people would still be moved.

He rejected the label of "surplus people".

"For us there are no surplus people," he said.

The report had ignored the realities of history — that there were separate groups among blacks.

Dr Koornhof agreed that removals had caused hardship and suffering to many whites as well as blacks, but many thousands more had not suffered and relocations had led to improved socio-economic conditions.

The policy of removals was not a goal in itself, but a means to an end —

Daily Dispatch 16 5 84

Cape Times 19 5 84

1. AN OVERVIEW OF RELOCATION IN SOUTH AFRICA, 1960-1982

Since the early 1960s the South African State has uprooted and relocated well over three and a half million people in the name of apartheid; approaching two million people at least are threatened with removal in the near future. (Detailed figures are set out in section 3 below.) The people who have been moved have, with the exception of a tiny number of whites affected by the Group Areas Act, been black : disenfranchised, debarred from participating in the government that has passed the laws and enforces the regulations that govern these removals.

The relocation of black people has been carried out throughout the country, from Cape Town to Louis Trichardt, from Kuruman to Kosi Bay. The dimensions and spread of removals are catalogued in the regional reports. Although there are significant regional variations in the history, the nature and the style of removals (touched on briefly below and drawn out in subsequent volumes), the issue of relocation and the dislocation and dispossession of millions of people as a result is all-pervasive. The GG trucks, the rows of latrines, the crude temporary huts staked out in the veld, the numbers painted on the buildings of threatened communities, the ruins of destroyed homesteads and communities, these have been and are central features of South Africa under apartheid.

The removals described in this report have been forced. The force has been both structural - coercion is built into the web of discriminatory and oppressive laws and institutions restricting black freedom of movement and access to land - and specific to the particular instances of relocation. Sometimes the violence with which people are removed is direct - police and guns, bulldozers demolished houses, arrests. Sometimes the violence is less overt - intimidation, rumour, cooption of community leaders, the pressure of shops and schools being closed and building restrictions imposed in areas due for removal. In these situations people may move themselves, without the State actively providing the transport, or they may agree to make use of State transport. Pretoria has been quick to describe these cases as 'voluntary removals' - the age of forced removals, like apartheid, is dead according to the Department of Cooperation and Development. The mass of case study material presented in volumes Two to Five makes it very clear that such claims are false - a cynical misrepresentation of the submission of rightless people to the dictates of a repressive minority government as an act of positive choice. In a situation where blacks do not possess political rights or freedom of movement there can be no talk of them exercising a free choice about being removed.

In 1969 M.C. Botha, then Minister of Bantu Administration and Development described the true nature of such 'voluntary' removals when he said

We get their cooperation in all cases voluntarily. As a matter of fact, sometimes it is necessary to do quite a lot of persuasion, but we do get them away. (Interview on SABC programme, Top level, 20.11.69)

Fourteen years later, J.J.G. Wentzel, Deputy Minister in the same Department made the same point when he pushed aside the objections of the people of a threatened black spot in the Eastern Transvaal to being removed by telling them

You will therefore appreciate that it sometimes becomes necessary for people to be encouraged to move for their own ultimate good. ...Although

the Government therefore appreciates and respects your feelings the relocation and resettlement of your people will have to be carried out in the interest of all concerned. (Letter 18.12.81 to Chairman of the Driefontein Community Board)

The regional reports show that direct, overt force is being used less frequently in effecting removals now than in the past, largely because the government has become more sensitive to internal and international pressure. The methods of 'encouraging' people to move by applying indirect, covert pressures have become increasingly sophisticated; the involuntary, coerced nature of these removals remains the same in 1982 as in 1962, however.

The massive scale of the removals and the enormous suffering they have imposed on individuals and families and communities have not been accidental or incidental to the development of the apartheid State since the 1950s. As pointed out in the introduction to the second volume of this report (the Eastern Cape regional report), relocation is not 'simply an instance of National Party insensitivity or ideological insanity'.

The resettlement camps are the fruits of South Africa's policy of separate development and should be seen not as an aberration but as the inevitable consequence of such a policy. (Vol. 2, 3)

Between three quarters and four fifths of all those already relocated have been africans. Although it is possible to isolate several different categories of relocation, each of which have been shaped by a particular mix of considerations, the general direction in which africans have been relocated has been the same: out of the towns, cities and farming areas falling in the 87% of the country designated for white ownership and occupation in terms of the Land Acts of 1913 and 1936, into the 13% allocated for african occupation and now divided among the ten ethnic puppet-states that make up Pretoria's constellation of national states. Because of this, ultimately all relocation of africans has to be seen in relation to the development of the bantustan policy, even that where the primary motivation has not been to boost that policy, for instance in the case of removing people to make way for a dam or evicting redundant workers off white farms.

Between 1960 and 1980 the percentage of the total african population living in the bantustans rose from 39,5% to 54%. (Simkins, 1980) There will be no more black South Africans, Connie Mulder, then Minister of Plural Relations, said in 1978. Population relocation and an increasingly stringent application of influx control have been the major mechanisms by which this 'reversal of the tide' has been achieved. The National States Constitution Act of 1970, which decrees that all africans are citizens of one or other of the bantustans and the granting of independence to these territories - already achieved in the Transkei, Ciskei, Bophuthatswana and Venda - completes the process of dispossession.

However, not all relocation has been into the bantustans. A sizeable minority of the removals - between a quarter and a fifth - have affected indian and coloured people. They have been removed mainly in terms of the Group Areas Act of 1950, which has enforced a system of rigid segregation in residential and trading areas between indians, coloureds and whites (to the advantage of the latter) and forced indian and coloured communities out of established areas, to the periphery of the towns and cities. Nevertheless, although a somewhat separate category of relocation from the others described in this report, group area removals have many points of similarities with the other categories: the people being moved are disenfranchised and have suffered enormous damage, both financial and social, by their relocation; the relocation has been carried through as part of a system whose ultimate end is to retain power in the hands of the white minority. In a number of instances, group area removals have overlapped with the removal of african people. In Durban, for instance, the Group Areas Act was used very effectively to

destroy and remove african informal settlements that had been established on indian-owned land in the centre of the city, when these areas were proclaimed white in the late 1950s.

These points are developed further in other parts of the report. Chapter 2 below outlines very briefly the historical background to the programme of mass removals that has developed since the early 1960s. The introductory chapters to Volume Two ('Theoretical background') and Volume Five ('Ethnicity and disorganisation: an aspect of population relocation in South Africa') provide a general framework for analysing relocation in relation to the development of the bantustan policy in South Africa as a whole.

2. The categories of relocation

In analysing the process of relocation, SPP has made use of the categories of relocation developed by Gerhard Maré in his book African Population Relocation. During the course of the project these categories have been somewhat reworked, both as a result of discussion at national seminars and the experience of the regional groups in the field. Certain categories were found to be general throughout the regions but certain others were confined to particular regions only; the relative importance of categories varied as well. Each region has therefore adapted the basic framework of the categories to suit local conditions in its presentation of material.

The categories of relocation used in the various regional reports are listed below.⁺

1. Farm removals, including removals due to the abolition of the labour tenancy system of farm labour and of cash tenancy on white-owned farms in the 1960s and (in Natal) the 1970s; the on-going eviction of full-time farm workers (and their families) who are considered redundant to the needs of capitalist agriculture and the movement of individual farm workers off farms because they are dissatisfied with conditions.
2. The clearing of black spots (rural, african-owned or to a lesser extent, mission-owned properties that have historically fallen outside the boundaries of the areas authorised for african occupation in 1913 and 1936 and subsequently designated for inclusion in the various bantustans).
3. The removal of 'badly situated' tribal, reserve areas in terms of the policy developed in the 1970s of consolidating the bantustans into geographically more cohesive, ethnically-based political entities.
4. Urban relocation involving the deproclamation from and removal of african townships situated within prescribed areas into the bantustans.
5. The removal of informal settlements in urban and peri-urban areas.
6. Removals because of the operation of influx control legislation, including the operation of the Coloured Labour Preference policy in the Western Cape and the widespread repatriation of foreign african people.
7. Group areas removals.
8. Removals as a result of the implementation of infrastructural development schemes (dams, roads etc.) and conservation or

⁺ For a definition of the terms used, see the Glossary.

agricultural projects (the establishment of game reserves, forestry plantations etc.)

9. Removals for strategic/military purposes, e.g. the establishment of the missile testing range in Northern Natal and the clearing of strategically sensitive border areas in the Transvaal, the Northern Cape and Natal.
10. Directly political removals, including the deportation and banishment of individuals by the authorities, and the avoidance of political repression by individuals or communities (for instance the flight of many thousands of people from the Herschel and Glen Grey districts of the Transkei into the Ciskei in 1976/77 and from Thaba'Nchu into Onverwacht, in the Orange Free State).
11. Removals due to the institution of betterment schemes in the bantustans.

In discussion at early SPP seminars it was soon realised that not every aspect of the process of removals throughout the country could be examined in the same detail. Certain areas were more accessible in terms of geography and political conditions; there were real constraints on what could be achieved by a predominantly voluntary group working after hours. Priority was given to developments in the rural areas rather than in the urban areas since very little of what has been happening in the countryside has been documented in any detailed and systematic way and because this is where the majority of the removals have occurred. Although group areas removals have been included, they have not been dealt with in great depth; much work on group areas has already been done elsewhere (even though little material has yet been published looking at the policy from a national perspective).

It was also recognised that analysing relocation by predetermined categories has certain limitations. The category approach works at a largely descriptive level and thus, without amplification, it can obscure the linkages between the various categories and the way they intersect and relate to each other as supports in the structure of the apartheid State. Simply isolating and listing different types of removals may create the false impression that not only are they discrete phenomena, but they are also equally significant in terms of the overall policy. Furthermore, it suggests that there are 'pure' forms of removal to which the developments on the ground must be made to correspond. A rigid category approach creates both conceptual and classification problems. In several instances the categories overlap. This is seen clearly in the way black spot and consolidation removals have tended to merge in the 1970s (although the removal of black spots was previously an issue on its own, prior to the consolidation era in the bantustan policy). Another example of overlap can be seen in the categories of influx control and the clearing of peri-urban informal settlements. Even where there is not a structural overlap between the categories in themselves, there may be more than one category visible in a particular removal. For instance a black spot may be threatened by the construction of a dam and its removal justified not on the basis of its being a black spot, but on the grounds that the dam is in the national interest; this is the case at the large freehold community called Driefontein, situated near Piet Retief in the Transvaal, currently under threat of removal.

On the other hand, the category approach has been found to be a useful tool for distinguishing the different aspects of the process of relocation and ordering the massive amount of data that has been collected, as a preliminary to a more integrated analysis. There are differences relating to who within the ruling class benefits and how they benefit as well as who is affected and how they are affected by the various categories of removal, which are significant for such an analysis and which can be drawn out by the category approach. It is certainly not possible to analyse relocation in terms of a

single motivation (e.g. ideology, or control of the unemployed, or labour allocation, or political control). Relocation is a complex, multi-faceted process, the various facets of which ultimately fit together in the context of the historical development of the apartheid State over the past two or three decades. For an approach that integrates the categories into a more analytical framework, the reader is referred to the sections already cited in Volumes Two and Five. It is hoped that the analyses presented here will be developed further and that the extensive fieldwork undertaken by SPP and written up in the regional reports will be used to refine the arguments in subsequent publications.

3. Total numbers removed and under threat of removal

Precisely how many people have been affected by the removals of the past two decades will never be known. The removals that SPP has been able to quantify for the period from 1960 to mid 1982 can be rounded off to a massive 3 500 000 - well over 10% of the present population of the country - but this figure, large as it is, is incomplete. Thus it does not include the bulk of the people affected by influx control in the urban areas: in most regions it has proved impossible to measure the impact of influx control in the small towns and extremely difficult to distinguish between the numbers of individuals who have been physically removed from the metropolitan areas from those merely arrested, charged or fined in terms of influx control. The magnitude of influx control measures is indicated by the fact that from the beginning of 1979 to the middle of 1981 the total number of arrests under the pass laws in the 11 major urban areas of the country was 289 237. (SAIRR Survey, 1981, 234 - 235)

The total of 3 500 000 does also not include the enormous numbers of people who have been relocated within the bantustans as a result of betterment planning - estimated as likely to have been over a million people since the 1950s in the province of Natal alone. The following tables set out the national figures on removals, past and threatened, compiled from each of the regional reports in the SPP study and allocated according to category. The detailed information on which the regional figures are based is contained in subsequent volumes; the inadequacies of the official figures on relocation, the problems of sources and the gaps that still exist in our information are discussed in the regional reports as well. What the SPP study has shown clearly is that it is futile to try to measure the true extent of relocation in South Africa from secondary sources alone - without extensive fieldwork it is impossible to uncover and to probe the numerous inconsistencies and inaccuracies that exist in the available literature.

It should be stressed that the figures we have reached are estimates that merely indicate the general dimensions and relative scale of the various categories. They should not be regarded as precise computations, accurate to the last individual removal, but as informed approximations. Those figures marked with a question mark (e.g. 10 000?) are more speculative than the rest. It should also be noted that the figures listed here report the number of individual removals that have taken place rather than the number of people who have been removed. There are numerous instances where a single individual has been moved two or even three or four times. These have been classified as three or four separate removals, since it is the effects of the policy that we are wanting to show.

What these figures reveal is that the largest single category of removals in South Africa has been that of farm evictions - in the 1960s and early 1970s primarily the result of the abolition of labour tenancy and cash tenancy on white-owned farms. Group areas removals have been the second largest category. However, if black spot and consolidation removals are added to the category of urban relocation as three aspects of relocation that relate directly to the enhancement of the bantustan policy, then these removals together number over 1 300 000 and constitute the largest type of removals (outside of betterment planning). The greatest number of past removals has occurred in the Transvaal, the most populous province; Natal, where very little of the proposed consolidation planning has yet been implemented, is faced with the largest number of threatened removals for those categories where projections of this sort can be made.

Table 1. ESTIMATED NUMBERS REMOVED BY CATEGORY AND REGION, 1960 - 1982

	E. CAPE	W. CAPE	N. CAPE	O.F.S.	NATAL	TVL	TOTAL
FARMS	1960s: 30 000? 1970+: 109 000 139 000		40 000	250 000	300 000	400 000	1 129 000
BLACK SPOTS	1960s: 10 000?	-	40 000	40 000 [‡]	105 000	280 000	614 000
CONSOLIDATION	1970+: 9 000 19 000 ⁺	-			10 000	120 000	
URBAN RELOCATION	1960s: 30 000? 1970+: 121 000 151 000	32 000? (into Ciskei)	20 000	160 000	17 000	350 000	730 000
SUB-TOTALS	309 000	32 000	100 000	450 000	432 000	1 150 000	2 473 000
INFORMAL SETTLEMENT	1960s: ? 1970+: 12 000	Major category of relocation, affecting many thousands, but difficult to quantify actual removals.	50 000	50 000? (Informal settlement & influx)	Some inf. settlement relocation incl. in above categories.		112 000 plus
INFLUX CONTROL	Extremely difficult to quantify although a major category of population control and allocation. Total no. of arrests under pass laws in 11 major areas 1979 - midway 1981 : 289 237. However only a small proportion of those arrested actually endorsed out of area.						
GROUP AREAS	← 385 000 → (Cape figure, end 1980)			14 000	295 000 [‡]	140 400	834 400
INFRA-STRUCTURAL	-	-	Already quantified under black spot consolidation		15 000 (major cases only)	5 000	23 500
STRATEGIC	-	-			3 500		
POLITICAL	50 000 : Glen Grey/Herschel to Ciskei				Movement of Kromdraai people into Onverwacht incl. in previous figures		50 000
OTHER	30 000 : Removal of relocation areas (secondary removals)						30 000
TOTAL	401 000+ Group Areas	32 000+ Informal settlement + Group Areas	150 000	514 000	745 500	1 295 400	3 522 900

⁺ Includes 'private locations', i.e. white-owned land occupied by african households who paid a cash rental to the landowner; in the other regions this form of cash as opposed to labour tenancy (described officially as 'squatting') has been included under farm evictions.

[‡] In the 1970s 2 freehold areas were removed, having a combined population of 252 - Blesbokfontein, pop. 91, in 1971 and Sweet Home, pop. 161, in 1979.

[‡] Includes approximately 135 000 africans cleared off informal settlements on indian-owned land which was proclaimed white.

Table 2. ESTIMATED NUMBERS UNDER THREAT OF REMOVAL, BY CATEGORY AND REGION, 1982

	E. CAPE	W. CAPE	N. CAPE	O.F.S.	NATAL	TVL	TOTAL
FARMS	150 000?		Proposed Orderly Movement and Settlement of Black Persons Bill threatens increased control of numbers of blacks living on white farms. Individual evictions ongoing.				150 000 plus
BLACK SPOTS	38 000 ⁺	-	-	-	245 000	120 000	1 153 000
CONSOLIDATION		-	-	-	300 000	450 000	
URBAN RELOCATION	86 000 plus	-	25 000		61 000	12 000	184 000
SUB-TOTALS	274 000 plus	-	25 000		606 000	582 000	1 487 000 plus
INFORMAL SETTLEMENT	170 000 plus	Ongoing and extensive harassment but impossible to project numbers.					170 000 plus
INFLUX CONTROL	Proposed Orderly Movement and Settlement of Black Persons Bill threatens increased influx control restrictions on those not deemed 'Permanent Urban Residents'.						
GROUP AREAS	← 36 000 → end 1980 Cape.				16 000 end 1980	21 000 end 1980	73 000 end 1980
INFRA-STRUCTURAL					Many thousands affected by dams at Inanda, Mpendle, Mvumase, Lower Umfolosi		2 500 plus
STRATEGIC							
OTHER	33 000 : Secondary removals						33 000
TOTAL	477 000 plus	Group Areas	25 000 plus		622 000	605 500	1 765 500 plus

⁺ Includes 'Private locations'.

Table 3. TOTAL NUMBERS REMOVED, UNDER THREAT OF REMOVAL, SOUTH AFRICA, c 1960 - 1982

Note: This table summarises the information in Tables 1 and 2 and is thus not a complete tabulation of all removals.

	REMOVED	UNDER THREAT
CAPE		
E. Cape (vol. 2)	401 000	477 000
W. Cape (vol. 3)	32 000	?
N. Cape (vol. 3)	150 000	25 000
	+ 385 000 Group Areas removals in Cape, end 1980	+ 36 000 Group Areas removals
O.F.S. (vol. 3)	514 000	?
NATAL (vol. 4)	745 500	622 000
TVL (vol. 5)	1 295 400	605 500
TOTALS	3 522 900	1 765 500+

4. Regional overview

This section is intended to direct the reader into the regional reports by giving some indication of similarities and differences between and, to some extent, within the regions. The subsequent volumes bring out the immense variations that do exist regionally, the product of historical, geographic, economic and political factors; they also show that within the various bantustan relocation areas, conditions vary significantly as well. While conditions for relocated people are generally bad, some suffer more than others. Group area townships and commuter townships in the bantustans have a modicum of urban infrastructure; most of the closer settlements catering for ex-farm workers have only the most rudimentary of facilities: some taps or boreholes, if they are fortunate, and pit latrines.

EASTERN CAPE

Volume Two concentrates on the Ciskei, where some of the worst conditions in the country occur - extremely high unemployment (the average in the 6 relocation areas surveyed by SPP was 30%), little economic activity, a very dense population and a particularly repressive bantustan government. Sada, Dimbaza and Ilinge were some of the early relocation camps exposed by Cosmas Desmond and others; as a result of the pressure and protest, the State has pumped some money into Dimbaza so that it is today something of a showpiece - it is said that Dimbaza is the easiest place in the Eastern Cape to get a telephone - but, as will be seen from Volume Two, unemployment is still high and the investment in Dimbaza has had no marked effect on the rest of the region.

By far the most important movement of people has been from the white rural areas into the Ciskei. When the Transkei took 'independence' in 1976 thousands of people fled from the Herschel and Glen Grey districts to the promised land of the Ciskei, where they still wait at Thornhill for land and facilities. In 1981 the Ciskei too took 'independence', stripping millions more people of their South African citizenship.

Eight black spots in the white corridor between Ciskei and Transkei are due to be moved

in the next few months as part of the consolidation of the Ciskei. Already some people have been moved to Frankfort. Others are trying to resist the move in the face of the highly repressive Ciskeian authorities.

WESTERN CAPE

This region is covered in Volume Three, along with the Northern Cape and the Orange Free State. The Western Cape is a very distinct area in terms of relocation since there is no nearby or adjacent bantustan. The major categories of removals here have been those of group areas and of influx control.

Thousands of people are endorsed out of the Western Cape every year in an attempt to implement the Coloured Labour Preference Area Policy. Informal settlements built up over the years have been destroyed, the africans sent to the Ciskei and Transkei, the coloureds moved into housing many cannot afford so that they are forced to move in with other families in tiny houses. Crossroads, the last remaining african squatter camp, has gone through a series of crises under international focus and at the time of writing it seems that many of the people will not be able to stay in Cape Town. Permits both for them and some 2 000 others camping in the Nyanga Bush for 18 months have been refused and they are being told to move elsewhere. Pass raids have escalated dramatically in the course of 1982 with R50 000 collected in one month from fines imposed on africans charged with being in the area illegally.

NORTHERN CAPE

Except for some people still to be moved in terms of urban relocation (at Vryburg and Jan Kempdorp), most of the planned relocation has been completed. The bulk of removals took place in the early 1970s from reserves, both scheduled and released. Thousands of people were either moved off or moved themselves off farms into the two parts of Bophuthatswana in the area (Taung and the area north of Kuruman - Tlhaping-Tlharo/Ganyesa). Some of the most depressed settlements in the country are found north of Kuruman. The Wyks, Bendall, Deerward and the Batlharos areas are poverty stricken, dry, dusty, isolated and forgotten by the rest of the country. The struggle for water for the thousands of people compelled to live under such conditions is an all-consuming one. The more recently established relocation area of Vaalboschhoek, near Jan Kempdorp, where people were moved after they had fought their removal in the first place, is little better. Only the vegetation is slightly more visible. While resistance has been strong in some parts of the Northern Cape, in most cases people were quickly and easily repressed.

ORANGE FREE STATE

The main category of removal in the OFS has been that of farm relocation to Bophuthatswana and Qwa Qwa. Once Bophuthatswana took independence, the Sothos were harassed and Onverwacht was established in 1980. Since then 160 000 people have been moved in, out of the Thaba Nchu reserve, off the farms, out of Bloemfontein and the towns of the OFS. This is the largest single relocation area in the country. There were few black spots in the OFS and there has been little recorded resistance to relocation in the last 15 years. The State's strategy of manipulating ethnicity as a means of control is well documented in Volume Three.

NATAL

Natal differs in some significant respects from the other regions, in that there is only one bantustan (KwaZulu) to deal with and that one is the most independent of all the bantustans in relation to Pretoria, has the largest population and is the most fragmented. Many parts of KwaZulu abut onto white urban areas, encouraging the proliferation of informal settlements, making access to jobs a little easier, and making commuting possible

on a much wider scale. Farm evictions and group areas removals have been very extensive but overall the relocation programme is only about half way to completion. Consolidation removals have barely begun and there are still some 189 black spots to be moved. Resistance from some of them has been quite fierce. Pretoria has also had to contend with strong opposition from organised agriculture to its land purchase and consolidation programmes. Strategic removals in Natal have been more significant than in the rest of the country, with the establishment of the missile range at St Lucia, the clearing of the northern coastline of african residents and the removal of people away from the Mocambique border.

TRANSVAAL

Volume Five attempts to outline what is happening in this large and very complex area. There are no less than six bantustans in this region, all closely interlinked, with some borders undefined and not one map, even official ones, reflecting the precise position. The position is so confused that in some areas even the people living there are not sure whether they live in Gazankulu or Lebowa, or in Venda or Gazankulu, or in Lebowa or KwaNdebele. Ethnic disorganisation and reorganisation is the most important issue in the province and ethnic conflict has been growing in Northern Transvaal as a result. The vast numbers of people moved and scheduled to be moved in terms of the 1975 consolidation proposals are in furtherance of this policy. Thousands of people have been moved off farms, the consequence of the abolition of labour tenancy in some areas, increased mechanisation in others and poor working conditions on most. Urban relocation has been implemented more thoroughly than anywhere else (many of the townships have been removed completely, e.g. White River) and strict labour recruitment measures and control on housing have served to restrict access to prescribed areas. Most black spots have already been moved but a few remain in the Western and Eastern Transvaal and are actively resisting being moved.

5. Conditions in relocation areas

INTRODUCTION

This section presents some of the major findings to emerge from a comparison of the results of the household surveys that were carried out by SPP during the course of 1980/81, in 19 relocation areas and 2 areas threatened with removal around the country. These surveys realised an enormous wealth of material, more than can possibly be presented in the confines of a single overview chapter. The aspects selected for discussion here are limited to an introductory description of each of the areas, and a comparison of facilities, demographic features, economic activity and diet in the various areas. In the limited space it is not possible to do justice to the experience of the people who are removed, or the complexities and nuances of each removal. For a fuller picture, one that includes a history of each area and an account of peoples' responses to their situation, it is necessary to read both the detailed case studies that have been written up on each of the 21 survey areas and the regional overviews found in Volumes Two to Five.⁺

⁺For a discussion on the questionnaires used in these household surveys see chapter 3. Case studies were written up by the regional groups within SPP and inevitably there have been some differences in the way data is presented and material has been emphasised in each of these case studies. In this overview an attempt has been made to standardise data and there are, as a result, some slight but immaterial discrepancies between some of the figures presented here and those found in the individual case studies.

SPP does not claim that the choice of survey areas represents a scientific sample of all relocation areas in the country. Standing in the way of that were both practical constraints (the pressure of time, limited funds, the long distances to be travelled, the problems of finding and training suitable interviewers etc.) and political constraints (notably problems of access to areas and harassment of both interviewers and interviewed by officials and bantustan authorities). Nevertheless, care was taken to select as wide and representative a sample of areas as possible in each of the regions and we are confident that as far as the relocation areas are concerned, the size of the total sample is sufficiently large and the overall quality of the interviews sufficiently high for major trends to emerge and valid general conclusions about relocation areas to be drawn. Certainly no other currently available study of relocation areas can compare with this one in scale and in detail and since there is so little comparative statistical data on rural settlements in general, the information collected has a more general usefulness as well.

Altogether a total of 1 671 household interviews were carried out in the 19 relocation areas chosen, involving a total survey population of 10 719 individuals (the average household size thus being 6,4 persons). These 19 areas are distributed across 7 of the 10 bantustans (Ciskei, KwaZulu, Bophuthatswana, Qwa Qwa, KwaNgwane, KwaNdebele and Lebowa) and all the provinces, the provincial distribution being as follows:

Cape	:	9 ⁺
Orange Free State	:	1
Natal	:	6
Transvaal	:	3 (not counting Rooigrond)

In addition, extensive fieldwork was undertaken in all regions and background information was collected on a very large number of relocation areas where detailed household surveys were not feasible, this work complementing and reinforcing that of the surveys.

The survey material on areas threatened with removal is far less substantial than that for the relocation areas since only 2 areas, both black spots, were covered in this way, one in Natal and one in the Transvaal. A total of 198 households were interviewed in the two areas, representing a total survey population of 1 275 (average household size thus also 6,4). While the sample is clearly too small for tight comparative statistical purposes, the results of these surveys are nevertheless very suggestive, particularly when read in conjunction with the detailed fieldwork undertaken in many threatened areas around the country. Where appropriate, information on these 2 surveyed areas has been included in the tables below, by way of contrast with the relocation areas.

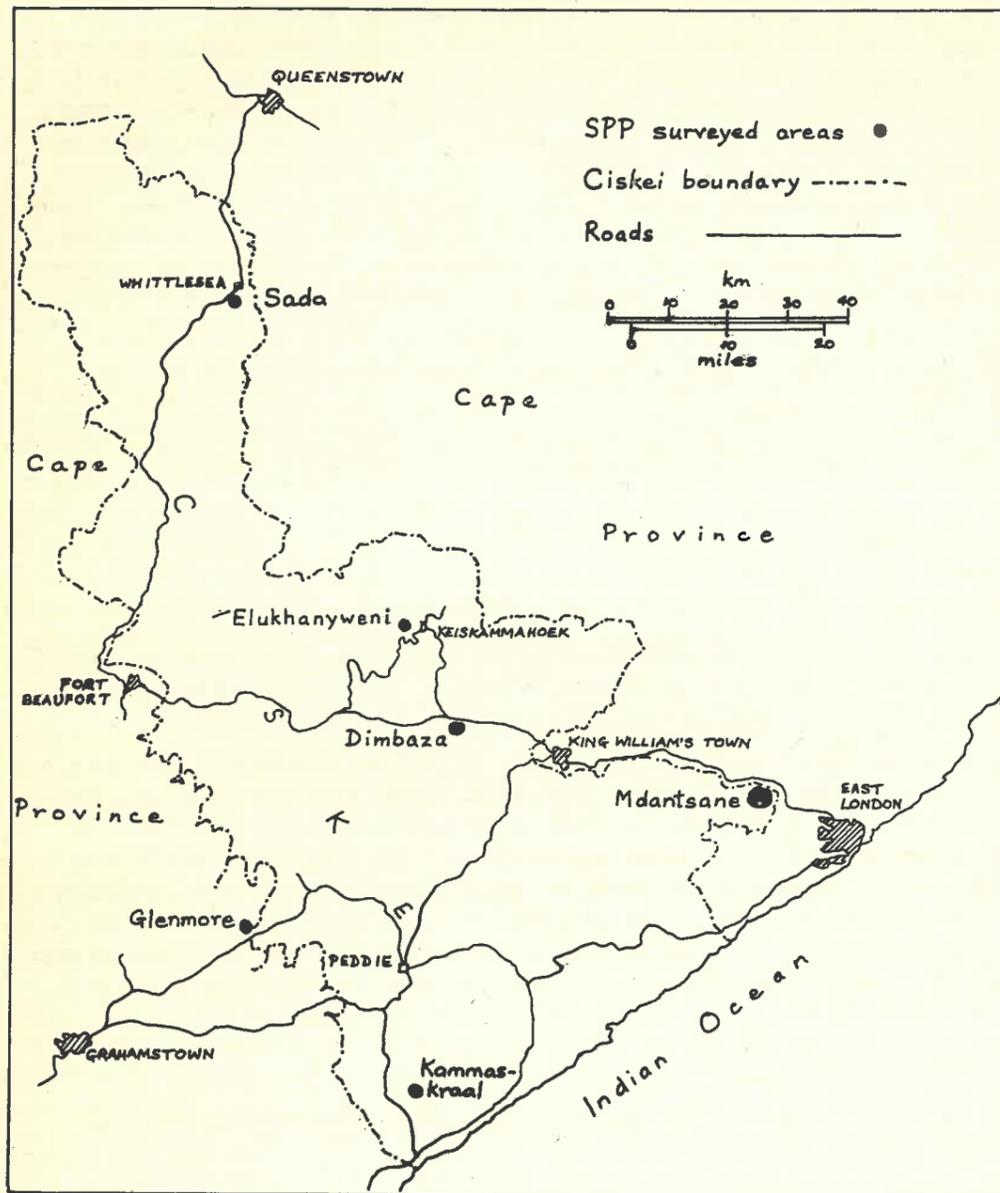
THE SURVEY AREAS

The 19 relocation areas surveyed by SPP can be grouped into three broad categories in terms of status and conditions :

- 1) Group areas townships, for coloured and indian people relocated in terms of the Group Areas Act;
- 2) Relocation townships, located within the bantustans but often within commuting distances of towns in white South Africa (this distance may well be over 50 km, however), and with some urban infrastructure in the way of housing and services;
- 3) Closer settlements, rudimentary residential sites laid out on SADT land or within the bantustans, with no agricultural land

⁺ 1 of these 9 areas, Rooigrond, just outside Mafikeng, and now falling within Bophuthatswana, has been included in the Transvaal region in this report since it was felt that it is far more closely integrated into the Transvaal than the Cape.

1) SPP surveyed areas in the Eastern Cape



attached, where people must build their own housing.⁺

Below follows a description of each of the 19 areas, grouped according to this typology. The location of the Eastern Cape, Natal and Transvaal areas are shown on Maps 1 - 3.

1) Group areas townships

1. Atlantis (Western Cape): A coloured township established 45 km north of Cape Town, in 1976, as a 'deconcentration point' for the Western Cape. Coloured families coming from overcrowded townships and squatter areas in Cape Town as well as from farms and small towns in the Northern and Western Cape have both been moved and moved themselves there. Its population was put at 30 000 people in late 1981.

Survey population : 99 households

2. Phoenix (Natal): An indian township established 25 km north of Durban, next to an industrial area, also in 1976. Indian families have been moved there from areas affected by the Group Areas and Slum Clearance Acts in the Durban metropolitan area. It has been the centre of vigorous community organisation since its establishment. Its population in 1980 was in the region of 35 000 people.

Survey population : 115 households

2) Relocation townships

1. Mdantsane (Eastern Cape): A commuter township situated in the Ciskei, about 20 km from East London, and the oldest relocation area surveyed by SPP. First established in the early 1960s, Mdantsane has been developed primarily as a relocation point for the african residents of East London but has also received people from other parts of the Eastern and Western Cape. Its present population is well over 200 000 people.

Survey population : 86⁺ households

2. Dimbaza (Eastern Cape): An african 'town' in the Ciskei, located about 15 km north-west of King William's Town (on the road to Alice), first established as a very rudimentary closer settlement in 1967/68 but subsequently, as a result of adverse publicity, upgraded to the point where it can today be classified as a town. Its present population is about 17 000 people.

Survey population : 84 households

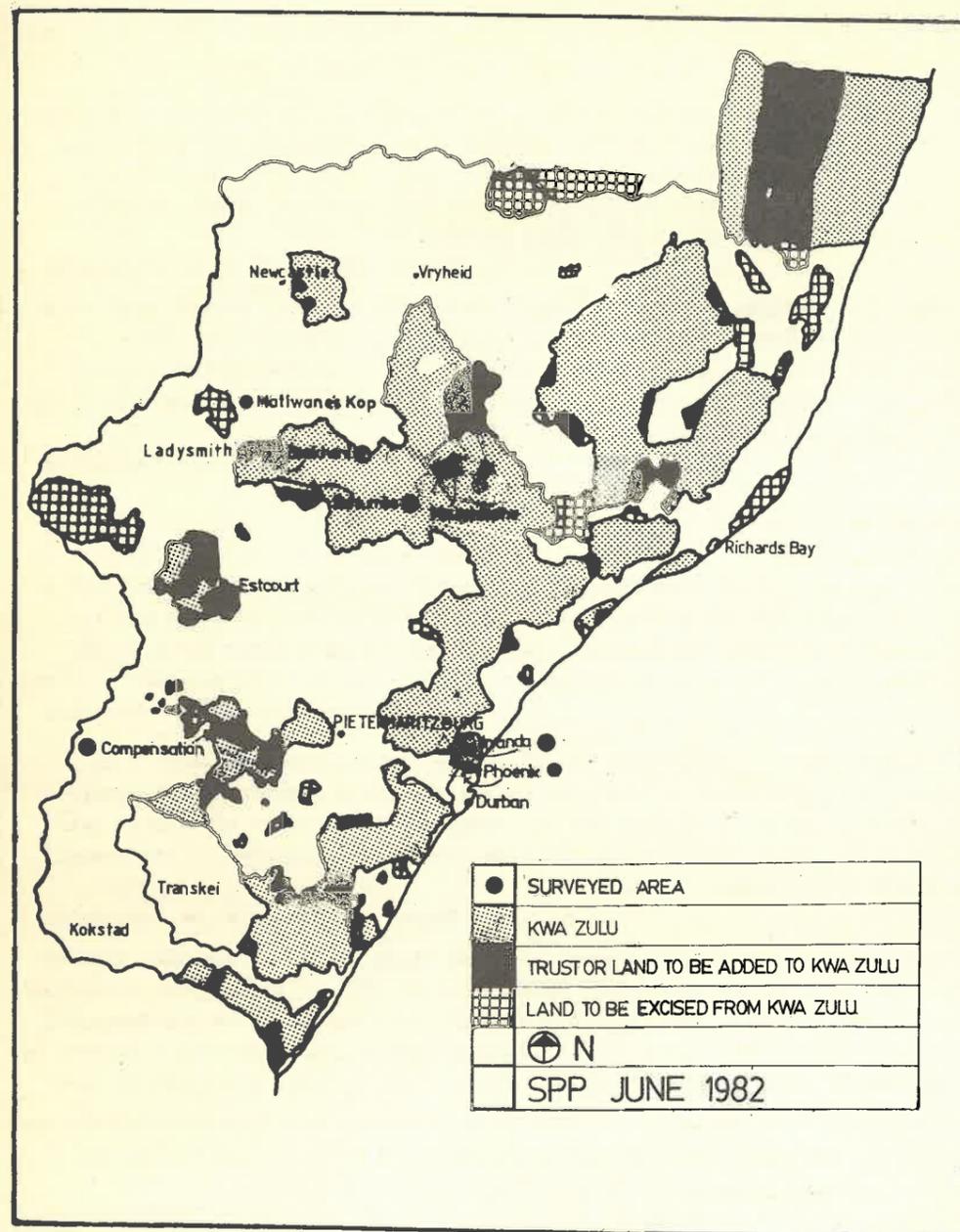
3. Sada (Eastern Cape): An african 'town' situated about 5 km from the tiny town of Whittlesea and 38 km from Queenstown, first established in 1964. It has been developed as a relocation centre primarily for people from small towns and farms in the Eastern Cape but some of the people now living there have come from as far away as the Western Cape and the Transvaal. Its population is now about 40 000 people, one sixth of them

⁺General Circular no. 25, 1967, from the then Secretary for Bantu Administration and Development, distinguished between four types of relocation settlements for the 'settling of non-productive Bantu resident in European areas, in the homelands' :

- a) 'Self-contained Bantu towns' to rehouse former municipal townships and provide accommodation for workers and their families in border industries;
- b) Towns with 'rudimentary services, situated deeper into the bantustans, established mainly for the families of migrant workers;
- c) Residential areas with a rudimentary layout where people must build their own houses, for those moved off farms and black spots;
- d) 'Controlled squatting' on Trust land, to absorb 'squatters' (tenants) from farms, black spots etc.

Relocation townships correspond broadly to types a) and b), closer settlements to types c) and d). In some cases - e.g. Inanda Newtown - the division between the two categories may be blurred.

2) SPP surveyed areas in Natal



squatting next to the formal township section.

Survey population : 94 households

4. Pampierstad (Northern Cape): Situated in Bophuthatswana, 31 km north-west of Jan Kempdorp, and established in the late 1960s primarily as a relocation area for the african location at Jan Kempdorp (Valspan) and other small-town locations in the Northern Cape, Western Transvaal and Orange Free State. The formal township is almost surrounded by an informal settlement populated mainly by people who have been evicted off white farms. The population of Pampierstad is estimated to be in the region of 25 000 people.

Survey population : 78 households

5. Ezakheni: An african township situated in KwaZulu, about 25 km from the town of Ladysmith which has been designated an industrial development point; it was established in 1972 and at present has a population of about 50 000 people. African families from Ladysmith townships and surrounding black spots have been moved into it in successive batches. It was built in 2 parts, a formal township section containing rented housing and a site-and-service section where people could build their own housing. The SPP survey was carried out in a part of this section where, 6 years after it had first been established, many people are still living in temporary tin huts.

Survey population : 96 households

6. Kabokweni/Pienaar (Transvaal): Kabokweni is an african township established in 1967 about 20 km east of White River and now falling within Kangwane. It was established as a relocation area primarily for the former White River township and now has a population of about 15 000 to 20 000 people. Pienaar is an informal relocation area that has grown up on the edge of Kabokweni, most of its residents being either people evicted off white farms and nearby forestry compounds or people unable to pay the rent in Kabokweni and other nearby townships. Its population is estimated to be about 50 000 people. The two areas were surveyed jointly although there are marked differences in living conditions and economic opportunities in the two areas.

Survey population : 84 households

7. Inanda Newtown (Natal): This is a special type of relocation area, being a site-and-service scheme developed by the Urban Foundation, in consultation with the Department of Cooperation and Development, on SADT land on the outskirts of Durban in 1980. It was started in response to a major typhoid epidemic that broke out in 1979/80 in the surrounding area - a densely populated conglomerate of informal settlements - and most of its residents have moved into it from there. The establishment of Inanda Newtown was hailed as a major breakthrough in official housing policy but, in fact, as a site-and-service scheme it did not differ fundamentally from many closer settlements in terms of facilities for those moving there. It has now been proclaimed a township and has a population of about 25 000 people. As the discussion below brings out, Inanda Newtown is almost totally integrated into the economic life of Durban, albeit on the periphery, and is not a typical relocation (township or closer settlement) area.

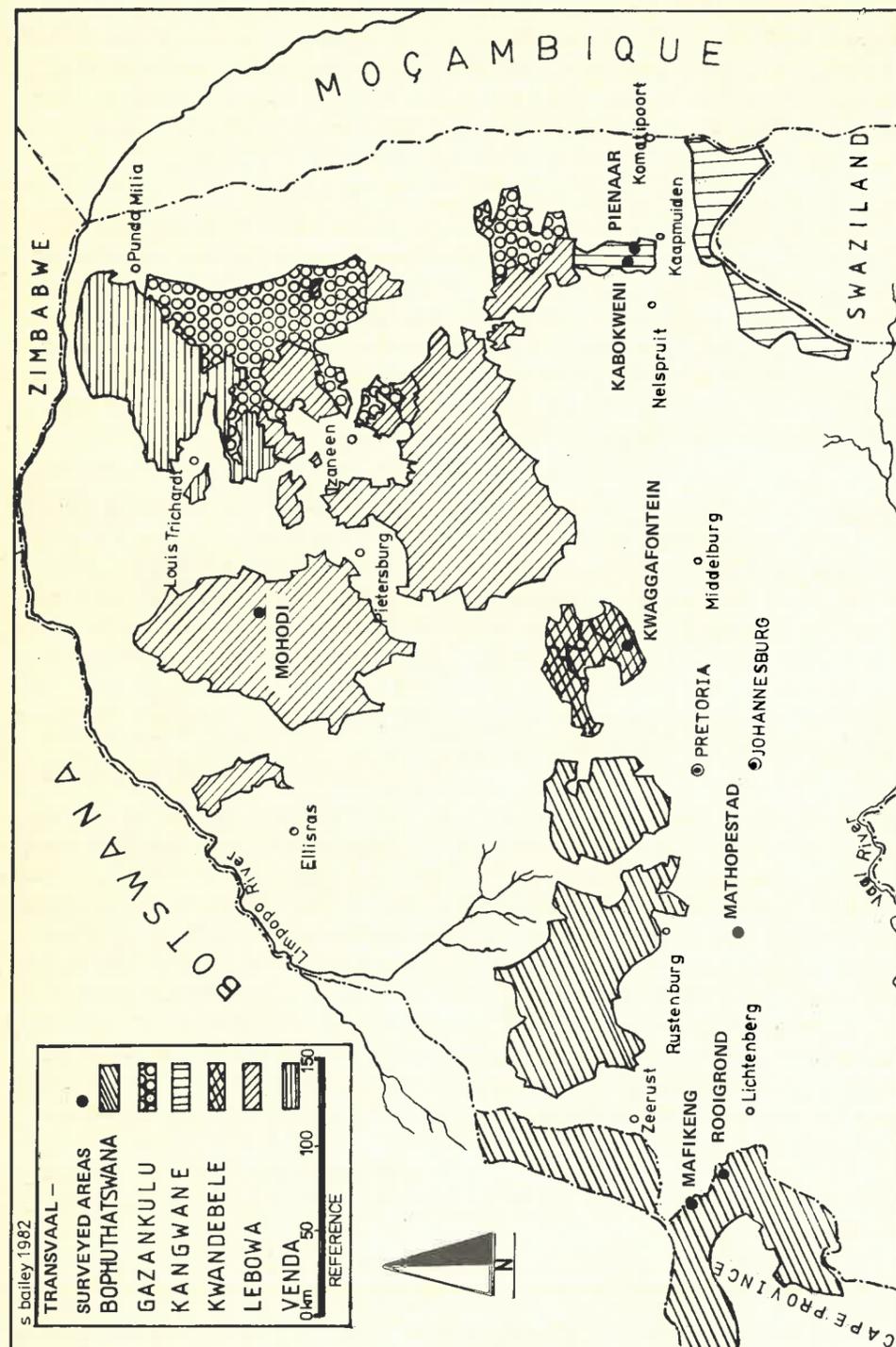
Survey population : 100 households

3) Closer settlements

8. Elukhanyweni (Eastern Cape): Established in 1976 as a relocation area in the Keiskammahoek district of the Ciskei for people moved forcibly from an african reserve near Humansdorp, after a long struggle to remain on their land. This reserve was cleared as a result of the consolidation planning for the Eastern Cape. The current population of Elukhanyweni is estimated to be in the region of 3 000 people.

Survey population : 82 households

9. Glenmore (Eastern Cape): Established in 1978 on the east bank of the Great Fish River, about 40 km from Grahamstown, it was intended originally as the relocation area for Fingo village, an african area in Grahamstown which was eventually reprieved. Most



of the households now at Glenmore were moved there from an emergency camp and a coloured-owned farm at Kenton-on-Sea and from white-owned land near Port Elizabeth. Its present population is 4 200 people. In late 1981 it was reported that Glenmore itself was to be relocated to near Peddie in the Ciskei to make way for the Ciskei's Tyefu irrigation scheme.

Survey population : 37 households

10. Kamaskraal (Eastern Cape): A temporary relocation area established in 1980 some 40 km south-west of Peddie, in the Ciskei, for tenants from a black spot in the Woolridge area and people living on a white farm near Port Elizabeth. Its population in 1980 was about 1 000 people, with general conditions extremely poor. In September 1982 all but 8 households were moved to another closer settlement on the Peddie commonage and by early 1983 those remaining 8 households had been removed to Peddie as well.

Survey population : 83 households

11. Onverwacht (Orange Free State): The largest of all the closer settlement relocation areas in the country, with a fast-growing population that in 1982 was estimated to be in the region of 160 000 people or more. It was established in the second half of 1979 as an enclave of the Qwa Qwa bantustan on the edge of the Thaba Nchu segment of Bophuthatswana, about 50 km from Bloemfontein. Initially it was a product of ethnic conflict between Tswana- and Sotho-speaking people within the Thaba Nchu reserve. Since then, the original influx of predominantly Sotho-speaking people from Thaba Nchu has been greatly augmented by a constant inflow of people who have been squeezed off white farms and out of deproclaimed townships within the Orange Free State. No more african housing is being built in Bloemfontein so lodgers and those on the waiting list for houses are being forced to move to Onverwacht. The projected population for Onverwacht is 400 000 people.

Survey population : 93 households

12. Sahlumbe (Natal): One of the older and most depressed relocation areas in Natal, Sahlumbe was established in 1969 as a 'temporary' relocation site for labour tenants who were being evicted off white farms in the Weenen district. It is one of several closer settlements strung out along the Tugela river, about 23 km from the small village of Weenen. The total population for the area is estimated to be about 5 000 people or more.

Survey population : 129 households

13. Mzimhlophe (Natal): A relocation area about 60 km north of Kranskop, in central Natal, and one of several that have been established on Trust land in the Nkandla district of KwaZulu since the late 1960s. Mzimhlophe was established in 1975, mainly for ex-labour and cash tenants coming from a number of different areas in Northern Natal. Its present population is about 800 to 1 000 people but several hundred more households are expected to be relocated there in the near future.

Survey population : 97 households

14. Compensation (Natal): Established in 1978 on Trust land in the Mpendle district, about 70 km west of Pietermaritzburg. It has been used as a relocation area for 2 small black spots that were situated in the foothills of the Southern Drakensberg; a small number of people evicted off farms or out of townships have been relocated there as well. Its present population is about 1 000 people but at the time of the survey only 1 of the 2 black spots had been relocated there and the population was about half that.

Survey population : 80 households

15. Mahodi (Transvaal): Located in the Lebowa bantustan, about 75 km north-west of Pietersburg, it was established in 1977 when a chief moved with his people from a scheduled reserve lying 50 km north-east of Pietersburg. At the time this scheduled reserve (the Sekgosesere reserve) was threatened with removal in terms of the consolidation plan for Lebowa and there was a dispute between the chiefs of the area about whether to move or not. After the people now living at Mahodi had moved, the Sekgosesere area was given a reprieve and has not been moved after all.

Survey population : 99 households

16. Kwaggafontein (Transvaal): Located in the new KwaNdebele bantustan about 75 km east of Pretoria, it was established in 1977. In a manner that foreshadowed the establishment of Onverwacht, the first lot of people to move to Kwaggafontein came from the Winterveld area of Bophuthatswana and went there to escape many years of harassment from the Bophuthatswana authorities. Its present population is estimated to be about 25 000 people and it is growing steadily, with people moving there from farms and urban areas all over the central Transvaal.

Survey population : 98 households

17. Rooigrond (formerly in the Northern Cape but treated as part of the Transvaal region in this report): A small relocation area about 15 km from Mafikeng, established in 1971 when a black spot community near Potchefstroom was forcibly removed from its land after a lengthy campaign of resistance. The Rooigrond community members have refused to accept their relocation as anything but temporary and have continued to fight for their former home to be restored to them. Their situation is complicated by the fact that they now fall within Bophuthatswana and the Bophuthatswana authorities want to move them once again, to a place called Bodibe about 15 km further away from Mafikeng. The community consists of a little over 300 people.

Survey population : 37 households

Threatened areas

1. Matiwane's Kop (Natal): An african freehold farm situated about 25 km north of Ladysmith, in Northern Natal, with a total population of 12 500 people in 1980. The farm was bought in the 1870s by a syndicate consisting of 120 members of the Shabalala tribe. Properties were first numbered in 1979 and in 1980 expropriation orders were served in the community, under controversial circumstances. Opposition to being removed is widespread and thus far the community has managed to stave off being moved.

Survey population : 100 households

2. Mathopestad (Transvaal): An african freehold area in the Magaliesburg area west of Johannesburg, with a population of between 1 500 and 2 000 people. It was bought in about 1910 by a group of 22 families and is now threatened with removal to Onderstepoort, about 80 km away and near Sun City in Bophuthatswana. Houses were first numbered in the late 1960s but the threat of removal only became pressing over a decade later. Opposition to being removed is general as well, but there are a number of debilitating organisational difficulties in the community.

Survey population : 98 households

FACILITIES IN RELOCATION AREAS

The very poor facilities available in relocation areas and the suffering imposed on the people forced into these hastily flung-together settlements are frequently the major criticisms advanced against relocation by opposition groups and the liberal press. The detailed case studies in Volumes Two to Five make it very clear that living conditions in relocation areas are generally very poor and most people suffer material loss when they are relocated, particularly those moved from situations where they had had agricultural land into situations where they do not. However, several other points need to be stressed at the outset of any discussion on facilities.

Firstly, the issues at stake in relocation are far more fundamental than the availability or otherwise of taps and clinics: the relocation of african people into the bantustans is part of a policy aimed not simply at dispossessing people of their land or houses but of their South African citizenship and claim to full political rights, and at controlling their access to jobs and services within South Africa as well. This process of exclusion no number of taps or clinics can ever make good. It is one which the hundreds of thousands of people relocated into the Transkei, Ciskei, Bophuthatswana and Venda have already had to confront.

Secondly, probably more significant in the long term than the degree of material deprivation suffered by the people moved into relocation areas, are the damaging social and psychological effects inflicted on communities and individuals. For most people the process of being relocated is one that only serves to emphasise their lack of personal control over their lives, over their families' lives. As the case studies in Volumes Two to Five bring out, the dominant mood in relocation areas is often one of passivity and helplessness in the face of the enormous problems and the hidden bureaucracy that controls people's lives. Organisation is generally (though not always) very poor, particularly in the very isolated areas - relocation can be seen as a process of disorganisation, as well as of dispossession. While there is anger and frustration, too often it is turned inwards, against one's neighbour, against the other newcomers with whom one is competing for scarce resources, and not channelled into organisational forms. One of the most frequent responses to an SPP question asking people who they felt would help them with their problems, which cropped up repeatedly all over the country, was 'GG - they put us here, they must do something.' It was never said with any real expectation of help and its counterpart was the equally common response to the question asking people what they themselves expected to do about their situation: 'Nothing / I don't know'.

Thirdly, conditions in relocation areas vary enormously and it is not possible to treat them as all equally bad. People's responses to their removal are not uniform either, but are coloured by their experiences in their previous situation - for those fleeing the persecution of the 'YB' (the nickname for the Bophuthatswana authorities) at Thaba Nchu, Onverwacht appeared as a place of refuge initially despite the appalling conditions. Generally, the three categories of relocation areas already listed can be ranked in terms of facilities, demographic stability and economic opportunities, with group area townships being, on average, the most favoured and closer settlements, again on average, the most deprived. This ranking reflects the stratification that the State has actively encouraged, between urban and rural people, firstly, and coloured/indian and african communities secondly. Facilities provided by the State in the group area townships are far superior to those found in bantustan relocation areas - the problems of the group area townships, which are large, have to be measured on different scales of dispossession and popular expectations from those operating in rural areas.

The major problem with facilities experienced in group area townships is not the absolute lack of infrastructure but the inadequacy and shoddiness of the services that are available, and the very high cost of living for working class families who have been pushed out of established areas to the edge of towns and cities. By way of an illustration of the contrast in expectations, drawn from the SPP surveys: in Phoenix one of the most strongly desired improvements, mentioned by 38 out of 115 respondents, was a local cinema; in the closer settlements surveyed, a cinema was a luxury beyond imagining and the desired improvements cited most often were absolutely basic, to do with water supply, the provision of firewood for fuel, and land.

Furthermore, within african relocation areas, facilities are not uniform either. The most significant factor in determining the relative fortune or misfortune of a relocation area in this respect is not so much in which bantustan it may or may not be situated (although this may be a factor) but its location and status in relation to the urban - industrial centres of power and of wealth beyond the bantustan boundaries. Townships built in bantustans as part of the urban relocation programme are likely to have formal, rented housing - the dreary rows of matchbox housing that typifies South Africa's approach to low-cost housing - and some may even have electricity and running water within each house or on each site as well. In general, the further away from a metropolitan area a relocation site is, the poorer and more desperate facilities are likely to be: crude, temporary shelters on arrival (generally wooden tomato box structures in the Eastern Cape and tin huts known by their brand name, Fletcraft, in other parts of the country, or tents), pit latrines, sparse water points. It is into these areas that,

quite deliberately, the poorest, least skilled, most marginalised groups of relocated people are moved - ex-farmworkers, former tenants on black and white-owned land, and squatters.

Here it should be pointed out that while there is a broad correlation between township infrastructure and relatively greater economic opportunities in relocation areas, this correlation is not absolute. What counts as far as the level of economic activity is concerned is not whether a relocation area is a formally proclaimed township or a closer settlement, but the proximity of the area to the non-bantustan industrial centres. Generally the formal townships are better placed in this regard, but not always. Thus physical conditions at the closer settlement of Kwaggafontein, in KwaNdebele, are much poorer than those found in the township of Pampierstad in the Northern Cape, but because it is only 75 km from Pretoria, economic opportunities are far greater at Kwaggafontein than at Pampierstad.

Finally, facilities in african relocation areas are, on average, no worse than those found in other, established bantustan communities and in several instances may well be better. Conditions in relocation areas are at their very worst in the first few months of the establishment of the area, when people are struggling to cope with the trauma of the removal, the unfamiliarity of their surroundings, the makeshift quality of everything around them and, in most cases, the demanding task of rebuilding their new houses with very limited cash resources. Over time, almost entirely because of the remarkable resilience of people for whom life has always been a struggle, physical conditions do improve and relocation areas begin to resemble other bantustan communities. At this point, the more significant divide within the bantustans is not that between relocation areas, as such, and other bantustan areas but, as already argued, between urban/township areas and rural areas (of which closer settlements form a part). Within this latter grouping, the most important difference between closer settlements and other rural areas is undoubtedly the lack of land attached to closer settlements, the adverse economic implications of which are discussed in the section on diet below. Yet even here, given the very high level of landlessness prevailing among settled bantustan residents, this lack is not unique to closer settlements. Thus, to focus attention only on facilities in relocation areas can obscure the widespread lack of clean and adequate water, of sanitary living conditions, of schools and clinics in the bantustans; it can mask the general crisis of landlessness, poverty and unemployment that exists in South Africa's black rural areas as a whole.

In relocation areas one can isolate four broad and inter-related determinants of the level of facilities provided by the State:

- 1) Who has been relocated - e.g. coloured/indian or african; urban or rural people; landowners or tenants/farmworkers/squatters;
- 2) What the purpose of the relocation area is - e.g. commuter township in a border industrial area or dumping ground for redundant farmworkers who may or may not be able to get work as migrant labourers;
- 3) What the level of organisation within the relocated community is and how effectively it can fight for better conditions - in Ezakheni, for instance, it took a major bus boycott before the access road was tarred;
- 4) How accessible the area is to outside resource groups and what sort of publicity surrounds both the removal of people to it and subsequent developments there.

Dimbaza, in the Eastern Cape, provides the most graphic example of the power of adverse publicity in pushing the government into improving conditions in selected areas. Conditions awaiting the first lot of people moved there in 1967/68 were appalling - flimsy, temporary wooden huts that leaked in the rain, no running water, an acute firewood crisis

- and by 1969 large numbers of people, mainly children, had died. Then came a British ITV film on the place, called 'Last grave at Dimbaza', and Dimbaza became an international byword for the heartlessness of the relocation policy. As a result - though never with any direct admission of the link - the government upgraded Dimbaza to the point where it is now almost a mandatory stop on official, government-sponsored tours of the bantustans.

Linked to this point about publicity is the fact that over time, as opposition groups both within and without the country have focused more attention on relocation, the government has become more careful to see that the minimum infrastructure of temporary shelter, water and sanitation is provided at relocation areas before people are moved in. The facilities provided in closer settlements are still extremely basic and not always consistently supplied - the less accessible an area to journalists and opposition pressure groups, the more likely it is for the government to renege on its oft-repeated claim that relocation areas are

first planned, developed and certain basic requirements such as water, sanitation, schools and clinics ... provided without any cost to the people resettled. (Dr Koornhof, Hansard, col. 622, 22.04.80)

Nevertheless, overall the standard of basic facilities has improved since the terrible days of Mondlo and Stinkwater in the early 1960s, when virtually no preparations were made for relocated people in advance.

A comparison of facilities available in the older closer settlements with that in the newer ones in the SFP sample illustrates both this trend and the number of deviations from it that still exist. The early conditions at Dimbaza have been cited already. At Sahlumbe, established soon afterwards, in 1969, conditions were no better. People were given tents and instructed to build their new houses. There were no latrines, the provision of schools and clinics was not even considered an issue, and the only water point (apart from a few temporary water trucks which were soon withdrawn) was the Tugela River. (Unlike Dimbaza, nobody has made a film of Sahlumbe and conditions have hardly improved over the past 13 years). At Mzimhlophe, established in 1975, conditions were a little better in that people got fletcraft huts and latrines - but no water supply was laid on, nor was a school or a clinic provided. (By 1982 there was still no official water supply system either.) At Elukhanyweni, established in 1976, people got temporary huts or tents, latrines and water taps in the streets - 12 houses per tap. Glenmore, established in 1978, also got a full complement of temporary housing, latrines (bucket toilets) and water - one tap per 20 households. At Inanda Newtown, established in 1980, people were moved into tents and provided with latrines and taps in the street. While no school or health services existed, a free bus service was supplied to transport children to their former schools until such time as a temporary school could be established in the new area.

However, at Kammaskraal, also established in 1980 but as a temporary camp, the first lot of people to be moved in got no more than tents and latrines and the only water supply came from a few water trucks. At a very isolated relocation area called Mbazwana, in north-eastern Natal (not included in the survey sample), the people moved there by GG trucks in 1978, to make way for the establishment of the St Lucia missile range, were treated no better than those at Sahlumbe ten years before: they got tents and nothing else. Furthermore, even when official spokespeople can tick off on their lists the 'shelter, sanitation, water and other facilities' that they have provided in particular areas, these are often totally inadequate for the numbers of people dependent on them. Thus at Onverwacht, established in 1979, the 'temporary shelter' consisted of tents (in mid-winter), the 'sanitation' was the bucket system which broke down so badly that there was an outbreak of typhoid in 1980, and the 'water supply', consisting of a few taps, could not begin to meet the needs of the thousands of families pouring into the settlement. By the end of 1981, when the population was well over 100 000 people, there was one clinic, one police station, one supermarket, and 19 schools operating a double-shift

system for nearly 20 000 students, for the whole area.

It appears that more important for the Department of Cooperation and Development than the actual provision of facilities is the cultivation of an image of a responsible, caring Department in the (white) public mind. Just as removals are now voluntary and never forced in the official terminology, so relocation has become an act of positive development of communities, not a destruction of them. Thus, speaking in the House of Assembly in April 1982, and referring to the planned removal of various black spots in Natal, Dr Koornhof said:

The proposed resettlement actions will take place after the necessary housing facilities, water-reticulation, sanitation, schools and clinic facilities, shops, roads and other services have been provided and made available. The resettlement projects must therefore also be considered as an effort to improve the general standard of life of the communities concerned. (Hansard, Question 450, 22.04.82)

At this stage, these promises remain in the realm of a public relations exercise only. In not one of the relocation areas surveyed and visited in fieldtrips by SPP did conditions on establishment come anywhere near this glowing description, and in only a select few has the full complement of schools, clinics, shops, roads and 'other services' been even approximated at the time of writing.

DEMOGRAPHY

In compiling the data on population structure, SPP drew a fundamental distinction between people according to their residential status - whether permanent (i.e. those who lived and, if applicable, worked permanently in the relocation area itself), commuter (i.e. those who travelled away from the area, to work or, in some cases go to school, but returned home either on a daily or weekly basis) and migrant (i.e. those who were still considered part of the household but were away most of the time, mostly for employment purposes, but returned home either on a monthly or annual basis). As would be expected, there were hardly any migrants in the sample populations of the two group areas townships of Atlantis and Phoenix - 7 out of a total population of 564 at Atlantis and none at Phoenix. In the african areas migrancy is a significant factor and, as in most bantustan communities, the heavy dependency of people on migrant labour for their survival means that there are severe imbalances in the population structures of these areas. (The levels of migrancy are discussed in more detail in the section on economic activity below.)

The level of child dependency is generally high, with, on average, 39% of the total population in the african relocation areas being children 14 years old or younger. When only the permanent population is considered, then the proportion of children in the population rises to over 50% - 52% being the average,⁺ with the actual figures ranging from a staggering 71% in the Elukhanyweni sample to a low of 36% in the Mdantsane sample. Although these figures make it clear how high the level of adult out-migration from relocation areas is, they are not exceptionally high by bantustan standards. Charles Simkins has calculated that in 1980 the percentage of children under the age of 15 in the bantustans as a whole was 49%. (Simkins, 1981a)

Migrant labour has an even more damaging impact on the sex composition of the african relocation areas surveyed. In the 17 areas, the average masculinity rate (males per 100 females) of the local population, (encompassing both permanent residents and com-

⁺ This figure is based on data for 12 of the 17 african relocation areas.

muters), was 78 - 76 in the case of the townships⁺ and 78 in the case of the closer settlements. When the masculinity rate for the local adult population between the ages of 25 and 64 only is calculated, the average drops to 55 for all relocation areas and the discrepancy between township and closer settlement becomes very marked: the masculinity rate averaging 62 in the case of townships and 45 in the case of closer settlements. In all the relocation areas a large component of the adult male population is permanently away, as migrant workers; in most closer settlements the dependency on migrant labour is far higher than in those townships which were planned primarily as commuter townships for urban - industrial areas across the bantustan borders.

The comparative data for each of the african relocation areas is set out in Table 4 below.

Table 4. MASCULINITY RATES OF LOCAL POPULATION IN 17 (AFRICAN) RELOCATION AREAS[†]

AREA	ALL AGES	25 - 64 YEARS
1. Mdantsane	86	66
2. Dimbaza	76	74
3. Sada	71	45
4. Pampierstad	75	70
5. Ezakheni	75	70
6. Kabokweni/Pienaar	75	54
7. Inanda Newtown	95	109
8. Elukhanyweni	78	62
9. Glenmore	89	42
10. Kammaskraal	77	39
11. Onverwacht	79	51
12. Sahlumbe	69	Age data unsatisfactory
13. Mzimhlophe	77	34
14. Compensation	84	58
15. Mahodi	68	26
16. Kwaggafontein	74	57
17. Rooigrond	81	32
AVERAGE, RELOCATION AREAS	78	48
AVERAGE, TOWNSHIPS	76	62
AVERAGE, CLOSER SETTLEMENTS	78	45

In interpreting this data, one needs to balance the figures against the level of economic activity in each of the relocation areas as well. A relatively high masculinity rate

⁺ This calculation excludes the site-and-service area, Inanda Newtown. As Table 4 shows, Inanda Newtown was the only surveyed area where sexual parity was approached. It is a unique type of relocation area, especially created for people who were totally incorporated into the economic life of Durban already, and is not representative of relocation townships in general. Inclusion of it in the calculations of the average would thus have distorted the final picture.

[†] Inanda Newtown figures excluded from the calculations for averages; the second Ezakheni figure shows the masculinity rate for the adult population of 15 years and older (not 25 - 64) and is excluded from the calculation of averages as well.

may reflect not simply a higher degree of local employment than usual, but a higher degree of unemployment or of adults who are simply not economically active (i.e. neither employed nor unemployed) in the formal wage sector. Thus at Glenmore the percentage of the total population who are employed (the figure includes both local and migrant workers) is the lowest for the 17 areas, being only 16%; in Mahodi, by contrast, the percentage is relatively high, being 26%. (The figures are presented in Table 5 below.) At Compensation the number of resident adult males had been temporarily boosted at the time of the survey by the availability of casual construction work in the settlement itself, preparing the sites for the next influx of relocated people. As soon as this ended, all those thus employed would have been thrown on the labour market, and one could expect the masculinity rate to drop considerably.

These figures establish that relocation areas, if considered as a single group, do not reveal a significantly greater degree of sexual imbalance than the bantustans considered as a whole. Comparative data is sketchy but according to Simkins' figures (1981a) the masculinity rate for the total bantustan population in the 25 - 64 age group in 1980 was 61: comparable to the township rate but notably higher than the closer settlement rate. This discrepancy reflects the much higher dependency of these settlements on male migrant labour for their survival. However, the average for the closer settlements is not worse than comparable figures for rural bantustan areas in general (i.e. not counting the proclaimed urban areas within the bantustans). The Buthelezi Commission has noted that in KwaZulu the proportion of males to females in the *de facto* (locally resident) adult rural population of 15 years and older approaches a ratio of 1 : 2, giving a masculinity rate of near 50. (Buthelezi Commission, 1982, vol. 1, 70) In the rural Ciskei, the masculinity rate has been calculated to be 78 overall and 49 in the 25 - 64 age group. (BENBO: Ciskei economic review, 1975, Table 5.1.5)

ECONOMIC ACTIVITY

A comparison of the data set out in Table 5 on economic activity in the 19 relocation areas surveyed, which encompasses employment levels, unemployment rates and migrancy levels, reinforces the argument that these areas can be ranked in terms of material conditions. On balance, group area townships have the most favourable set of conditions and the very isolated rural closer settlements the worst.

Employment levels

While the level of employment is broadly comparable in the group area and township samples, averaging about 28% of the total population, the level in the closer settlements is lower, on average, than in the other two categories, being 24%. Of the five worst areas in terms of employment levels - where the percentage of employed people is the lowest and the dependency rate on the employed population thus the highest - four are closer settlements (Glenmore, Kammaskraal, Sahlumbe and Compensation) and only one, Pampierstad in the remote Northern Cape qualifies as a township in terms of infrastructure. Of note is that none of the employment levels in the four Transvaal relocation areas falls below the average of 26% and in two instances they are well above the average (Kabokweni/Pienaar and Kwaggafontein). Differences in the level of regional economic activity do affect bantustan employment prospects, with the relocation areas in the economically depressed Eastern Cape being, on average, more disadvantaged in relation to access to employment than those in the Transvaal, and the Natal areas falling somewhere in between.

According to Simkins ('The demographic demand for labour and the institutional context of African unemployment', SALDRU working paper no. 39, 1981), the average level of employment for the total african population (bantustan and non-bantustan) was 29% in 1980 - 41% for males and 17% for females - broadly comparable to the township average in the SPP sample, but somewhat higher than the closer settlement average, as would be expected.

Table 5. ECONOMIC ACTIVITY LEVELS IN SPP SURVEY AREAS

GROUP AREAS	% TOTAL POPULATION EMPLOYED			UNEMPLOYMENT ⁺ RATE			RESIDENTIAL STATUS OF EMPLOYED		
	Male	Female	T	Male	Female	T	Permanent	Commuter	Migrant
1. Atlantis	36	21	28	5	20	11		97‡	3
2. Phoenix	39	15	27	5	2	5		100‡	0
TOWNSHIPS									
1. Mdantsane	30	26	26	24	39	32	15	53	32
2. Dimbaza	30	16	24	24	47	35		70‡	30
3. Sada	38	17	28	19	43	29		33‡	67
4. Pampierstad	30	10	21	12	40	23	2	73	25
5. Ezakheni	38	23	29	16	28	21	10	60	30
6. Kabokweni/Pienaar	48	27	38				2	61	37
7. Inanda Newtown	42	18	29	16	20	18	negligible	96	4
CLOSER SETTLEMENTS									
8. Elukhanyweni	34	21	27	12	22	16		33‡	67
9. Glenmore	22	9	16	27	56	38		24‡	76
10. Kammaskraal	26	12	19	23	51	36		17‡	83
11. Onverwacht	46	14	29				5	48	57
12. Sahlumbe	38	4	21	12	21	12	2	10	88
13. Mzimhlophe	34	18	26	11	17	13	8	29	63
14. Compensation	30	9	19	11	42	20	37	7	56
15. Mahodi	40	11	26				negligible	28	72
16. Kwaggafontein	48	11	30				1	37	62
17. Rooigrond	35	20	28				2	16	84
AVERAGE, AFRICAN RELOC'N	36	16	26	17	36	24		45‡	55
AVERAGE, TOWNSHIPS	37	20	28	19	36	28		63‡	37
AVERAGE, CLOSER SETTLE'T	35	13	24	14	30	22		29‡	71
BLACK SPOTS									
1. Matiwane's Kop	35	15	24	11	20	13	0	38	62
2. Mathopestad	35	21	28	4	17	10	30	3	64‡

⁺ Classification of unemployed in Kabokweni/Pienaar, Onverwacht, Mahodi, Kwaggafontein, Rooigrond and Mathopestad interviews not comparable as distinction between unemployed and not economically active not delineated clearly. Data accordingly omitted from table.

[‡] Figure represents permanent and commuter workers combined.

^{‡‡} Residence status of remaining 3% not stated.

Details on sectors of employment and skill level of the employed are contained in the detailed case studies. Most of the workers in the SPP sample were employed in the worst-paying, least skilled and most vulnerable jobs, generally as unskilled industrial or construction workers in the case of men and domestic workers in the case of women. Skill levels tended to be higher in the group area samples and only some 10% of all the workers in the african relocation areas fell within the white-collar (professional, business or clerical) sector.

It should be pointed out here that the number of workers in relocation areas is not distributed evenly across all households and there is a small but nevertheless significant minority of households that have no wage earners at all. Thus in the 6 areas surveyed in the Eastern Cape, the average percentage of households with no wage workers was 15%, ranging from a low of 7% at Mdantsane, the commuter township, to an extremely disturbing high of 31% at Glenmore. Using data drawn from 8 SPP survey areas, Simkins has pointed out in his paper on 'The economic implications of African resettlement' that female-headed households are at a greater risk in this respect. In his sample of 8 relocation areas, an average of 10% of the male-headed households and 28% of the female-headed households had no wage earners at all. (1981, 37)

How households with no wage earners survive is often not clear. Without agricultural land, people cannot keep stock and only the most enterprising manage to grow any food on their small plots: lack of water is often the biggest problem they face. Some households eke out a living in the informal sector, selling beer or grass mats etc.; generally, however, the informal sector is at its weakest in those most isolated and poorest regions where formal wage employment is most difficult to get. Some are fortunate enough to have pensioners in the family; others appear to depend on the charity of neighbours. Some, of course, do not survive.

Pensions play a very important economic role in relocation areas in general. In the SPP survey areas they rank as the most important source of cash income after formal wage employment, their vital role in supplementing, at times substituting for entirely, wage earnings being most marked in the rural closer settlements. At the time of the SPP surveys, an african old age pension was in the region of R80 every two months. It is not unusual to find whole families living on the pensions of elderly grandparents, and considering themselves fortunate to have at least this source of income - a phenomenon not confined to relocation areas only.

Unemployment⁺

Unemployment is a very serious problem in relocation areas, although once again there is considerable fluctuation in the level of unemployment both regionally and in the different types of relocation areas. Overall the group area townships compare very favourably with the african areas, the level of male unemployment in both Atlantis and Phoenix being only 5%. In the african areas however, unemployment levels are much higher, the average rate in the limited sample of 12 areas in the Cape and Natal (where comparisons can be made) being 24 - 17 for males and a very high 36 for females. Within this sample, unemployment is revealed as a more serious problem in the Eastern Cape than in Natal.

Of interest here is that unemployment rates are lower, on average, in the closer settlements than in the townships. If one juxtaposes the unemployment figures with the average employment levels in closer settlements and in townships, it becomes apparent that the

⁺ SPP used a strict definition of unemployment, classifying those who were of working age, not at school, without work and actively looking for a job as unemployed.

reason for this is not that there is fuller employment in closer settlements (as a group) but that more people of working age in closer settlements have abandoned hope of ever finding work and have simply dropped out of the ranks of the economically active into that of people classified as 'not economically active' in the formal wage sector. This applies most strongly in the case of women. Employment opportunities are very circumscribed for women in the bantustans in general, but in the townships there are greater prospects of work, as domestic workers in the nearby white towns, or as factory workers in border industries (where the very low level of wages payable to women is often an incentive for employers to take on female workers).

This general point is brought out most clearly by a comparison of the Ezakheni and Sahlumbe case studies in Volume Four. On the face of it, unemployment is a far more serious problem in Ezakheni than in Sahlumbe. In fact, at Ezakheni, formerly serving a border industrial area and now itself designated a 'development point' in the government's latest decentralisation plans, many more people still have the expectation or hope that jobs will be available to them if they continue looking than at Sahlumbe, where local employment opportunities are virtually nil.

It is suggested that while these figures are disturbingly high, they are not worse than what is found in many other bantustan areas. They are, however, higher than comparable data on unemployment among the settled (i.e. non-migrant) metropolitan african population - people living in the major metropolitan areas of the country - the discrepancy being most marked in the case of women. Charles Simkins has calculated metropolitan unemployment amongst africans to be 13% for men and 23% for women. (1981, 38) This discrepancy reinforces the argument that african unemployment is being displaced into the bantustans and indicates that relocation is one of the means by which this is being achieved.

Unfortunately the statistical material on areas threatened with removal is insufficiently broad for a scientifically valid comparison between threatened and relocation areas to be drawn. It is worth noting, however, that in both threatened areas surveyed, unemployment rates are well below the relocation averages while employment levels are comparable to the relocation average. This finding supports a general observation to emerge from SPP fieldwork around the country: relocation, particularly in the case of black spots moved into closer settlements, disrupts long-established and relatively stable employment patterns and often leads to a much higher level of migrantisation of the work force as well. As influx control tightens and the competition for jobs increases, migrant workers in bantustan closer settlements are more and more vulnerable to being excluded from the prospects of work altogether.

Migrant labour

The figures in Table 5 showing the residential status of the employed population reveal:

- 1) The almost total dearth of employment opportunities within any of the relocation areas themselves;
- 2) The very significant role played by migrant labour in the african relocation areas.

The government, of course, has never made any claims that it does or intends to take responsibility for the employment prospects of those whom it relocates. Even in those areas classified as townships by SPP but glorified by the name of 'town' in the official terminology, areas relatively favourably placed in relation to commuter jobs, about one third of the work force are migrants on average. (In the case of Sada, less favourably situated geographically, the percentage of migrants is far higher than in the other townships.) The only african township where migrant labour is not a significant force at all is the special case of Inanda Newtown.

In the case of closer settlements, the role of migrant labour is a very large one - on average over 70% and in three cases over 80% of the work force are migrants, their families

dependent on whatever money is remitted home through the post or at monthly or less frequent intervals. (It should be noted here that the relatively favourable level of local employment at Compensation represented a temporary phenomenon only and that once the temporary construction work in the camp came to an end, local employment opportunities all but ceased.) However, while migrant labour imposes severe strains on family and community life, one of the points to emerge very strongly from the SPP fieldwork is that those families in closer settlements who have migrant workers are privileged members of their communities in economic terms. Given the lack of agricultural land and the dearth of local employment, having migrant workers in the household in most cases makes the difference between mere poverty and absolute destitution.

While somewhat lower than the average in closer settlements, the percentage of migrants at Matiwane's Kop and Mathopestad is still much higher than the average for townships, reflecting their own rural nature and dependence on outside wage employment. Fieldwork in other black spot communities confirms that most depend on migrant labour for the largest slice of household income. However, in black spots most households still have access to some agricultural land as well. The produce from this land provides a significant supplement to household income and makes a noticeable difference to the general standard of living as reflected in the information on household diet, discussed in more detail below.

DIET

One of the questions on the SPP household questionnaire concerned diet. It was a difficult question to ask in most circumstances and the replies received sketched out only the broad dimensions of daily consumption patterns on a household basis; they did not distinguish between individual members of the household or give details on the quantities of food consumed. Nevertheless, the results are still extremely revealing: at a crude aggregate level they highlight the material differences between areas in terms of household income and provide a rough indication of poverty levels.

In all survey areas the staple diet was noticeably deficient in protein foods and greens. Starch - maize in the african areas, bread/rice/potatoes and some maize in the non-african areas - formed by far the largest part of the daily diet, with tea, coffee and sugar also featuring daily in most households. However, while the general standard of nutrition was poor in all 21 areas (relocation and threatened) the degree of malnutrition varied quite considerably. In some areas people lived almost entirely on mealie meal; in others there was greater variety in the diet.

As would be expected, the more money is brought back into a community, the better the average nutrition levels in that community are likely to be. Thus, in the two group areas townships, the frequency and range of supplementary foodstuffs other than the starch staple was found to be greater than in any of the african relocation areas; within the african areas, the worst off areas in terms of diet were the three most depressed closer settlements of Sahlumbe, Kammaskraal and Glenmore and the township of Sada. Taking meat consumption as an index of nutrition levels, SPP found that meat was eaten regularly by most households in group area townships but only sparsely in the african areas, in some hardly ever. While 50% of the Atlantis sample reported eating meat daily and 40% at Phoenix reported eating it at least twice a week, only a handful of the most privileged households ate meat regularly in the african areas, with 50% at Mdantsane, 58% at Pam-pierstad, 67% at Sada, 70% at Glenmore and 78% at Kammaskraal reporting that they ate it less than once a week, and fully 92% at Sahlumbe reporting that they ate it less than once a month. The consumption of eggs, milk and greens followed a similar pattern, ranging from poor to totally inadequate across the spectrum from group areas townships to the most isolated and depressed closer settlements.

In terms of diet the two black spots of Matiwane's Kop and Mathopestad can be placed at

the upper end of the spectrum: a finding that can be explained almost entirely by the access of households in these two areas to agricultural land. Although, as already pointed out, agricultural activity in these areas counts overall only as a supplement to and not the basis of household income, nevertheless it makes a significant contribution to the average standard of living. Daily meat consumption at Matiwane's Kop is, at 16% of all households surveyed, the highest for any of the african areas in the SPP sample - higher even than at Inanda Newtown which in many respects is one of the most favoured african areas from the point of view of economic standing. Consumption of milk, eggs and greens in these areas compares favourably with that in the relocation townships as well, as the detailed case studies of these areas in Volumes Four and Five respectively make clear. Nowhere is the economic significance of the agricultural land still available to black spot households shown up more clearly than in the comparative data on diet in the SPP surveys, since, in terms of employment levels and dependency on migrant labour, most black spots do not differ substantially from most closer settlements.

This is not to say that agricultural productivity is high in black spots: in most cases fields are small, yields low and fertility and the general quality of the soil declining alarmingly. It is to point out, however, that given the severe constraints on african mobility and employment opportunities under apartheid, a rural family on a black spot is likely to enjoy a higher standard of living than a rural family in a closer settlement. The tenacious attachment of rural africans to land is not simply a psychological or sociological phenomenon; it is a matter of basic economics, an issue totally ignored by the government in its development of the 'closer settlement' as a substitute for urbanisation.

6. Conclusion

Several major themes have been touched upon in the sections above, to do with scale, causes and conditions of relocation; these are developed further in Volumes Two to Five. Here the question to be asked is what significance current trends in the relocation programme as a whole have for the future.

'Relocation' itself is a descriptive term, covering a wide range of categories and conditions of removal and, as the previous discussion has made clear, it is not possible to treat it as a single, uniform process, occasioned by a single uniform dynamic. Nevertheless, the programme of massive, State-sponsored population removals of the past twenty-five years as a whole, has been an intrinsic feature of the apartheid State. Removals have served as a major form of control of the black majority, operating at a number of different levels - economic, political and demographic - and have constituted one of the main ways by which the white minority government has aimed to dispossess african South Africans of their citizenship and to deny them access to political and economic rights in a common South Africa. Thus far this relocation strategy has proved brutally successful - some three and a half million black people have already been removed.

In recent years there have been some modifications to and refinements of the relocation programme. Compared to the 1960s and early 1970s, the 1980s have seen less of the large scale relocation of whole communities *en masse*, and more emphasis on influx control and administrative methods, to block people from moving to the urban areas or to relocate them on a more individual basis. Partly this is because certain of the objectives of earlier relocation drives have already been achieved - notably in the implementation of the Group Areas Act and the policy of urban relocation - but partly it is because of the increasing political and financial costs attached to the continuation of old-style removals at the same pace and scale as before. Along with this has gone a refinement in the tactics used in relocating communities, with the application of more sophisticated forms of pressure (so that people submit to moving 'voluntarily'), and a greater emphasis on secrecy on

the part of the State. Relocation, we are told, is a 'sensitive matter' of concern only to Pretoria and the bantustan involved; it is becoming increasingly difficult to obtain accurate information from the Department of Cooperation and Development about its intentions.

Yet despite the delays and the greater caution, it must be stressed in conclusion that Pretoria has not abandoned its relocation programme. SPP has calculated that a little under one and a half million people are still under threat of relocation in terms of current consolidation planning (including black spot removals) and urban relocation alone. Whether Pretoria will ever see the completion of these grandiose schemes is becoming increasingly doubtful; nevertheless, while further delays, modifications and even reprieves for certain areas may be expected, SPP has not come across any evidence to suggest a reversal of State policy on removals. At the time of writing, 40 000 people are being removed off 8 black spots in the Eastern Cape corridor into the Ciskei; several major reserve areas in Natal have been excised from KwaZulu as a preparation for the declaration of these areas as white; people living in informal settlements in the Western Cape, Natal and Transvaal are being harried and evicted by Administration Board officials; there are signs of a renewed clampdown from the State on the numbers of african people living on white farms. Exclusion - and hence relocation - still lies at the heart of apartheid.

Furthermore, it needs to be pointed out that even if population removals were suddenly to come to an end, that would not alter the position for the millions of people already relocated, nor undermine, substantially, the major restructuring of South Africa into a 'white' core and ten ethnic bantustans on the periphery that is already far advanced. The struggle against removals is essentially a rearguard one, against the dispossession of people, against the bantustan system, against the misery of those living at Glenmore, Sahlumbe, Onverwacht, Pampierstad etc. The issues are often peculiarly distorted, the alternatives open to black people so limited, the choices skewed: Is it better to be living on a white farm, with a few cattle and earning R20 a month, or is it better to be living in Compensation, with a tap on the street corner and no dependency on the farmer, but no job and no cattle either?

Opposition to removals has played an important part in preventing removals in the past and is likely to be very important in this regard in the future. However, in fighting against removals, it is necessary to remember that one is simply fighting for the preservation of the status quo. Stopping removals does not solve the ongoing problems of the underdevelopment of the rural areas (both bantustan and black spot) nor does it restore the past to those already dispossessed. It is, however, a necessary step in the direction of restoration and reconstruction in South Africa.

2. HISTORICAL BACKGROUND

In the previous chapter it was argued that ultimately all relocation of africans has to be seen in relation to the development of the bantustan policy. This chapter examines the historical background to that policy to 1960. It should be read in conjunction with the theoretical chapters already cited in Volumes Two and Five, which develop the analysis and bring it up to the present period.

1. 'Native policies' before Union

Contemporary attempts by the State to disorganise the black dominated classes, through the creation of ethnic - national political structures in the various bantustans, have their origins in a strategy developed by the white ruling class with the advent of large-scale industrialisation and proletarianisation on the one hand, and the challenges of radical opposition groups on the other; both processes developed into major forces in the period after the Second World War. However, the bantustan strategy also has its roots in the native policies adopted by the various white settler and colonial governments in the 19th century and in the creation of the african reserves (with their accompanying administrative and political structures) in the first half of the 20th century.

With the conclusion of colonial conquest in Southern Africa in the latter half of the 19th century, a number of scattered areas remained in african occupation. Colonial administrators, especially the British, had learned the value of 'native reserves' in facilitating domination, both economic and political, over the indigenous people of the region. However, in each pre-Union state the specific policies adopted by administrators for the african areas differed and themselves underwent modifications over time, as the administrations in each of the territories changed. The differences among these early policies were determined by:

1. The different histories of resistance and conquest, and the balance of military power in each area;
2. The different needs of white settlers in each area - notably mine owners and farmers in the Transvaal, feudal landlords in the Orange Free State and the Cape, absentee landlords and speculation companies in Natal and merchants everywhere;
3. The level of differentiation within african communities, including the size and relative strength of the emergent african peasantry and the degree of and resistance to proletarianisation.⁺

The struggle within the white ruling class over a uniform native policy after Union was in many respects a struggle between the political options that had been thrown up by the different paths of capitalist development and the different class forces that emerged in the various regions that joined together as South Africa in 1910.

⁺ Knowledge of the history of the rise (and subsequent decline) of an african peasantry in Southern Africa from the second half of the 19th century is essential to an understanding of developments in this period. Readers are referred to Colin Bundy's The Rise and Fall of the South African Peasantry.

LAND TENURE IN THE TRANSVAAL

In the Transvaal, largely because of the system of land allocation among male burgers, and their labour demands, very little land was set aside as african reserves in the 19th century.⁺ A Native Location Commission was established in 1903 in order to define and allocate the precise boundaries of the reserve areas, but by the time of Union in 1910, most africans lived outside these small, scattered and already overpopulated areas. The greatest concentration of african settlement was on land owned by whites, much of it land bought up on speculation by mining and land companies which were then glad, in the short term, to rent it out to africans. Many others lived as labour tenants on white-owned farms.

However, as commercial agriculture expanded in the wake of the discovery of gold in the 1880s and the rapid growth of an urban population, so pressure from white farmers mounted against african cash tenants. Farmers lobbied for measures designed to force cash tenants into labour tenancy to meet their demands for labour and to open up the land occupied by africans for white commercial farming. Anti-squatting legislation was re-activated in 1908, by which time there were an estimated 300 000 'squatters' on white-owned land in the Transvaal. These measures were only partially successful, however, since most evicted squatters chose to move into the few existing reserves rather than onto white farms.

In addition to those living on white-owned land, there were, by the end of the 19th century, a very limited number of africans who had managed to buy land for themselves in the Transvaal. However, until 1905, they could only acquire freehold title under conditions of trusteeship by the Commissioner of Native Affairs. In 1905 a Supreme Court decision lifted all restrictions on african freehold tenure in the Transvaal but very few africans were in a position to take advantage of that in the short time that elapsed between then and the passage of the 1913 Land Act.

THE CAPE COLONY AND NATAL

Developments in the Cape and Natal followed two different and separate routes from that in the Transvaal. Throughout the 19th century the Cape's economy was more vigorous than in any other area, its settler population much larger and more firmly established. Compared with Natal, africans in the Cape lost a larger proportion of ancestral lands to the colonists. The mercantile-missionary-liberal influence in Cape politics was older and sturdier, while in Natal several factors, including demography, land allocation and the ideology loosely summed up as 'Shepstonism', meant that there the majority of africans experienced the cultural pressures of white rule less sharply than in the Cape. With white colonists' interests weaker in Natal - many of the landowners were absentee - african agriculturalists retained greater effective control over their land, and for a longer time, than those resident in the Cape. In Natal the process of commercialisation of agriculture was slower; the white settlers were more dependent upon and thus stimulated african production of foodstuffs. Unlike in the Cape, where pressure mounted to form a stable, independent, 'modernising' class of african producers, traditional forms of land tenure remained relatively strongly preserved in Natal, although new forms - private ownership and rental - were emerging too. Quasi-feudal relations on white-owned farms also remained embedded there for longer.[‡]

⁺ For a fuller account of african land tenure in the Transvaal in this period, see the Addendum in Part Four of Volume Five.

[‡] For a more detailed account of land tenure in Natal in the 19th century, see Chapter Two, Part One in Volume Four.

Shepstonian policy in Natal

When the British took over in Natal in 1845, Governor West was eager to make 'administrative sense' out of the area and the range of interests that had to be accommodated (absentee landlords, the african population, trekker farmers, land companies, and the administrators themselves). In 1846 a commission was appointed to assess and give effect to the suggestion that areas should be set aside for african use. One of the main objectives of the Commission was to reinforce modified tribal authority structures:

Chiefs are being disregarded, as gradually by the operation of our laws, it is discovered they possess no constitutional authority.

Further, administration was to be tied to the creation of clearly demarcated areas for african occupation.

Theophilus Shepstone, one of the Commissioners, strongly influenced the policy adopted, which laid the foundation for the future system of land segregation and administrative control in Natal. The Commission delimited wholly african areas, Shepstone arguing that these should not be overcrowded since that would hasten proletarianisation. However, this apparent liberalism was never the dominant ideology in Natal, nor was it ever translated into effective action. The policy appeared to countenance the development of an independent african peasantry and to favour the emergence of a class of african producers, with a stake in the demarcated land, but was circumscribed by the conflict of interests within the white group. On the one hand, white farmers pressed for the elimination of 'squatter' farming, the restriction on reserve land, and the creation of labour tenancies. On the other hand, absentee landlords supported the existence of rent-paying 'squatters' and substantial labour reservoirs for the mines. The area set aside finally came to 1-1/4 million acres of inferior farming land, which was later increased to 2-1/2 million acres. By 1851 Shepstone estimated that 2/3 of the african population of Natal still lived outside the reserves.

Shepstone's administrative policy was also crucial. Following the Commission's recommendations, it provided that in each location there was to be a superintendent, or resident agent of the government, assisted by one or more officials, and an african police force under white officers. The Commission argued for the recognition of customary law and the use of chiefs in administration, in part to cut down on costs. Shepstone also believed that - contrary to the position in the Cape - the 'Zulu power had instilled into Natal africans notions of implicit obedience to their rulers', and he hoped to manipulate this feature. A dual legal system was developed.

The Glen Grey Act in the Cape

As already pointed out, conditions in Natal and the Cape Colony were quite dissimilar. In addition, Sir George Grey, the Governor in the Cape from 1854, was a different type of administrator from Shepstone with a stronger liberal ideology. Unlike Shepstone, who believed that only force would control the african people, Grey believed in 'civilizing' the indigenous population to create 'an enduring and peaceable master-servant relationship in a civilized context'.

Essential to the furtherance of his policies was an inhibition of the power and influence of those he called the 'haughty hereditary chiefs'. In 1856 he detailed a policy of undermining the chiefs by introducing white magistrates into their areas, by paying them salaries to undermine the role of tributes and fines, and by appointing paid headmen to serve as a police force. These policies effectively curtailed the judicial, economic and political powers of the chiefs.

Throughout the second half of the 19th century, Grey tried to integrate africans into the colonial economy, as workers. To achieve this he encouraged individual land tenure and labour tenancy rather than cash tenancy on white-owned farms. He envisioned the creation of a small class of settled, land-owning africans (food producers with a stake

in order and stability) and a much larger class of wage earners.

The emergence of an african peasantry, producing successfully for the market, clashed with the demands for wage labour by whites. After 1872 the Cape Assembly did its best to accelerate labour supplies through the revision of tax laws, pass laws and vagrancy laws. A series of Location Acts were passed, aimed at reducing the number of 'idle squatters'. The advent of large-scale gold and diamond mining put greater pressure on the colonial administrators to limit the access of african people to land, and thus force them into wage employment on the mines.

These concerns found expression in the passage of the Glen Grey Act in 1894, the work of the mining magnate, Cecil Rhodes. This Act introduced a form of individualised land tenure and a council system of limited self-government, weighted in favour of those who held land, in the Glen Grey district of the Transkei. The Act was an attempt to transform tribal, pre-capitalist social relations of production into individualised peasant production and thereby hasten the rapid proletarianisation of the masses (who would not have land) who were needed to work on the mines. Had this policy succeeded in toto, it would undoubtedly have affected the racial policy and dominant ideology which developed in 20th century South Africa. However, there was strong opposition to the Act within the african territories; while individual tenure was implemented in some areas, the State could not uphold the principle of primogeniture in the african areas and thus subdivision of landholdings within families and squatting on communal land proceeded at an accelerated pace.

Despite the limitations in the actual implementation of the scheme, present in the Glen Grey system were many features that would be retained and developed in the post-Union reserve and post-1948 bantustan policies. Lacey (in Black Sash, 1982, Chapter 2, 3) quotes a contemporary assessment of the significance of the Glen Grey Act by R.W. Rose-Innes, a prominent Cape politician, to support her contention that 'the similarities between Rhodes's plan to create controlled, segregated, self-governed labour reservoirs and present-day separate development/constellation/confederation ideology is striking.' Said Rose-Innes:

The principles of the Act necessarily involve the creation of purely Native reserves or areas from which Europeans are excluded by purchase or otherwise... We shall be compelled to create more of such areas as 'reservoirs of labour'... These should grow into great Native States or colonies under the direction of British officials but with large powers of self-government and with representation in due time in a Federal Parliament of the Confederated States of South Africa.

THE SOUTH AFRICAN NATIVE AFFAIRS COMMISSION (SANAC)

Although there were thus features of segregationist policy present in 19th century South Africa, the conception of a total policy embraced by this approach only came to the fore in the first decade of the 20th century, promoted particularly by the establishment of Union in 1910.

The first three decades of the 20th century were marked by intense struggles within the newly created Union, between different fractions of capital, between the four provinces and between white political parties over the precise nature of a uniform native policy. The disunity in existing african administration, in land policy and in the franchise policy in the four provinces was a legacy of the past. At the same time, ongoing economic developments exacerbated the differences between the interest groups within the dominant white group. At the two extremes were the mine owners and the farmers, each with very different requirements for a land and reserve policy. The former wanted land for speculation and cash cropping and a reserve policy which would keep intact those non-capitalist relations which served mining capital's need for a cheap, semi-proletarianised

labour force, the subsistence agriculture of the reserves supplementing the very low, single man's wages of the mines. The farmers, particularly in the Free State and Transvaal, wanted to restrict the size of the reserve areas, to encourage the creation of labour tenancies and a reserve army of labour for the farms, and also to expand their land holdings.

In 1903 Lord Milner, appointed High Commissioner in South Africa after the Anglo-Boer War had brought the Transvaal and Orange Free State under British rule, established the SANAC to develop a native policy which was intended to transcend both the 'assimilative' policies of the Cape and the 'repressive' policies of the two Boer republics and Natal. This Commission elaborated a policy of segregation which can be seen as a self-conscious attempt to formulate a native policy that would be appropriate to the particular conditions of capitalist development in South Africa at the time. Its Report, which appeared in 1908, was probably the first to use the term 'segregation' and is a significant landmark in the articulation of a uniform native policy for the region.

At that stage the main concerns of the ruling classes could be summarised as:

1. To crush the independent african peasantry outside the reserves and restrict its size inside the reserves, in order to avoid a powerful class emerging which could both threaten the feudal landlords and provide leadership to the african masses;
2. To prevent an alliance developing between the 'poor white' rural and urban proletariat and the dispossessed africans (particularly where they laboured together);
3. To create a cheap, controllable african proletariat for the farms, the mines and the infant secondary industry sector.

The SANAC basically endorsed the Cape reserve policy, based on the Glen Grey system, thus favouring the interests of mining capital. It sought to ensure a larger labour supply, to impose restrictions on the cash tenant peasantry ('squatters') and on the development of an african elite and to promote a stable labour policy through the system of land segregation. Its proposals were taken up in principle by the South African Party (SAP) and emerged in 1913 as the policy of territorial segregation that was given shape by the Natives Land Act of that year.

As far as the franchise went, both the SANAC and the SAP were clear that the 'natives' needed structures for articulating grievances, specifically to prevent violent outbursts of conflict. (The Bambatha rebellion of 1906 in Natal was an example of what they wished to avoid.) However, a common franchise was not considered. They wished to maintain a (racially) divided working class. Democracy was extended to the white working class; if black workers were included and formed an alliance with white workers, it could be a threat to capitalist domination. At the same time, all whites agreed that the type of political representation to be made available to africans should ensure the supremacy of whites. It was felt that firstly, 'civilized natives', with property, skills or educational qualifications, should have separate representation in parliament; secondly, the mass of africans should be represented through tribal rule and/or local councils (as in the Glen Grey district and the Transkei).

2. Developments before 1948

THE 1913 LAND ACT

The Natives Land Act of 1913 delimited certain areas as african reserves (the 'scheduled' areas) and laid down that henceforth no african could purchase or occupy independently land outside the reserves. It also prohibited whites from acquiring or occupying land in the reserves. The land scheduled in 1913 amounted to about 7% of the total area in

South Africa. This land was concentrated in Natal and the Cape, where the largest reserves already existed, and excluded extensive areas already owned and occupied by africans. However, it was accepted by the SAP government of the time that further land would be added to the core reserved for african ownership in 1913; the precise boundaries of this would still have to be defined, after further investigation.

Thus the 1913 Act established clearly that there was to be racial segregation in regard to the ownership of land. The Act checked squatting (a series of other Acts having failed to have any effect), encouraged labour tenancy over cash tenancy or 'farming on the half' (in the Free State) and encouraged the transition to wage labour on white-owned farms. Thus the Act finally marked the triumph of white farmers over the african peasantry, and laid the basis for a firm 'native policy' towards the tribal peasantry.

By forcing large numbers of african cash tenants and sharecroppers off their land and restricting the area for african ownership, the 1913 Land Act speeded up the process of proletarianisation among the african population. However, at the same time the system of land segregation and the stabilisation of the distribution of land between white and black prevented the complete elimination of the subsistence base that migrant workers retained in the reserves, i.e. it prevented the formation of a big landless class and this bolstered the migrant labour system for industry. The principle of one man one plot in the reserves also prevented the concentration of land in the hands of a relatively small class of african landowners.

ATTEMPTS TO DELIMIT 'RELEASED' AREAS

The question of the actual delimitation of the land to be added to the scheduled areas was left to the subsequent Beaumont Land Commission to investigate. Certain elements in the ruling class, the Unionists in particular, were worried about the lack of consultation over the 1913 Act and insisted that the reserves should be extended, to prevent conflicts. Farmers, however, particularly in the Free State, were vehemently opposed to these moves. As in the old Boer republics, they opposed land being reserved for africans and wanted, instead, to enserf the already evicted independent cash tenants so as to meet their labour shortage. The attempts of the Beaumont Commission to delimit further areas for 'release' from the restrictions of the 1913 Land Act, i.e. to be authorised for african occupation, engendered massive controversy and their recommendations were referred to a series of local land committees in 1917/18 as a result. These committees greatly scaled down the total areas of land recommended for release - the Free State Local Land Committee, for instance, recommended the release of only 79 000 morgen instead of the 148 000 morgen recommended by the Beaumont Commission.

Because of this conflict, the formal release of more land to the reserves was delayed until 1936. However, in practice, those areas recommended for release by both the Beaumont and the Local Land Committees were regarded as african areas in the interim. These steps excluded large de facto african areas (either african-owned or occupied e.g. the State land in Natal) from the future reserves - in 1926 africans occupied over 21 million morgen outside the scheduled areas, of which only 16 million were being recommended for release. The other part of the SAP reserve policy package that was introduced at this time, concerned the political/administrative aspects of segregation. In terms of Smuts' Native Affairs Act of 1920, a Glen Grey/Transkei system of local government for africans was set up over the whole of South Africa.

In 1924 General Hertzog's National Party took office and this gave the upper hand to the white rural electorate in the formulation of the Union's 'Native policy' for the next decade. It was clear that Hertzog had no intention of implementing the total segregation of white and african territories (which would have necessitated the release of more land); he was more concerned with boosting the labour supply, particularly to white farms, than with developing a 'homeland' policy out of the reserves. Land Bills intro-

duced by the Hertzog government in 1927 and 1929 (but not, finally, enacted) reduced the area of land already demarcated for release and also provided that these areas would not be kept exclusively for african purchase. These efforts alarmed the representatives of mining capital, who were wanting to ensure the maintenance of the subsistence basis of the migrant labour system. Smuts and others rejected Hertzog's attempt to reverse the land segregation policy on the grounds that it did not relieve the acute land shortage being experienced by africans or encourage agricultural production. They also rejected the strict labour tenancy and anti-squatting laws, arguing that there was not enough reserve land available to absorb the evicted cash tenants.

THE 1936 LAND ACT

The question of the released areas was finally taken up by the Native Trust and Land Act of 1936, passed once the fusion United Party of Hertzog and Smuts had come into office. This Act formed part of a 'native policy' package deal. It released a total of 7,25 million morgen, to be added as 'released areas' to the 10,5 million morgen that had been scheduled as reserves in 1913; combined, the scheduled and released areas would amount to some 13% of the total area of South Africa. The Act also established the South African Native Trust (SANT) as the registered owner and administrator of these areas.

Not all the released areas were specified in 1936. The outstanding amount of land that could not be specified in 1936 (largely because of the continued hostility of white farmers to making more land available for the reserves) was still to be acquired by the SANT; this amount was allocated across the four provinces on a quota basis. The land purchasing programme of the SANT proceeded very sluggishly in the ensuing decades and by 1974 20% of the area released in 1936 had still to be acquired. By that stage, the purchasing of this land had become enmeshed in the 'homeland consolidation' policy of the Nationalist government and large areas already bought up or recognised as 'released' became threatened with removal as 'badly situated' reserve areas.

In 1936 large numbers of isolated, african-owned farms as well as extensive tracts of State owned land long settled by africans were not approved for release. The freehold areas were thus isolated as 'black spots', whose continued existence ran counter to the reserve policy, while those africans living on State land became classified as illegal squatters. The Act thus pointed to the eventual relocation of these people at some stage in the future. This threat did not, however, materialise until later, after the 1948 elections had heralded a new phase in the development of the reserve strategy. The 1936 Land Act also tightened the existing controls on the access of africans to land in the white countryside, placing added pressure on cash tenants and strengthening the shift to a more vigorously controlled system of labour tenancy.

POLITICAL SEGREGATION UNDER HERTZOG

Paralleling its policy of minimising the access of africans to land, the Hertzog government set the principles for the future urban segregation policy and finally destroyed all hopes for a common voters' roll for africans and whites. During the 1920s and early 1930s it introduced a series of segregation bills aimed at destroying the existing african franchise rights in the Cape and establishing in its place an elected national extra-parliamentary body - an enlarged Bunga. The 1936 Representation of Natives Act, which stripped africans in the Cape of their common roll voting rights and introduced a very limited measure of african representation, by whites, largely achieved these aims. A Natives Representative Council was also formed (with purely advisory powers), consisting of only eight members.

The voting system developed for this new system of representation was based on tribal communal principles and was aimed at refurbishing traditionalism and undermining the opposition of african nationalists and urban voters. Already during the 1920s Hertzog

had developed the theme of africans being encouraged 'to develop in their own areas'. On a local level amendments to the Native Affairs Act in 1926 and 1927 reduced the powers of the local councils established under Smuts in 1920. The changes introduced favoured the Natal (Shepstone) system of giving greater authority to chiefs, thus devaluing the role that educated africans were expected to play.

In redefining the Union's 'native policy', Hertzog also planned its administration. In 1925 he argued for a 'difference in treatment of Natives and Europeans' in legislation and administration. By 1933 he had set up a completely parallel administration for 'native affairs'. The Native Administration Act of 1927 was the first breakthrough towards uniformity in 'African affairs', introducing a more efficient system of control and sanctioning the policy of retribalisation. It strengthened the system of rule by the Department of Native Affairs and moved away from the assimilationist trend of gradually accepting urban africans into western industrialised society. The Act set up administrative courts, delegated wider authority to the executive and limited the power of the courts. It was a key link in a chain of measures leading to the co-option of african traditionalism into the system of administration and control, with the emphasis on ethnic and cultural separation.

NATIONAL PARTY POLICY BEFORE 1948

As already pointed out, the National Party of General Hertzog laid stress on racial rather than ethnic differences, so that it was the black/white dichotomy and the threat to whites that that posed, which was stressed. In the years immediately after Union separation was also seen as being necessary at the industrial and political levels, with the issue being neither tribalism nor ethnicity, but, blatantly, race:

Daar moet dus ook industrieel n skeiding wees tussen die twee rasse, anders sal daar nooit rus in Suid Afrika wees nie. Die naturel sal nooit rus om die stemreg te kry nie. Daarom is segregasie die enigste weg wat gevolg kan word in verband met die naturel. (Hertzog, speaking in 1921)

From about 1921, however, it seems that the idea of the 'national aspirations of the native being fulfilled' began to creep into Nationalist Party ideology, possibly in response to the growing organisation of the dominated classes. At this early stage, this 'fulfillment of national aspirations' was seen more in the light of africans taking a limited responsibility for certain elements of their social organisation, rather than 'self-government' or 'nationhood'. This responsibility would be exercised within the 'native's' own area where the native could develop along 'his own lines' without 'dragging the whites down to his level'.

Daar sal binne die naturelle gebied dus opening wees sowel vir die naturelle staatsman as vir die naturelle amptenaar. (Hertzog, in 1925)

This did not, however, differ greatly from the sort of thinking that had already found expression in the 1913 Land Act which envisaged the reserves as places in which 'the native way of life', including the limited application of tribal law, could be continued. These elements were also found in early statements made by the National Party of D.F. Malan, the party formed by dissidents who broke away from Hertzog's party in 1933, when the fusion Government was established, and came to power on the apartheid ticket in 1948. Thus in 1944 D.F. Malan commented:

Laat die naturel op sy eie gebied ontwikkel.

However, at this stage too the 'own areas' envisaged by Malan and others seem to have been seen as natural or geographic units of social organisation, rather than as ethnic or even strictly tribal units. The policy of apartheid described in the 1948 Election Manifesto of the National Party consisted of little more than a broad set of principles about the nature of social organisation - segregation, white supremacy, a Christian

National ideology. It was not yet the detailed plan for social reconstruction, based on a number of separate, ethnically defined bantustans, that would emerge from the late 1950s. As late as 1953 Malan was still talking about the fundamental difference between the two groups, 'White and Black'.

However, from 1948, the changed reality of post-war South Africa was to lead to a change in emphasis in Nationalist strategies which became linked to a changing ideological vision on their part. Out of this emerged the period of 'Grand Apartheid', in which the massive relocation of people by the State has featured so prominently; this latter period can be conveniently dated from the passage of the Promotion of Bantu Self-Government Act in 1959.

3. The creation of bantustans 1948-1959

THE SITUATION IN 1948

The National Party of D.F. Malan came to power at a time of great ferment in South Africa. The period after the Second World War was one of particularly rapid urbanisation and industrialisation. This, when coupled to the process of destruction of peasant and subsistence farming in the reserves, demanded a change in response from the ruling classes, economically, politically and ideologically. The options of strategy that were available to the National Party on assuming office were limited by its own ideology, by the already established distribution of land between black and white, by the demands of industry and of its own electoral base (chiefly the white working class and farmers) and by the growing resistance of the dominated black majority. The african mineworkers' strike of 1946 had already suggested that blatant suppression alone would not, in the long run, be enough to preserve the structures of exploitation and domination.

The demands of industry at this stage were somewhat paradoxical. On the one hand the fast-growing secondary industry sector was anxious to promote the growth of a more skilled and contented african workforce; this pointed in the direction of recognising permanent african urbanisation, at least for the industrial workforce. On the other hand, permanent african urbanisation threatened the continued existence of the cheap labour supply that had fuelled the industrial growth and had been developed on the basis of the migrant labour system. The problems were compounded by the market needs of secondary industry which required a better paid and therefore more consumer-oriented workforce. A higher wage bill, however, could in turn lead to a move away from labour intensive production and, hence, contribute to a growing unemployment.

In addition to all this, there was the further complication of a threatened white working class whose main advantage over the black working class was their possession of the franchise and an increasingly militant drive for 'national liberation' among the black population: the period from 1940 to 1949 was one during which black workers began to show their potential for resistance, both in the economic and the political spheres, with an increase in strikes, squatters' movements, bus boycotts, and the growth of the Congress Alliance and mass political demonstrations.

The new government had the option either of strengthening or loosening up segregation. Any loosening up within a common South African framework would lead, in all probability, to a forceful demand by blacks for full political rights, a demand which was rejected from the outset. Given the increasing economic integration, the exclusion of africans from the franchise became increasingly difficult to justify. The role of justification fell to the Nationalist Party ideologues, who developed and refined the theory of 'separate development' during and after the 1950s. During this time, along with the ruthless repression of the political struggles of the 1950s and early 1960s, went a parallel process of reconstruction of the reserves, to retribalise their administration and to establish

new structures of political control over the dominated classes.

THE BANTU AUTHORITIES ACT OF 1951

The first major step in the direction of incorporating tribalism into the system of political control of the african population came with the passage of the Bantu Authorities Act of 1951. This made provision for the establishment of tribal, regional and territorial authorities in the reserves, with limited powers of local government, and thereby incorporated the traditional tribal elite into the overall structures of domination.

At this stage, the manipulation of tribalism seems to have been more in the interests of administrative convenience and control and had less of the economic and political importance it was to assume in its full-grown, ethnic form at the end of the 1950s. Nevertheless, the social reorganisation embodied in the Bantu Authorities Act of 1951 laid the foundation for a policy which was to seek the solution to unemployment, economic and political resistance, international qualms about white minority rule, and rapid urbanisation (with the accompanying problems of a demand for housing and social services and the fear that it would eventually lead to a demand by those in the urban areas for the vote in a central parliament) in the development of the reserves as the true 'homelands' of the african people.

Clearly many of the Nationalist Party visionaries believed in the right of every 'race' to its 'ethnic heritage', and saw the salvation of the black as lying in a 'cultural pluralism'. For them, this was the appeal of tribalism. But for the strategists, tribalism was something which could be manipulated in order to maintain relations of exploitation and political domination. Tribal elements could be used to appeal to individuals/subjects as members of fragmented ethnic units rather than as 'workers' or 'africans'. Moreover, an emphasis on tribalism, in the sense of conserving pre-capitalist structures and practices which were familiar and readily available, would lend credence to the notion of the viability of the 'homelands', a notion which was, in the future, to form the key to the policy of separate development.

In a pre-capitalist system, tribalism had formed a necessary and organic whole but now, within the capitalist system, certain tribal or ethnic elements, which were readily available, were being retained and manipulated, in order to form a basis on which the new structures of disorganisation could be built. In the case of the 1951 Act, the emphasis on the tribal network was one which accorded with both the needs and experience of most migrant workers as well.

THE PROMOTION OF BANTU SELF-GOVERNMENT ACT OF 1959

Although tribalism was thus emphasised by the 1951 Act, the intent at that stage appears to have been more administrative than ideological. Even the Tomlinson Report of 1955, while it certainly made use of tribal references, did so more as a matter of administrative and political convenience than of ideological emphasis. Ethnic differences were not stressed in the report - tribal customs are discussed, at length, cross-culturally, - and the report speaks only loosely of 'eight geographical and cultural - historical complexes'.

The great leap in policy implementation came at the end of the 1950s and was, at least partially, a response to the political activism of the dominated classes during the 1950s. During that time black antagonism to separate development increased enormously and became far more forceful: the Defiance Campaign, bus boycotts, the anti-pass campaigns, the Treason Trial demonstrations etc. The pressure was further exacerbated by increased international hostility.

The strength of the internal opposition to separate development, expressed in a broad, united nationalism, suggested that the fragmentation strategy of bantu authorities was not

working adequately, and it was now that the stress on ethnicity came fully into its own, with an ethnic franchise being 'offered' as a substitute for a vote in the national political structure.

In the Promotion of Bantu Self-Government Act of 1959 the emphasis definitely shifts to nationhood. The Act was

to provide for the gradual development of self-governing Bantu national units and for direct consultation between the Government of the Union and the said national units in regard to matters affecting the interests of such units.

The preamble states that 'the Bantu peoples of the Union of South Africa do not constitute a homogeneous people, but form separate national units on the basis of language and culture'. 'National units' is a key term throughout the Act. Article 4 of the Act refers to 'Representatives of Blacks in urban areas' and seems to be the first move to legislate for the binding of the africans in urban areas to a 'homeland'. The remnants of parliamentary representation for africans were abolished by means of the Act. Eight national units were recognised - North-Sotho, South-Sotho, Tswana, Zulu, Swazi, Xhosa, Tsonga and Venda. In a White Paper the Nationalist Government declared that the government was returning to the basic aims pursued before 1936, of identifying the various african communities with their 'homelands' in the reserves and ensuring that africans entered the 'white' areas as migrants only.

The 1960s and 1970s saw a continuation along the path mapped out in 1959, the specifics of which with regard to each of the bantustan regions are examined in the ensuing volumes. The refinement of the policy in general after 1959, as a system of control operating simultaneously at the political, economic, ideological and demographic levels - the background to the massive removals of african people that got under way in earnest at this time - is discussed in the 'Theoretical background' in Volume Two.

4. The capitalisation of agriculture

Although, as already stated, all relocation of africans has to be seen in relation to the development of the bantustan policy - the bantustans being, at the very least, the end point in the process of african relocation by the State - this does not mean that all relocation of africans has been occasioned directly by the development of that policy. This is certainly the case in the category of farm evictions and removals which, as was pointed out in the previous chapter, constitutes the largest single category of removals in South Africa between 1960 and 1982; nearly one third of all the removals estimated for this period (1 129 000 out of 3 522 900) involved african people living on white-owned land in the countryside, as cash tenants, labour tenants, fulltime farmworkers, and their families. In many respects this massive movement of agricultural workers and small peasant producers off the land is not unique to South Africa. It has been a feature of the capitalisation of agriculture world-wide. The intervention of the State to force that movement into the bantustans and away from the urban areas - on which these landless people now depended for their survival - is, however, specific to South Africa and to the bantustan strategy whose origins have been outlined briefly above.

Yet despite the scale and significance of this massive movement of people off the farms, relatively little work has been done on the underlying factors involved. There is a considerable body of research on the development of mining and secondary industry in South Africa, the particular forms that that has taken and the effects of that on the political economy of the country in the twentieth century in general and (to a lesser extent) on relocation in particular; there has been far less research on developments

within South African agriculture in the twentieth century and its relationship to the evictions of farm dwellers and farm workers in the 1960s and 1970s. The work that has been done is mostly concerned with agriculture at a macro level; there have been very few specialised regional or sectoral studies, despite the immense variations that do exist geographically and between the different sectors of farming across the country.

Because of this, SPP would like to single out the capitalisation of agriculture in South Africa, in the post Second World War period in particular, as a subject requiring much more specialised and detailed study than it has been able to undertake itself. The increasing mechanisation of agriculture after 1945 and the concentration of land holdings in fewer hands undoubtedly had led, by the 1960s, to a situation in which the majority of farmers supported the State in its drive to eliminate labour and cash tenancy in the countryside. Nevertheless there was not a simple one to one correlation between mechanisation (generally measurable only in crude, aggregate figures that treat agriculture as a whole) and the farm evictions of the 1960s and 1970s. Political and ideological factors played a part as well, notably the security fears raised by the large black population resident in the supposedly white countryside, while many farmers resisted the change to a fulltime labour system that was being imposed from above.

For a fuller discussion on this process, the reader is referred to the theoretical chapter in Volume Two, which should be read as a background to the discussion on the nature of farm removals in each of the regional reports. Readers are also referred to the sections in Volume Four which outline the history of State intervention to control and limit the african population resident in the non-prescribed, non-reserve areas of the country after 1913.

3. THE SPP SURVEYS

1. Notes on the survey material

TYPES OF QUESTIONNAIRES USED

Four questionnaires were used for the gathering of information within the Surplus People Project. These are reproduced at the end of this chapter as Appendices 1 - 4. The titles of these questionnaires were :

1. Relocation areas
 1. Background questionnaire
 2. Household questionnaire
2. Areas under threat of relocation
 3. Background questionnaire
 4. Household questionnaire

Background questionnaires

In the case of both relocation and threatened areas, the background questionnaire used was designed to collect publicly available information about the area under investigation from a few well-informed respondents. The information on these questionnaires was cross-checked and correlated and incorporated into area reports in the region of origin. All of this information was processed manually by the regional SPP groups.

Household questionnaires

These were designed to collect information from about 100 households in each of the various areas selected for more in-depth study by SPP. 21 such areas were selected in all (see below); in most cases between 80 and 120 households were interviewed. The households interviewed were selected on as close to a random basis as could be managed under field conditions. Completed household questionnaires were sent to the University of Cape Town for computer processing of most (but not all) of the information in them. A codebook was compiled for transferring household information to computer coding sheets and an assistant was employed within the Southern African Labour and Development Unit (SALDRU) at the University, to code and punch cards. Computer printouts of tables were then returned to the regional SPP groups for interpretation and incorporation of the material into their area reports.

COMPILATION OF QUESTIONNAIRES

The questionnaires were designed out of general discussion at early SPP seminars, supplemented by drafts made by individual members of SPP on the basis of this discussion. Both the background and household questionnaires could be described as general purpose questionnaires, within which a number of different interests were covered.

The temptation under these circumstances is to produce lengthy, comprehensive questionnaires which result in overlong interviews and create major difficulties in the field and in the processing and interpretation of the results. The household questionnaires were at the limit of feasibility. The average time for one field interview (one household) was about 45 minutes and the average time for coding, card punching and processing the set of interviews from each survey area was about a fortnight. (This does not include the time spent on developing tabulation programmes.)

RELIABILITY

Some parts of the household questionnaires used in relocation areas were more reliably answered than others. Information that should be treated with caution includes that in Table B (children who have died), Table C (people who have left the household) and the table at the bottom of page 7, henceforth called Table D (people who used to work in the last place). Where place names were asked for, the answers given were often found to be uninterpretable and, although these were coded for the computer, these codes and the tables incorporating them should be disregarded. Regional SPP groups were left to interpret this information manually where they could and wished to. The rest of the information obtained through this questionnaire appears generally sound, although there were fluctuations between and within the survey areas for a number of variables.

SURVEY AREAS

Relocation areas

The following areas were surveyed in each of the four provinces:

1. Cape: Atlantis, Dimbaza, Elukhanyweni, Glenmore, Kammaskraal, Mdantsane, Pampierstad, Sada;
2. Natal: Compensation, Ezakheni, Inanda Newtown, Mzimhlophe (Qudeni), Phoenix, Sahlumbe;
3. Transvaal: Kabokweni/Pienaar, Kwaggafontein, Mohodi, Rooigrond;
4. Orange Free State: Onverwacht.

Areas under threat of relocation

Household questionnaires were administered in two areas under threat of relocation:

1. Natal: Matiwane's Kop;
2. Transvaal: Mathopestad.

Most of the areas surveyed are shown on Maps 1 - 3 in Chapter One.

FUTURE USE OF SURVEY MATERIAL

It is clear that not all the tabulated information has been incorporated into area reports (nor could it have been) and there are plenty of further computer analyses of interest that could be carried out on the data bank assembled at the University of Cape Town. It is intended to make the bank available to interested researchers. The original household questionnaires have been returned to regional SPP groups and are being stored locally.

2. The questionnaires

RELOCATION AREAS

All information on these household questionnaires was coded, with the exception of the answers of questions 5(c) to 5(j). The information was encoded into 5 different record types:

1. A three card record containing information about the household as a whole. The record starts with an 0 (zero) and contains all information not excluded, above as specified below.
2. A single card record for each individual mentioned in Table A and containing all the information about that individual. Each record of this type starts with a 1.

3. A single card record for each individual mentioned in Table B and containing all the information about that individual. Each record of this type starts with a 2.

4. A single card record for each individual mentioned in Table C and containing all the information about that individual. Each record of this type starts with a 3.

5. A single card record for each individual mentioned in Table D and containing all the information about that individual. Each record of this type starts with a 4.

This data can be used as an input to any of the standard statistical computer packages; the one used was STATJOB. Nothing more complicated than cross-tabulations with controls was produced. To get the data file into standard rectangular format, all records apart from the record type of interest had to be purged from the file. This involved having a master file and purged files.

Runs with records starting with 0 are referred to as XX runs, those starting with 1 as AA runs, with 2 as BB runs, with 3 as CC runs and with 4 as DD runs. The unit in an XX run is a household; in all other runs it is an individual.

Several runstreams were produced. Most used STATJOB but for some FORTRAN programmes were written. Initial runs were produced for regional SPP groups and then supplementary runs were undertaken as requests were made by these groups for additional tables.

A list of the tables produced from relocation area household questionnaires follows.

List of Tables: relocation area household questionnaire

<u>RUN- STREAM</u>	<u>RUN</u>	<u>TABLE NO.</u>	<u>TABLE DESCRIPTION</u>
XXXX	XX	1	Dates of arrival
		2	Household size
		3	Infant mortality
		4	Persons who have left the household since arrival
		5	Household heads by age and sex
		6	Households by Laslett classification (single, nuclear, extended etc.)
		7	Informal sector, gifts and agricultural production
		8	Frequency of meals
		9	Frequency of consumption of certain foods
		10	Other means of survival
		11	Places of origin (types e.g. town, tribal land etc.)
		12	Why the household came to its present place
		13	The time the household had spent in the last place
		14	Whether compensation received at the time of the move
		15	Number of fields in last place
		16	Size of fields in last place
		17	Crops grown and stock kept in last place
		18	Grazing rights in last place
		19	Pastoral production in last place
		20	Products sold in last place
		21	Produce in last place compared with products in present place
		22	Forced stock sales; relationship with white farmer (where appropriate)
		23	Tenure details in last place (for people removed from urban areas)
		24	Ownership of dwelling in last place

<u>RUN- STREAM</u>	<u>RUN</u>	<u>TABLE NO.</u>	<u>TABLE DESCRIPTION</u>
XXXX	XX	25	Number of workers in last place
		26	Facilities in present place at time of arrival
		27	Type of dwelling at time of arrival by type of dwelling now
		28	Use of materials from last dwelling : compensation for it
		29	Whether rent paid
		30	To whom rent paid.
AABB	AA	1	Age by sex by residence status
		2	Economic status by sex by residence status
		3	Industrial sector by sex by residence status by economic status
		4	Income type by sex by residence status
		5	Remittances by sex by residence status
		6	Education by sex by residence status
		7	Occupation by sex by residence status by economic status
		8	Identity of employer by sex by residence status by economic status
		9	Marital status by sex by residence status.
	BB	1	Date born by date died.
CCDD	CC	1	Age by reason left household by sex
		2	Marital status by sex (of people who have left)
		3	Date left by reason left by sex.
	DD	1	Industry by occupation by residence status by sex
WORK	FORTRAN	-	Cross tabulation of before move and present sectors of the employed population
		-	Cross tabulation of before move and present occupations of the employed population
EARN	FORTRAN	-	Households by number of local (permanently resident and commuter) and migrant workers
INC	FORTRAN	-	Households by number of transfer incomes and other incomes by local/migrant workers by sex of household head.
SUP 1	AA	1	Job place by sex (Disregard)
		2	Economic status by sex by age by residence status
		3	Education by sex by residence status by age
		4	Occupation by sector by sex
		5	Headship by residence status by sex
SUP 2	AA	1	Reasons for non-receipt of pensions
SUP 3	XX	1	Whether agricultural goods currently produced
		2	Current number of fields
		3	Current field size by number of fields; rents paid
		4	Current number of gardens
		5	Crops currently produced
		6	Stock currently kept
		7	Grazing rights currently held
		8	Rent paid for grazing rights

<u>RUN- STREAM</u>	<u>RUN</u>	<u>TABLE NO.</u>	<u>TABLE DESCRIPTION</u>
SUP 3	XX	9	Pastoral products currently produced
		10	Whether agricultural production currently sold.
SUP 4	XX	1	Type of old place
		2	Reason for move by type of old place
		3	Whether tried to stay, whether moved with other households, whether other households remained behind, whether compensation received.
SUP 5	FORTRAN	-	Cross tabulation of residence status of employed population before and after the move.
SUP 6	AA	1	Method of finding job by sector
		2	Method of finding job by occupation.
SUP 7	XX	1	How households were brought to their present place by reason for coming
		2-5	For people from white farms : How many people worked for the farmer, how many months of the year, what wages (cash and kind).
	AA	1	Table of RUN AA of SUP 1 with a control added to include only employed persons.
SUP 8	FORTRAN	-	Infant mortality.
SUP 9	AA	1	Length of unemployment
		2	Sector of last job of unemployed
		3	Occupation of last job of unemployed.

THREATENED AREAS

The questionnaire used was shorter than for places already relocated; accordingly, only two runstreams were executed. A number of the computer tables in this case require the codebook for interpretation. A list of tables produced follows.

List of Tables: threatened area household questionnaire

<u>RUN- STREAM</u>	<u>RUN</u>	<u>TABLE NO.</u>	<u>TABLE DESCRIPTION</u>
THXX	XX	1	Date household arrived
		2	Household size
		3	Household heads by age and sex
		4	Laslett classification of households
		5	Informal sector, gifts and agricultural production
		6	Fields and garden plots
		7	Field sizes
		8	Crops produced and stock kept
		9	Grazing rights
		10	Pastoral production
		11	Whether agricultural produce sold
		12	Whether household members work for white farmers
		13	How many members work for white farmers
		14	Whether (if area is a white farm) there is a resident white farmer and whether there is a contract
		15	Type of tenure (if area is urban)

<u>RUN- STREAM</u>	<u>RUN</u>	<u>TABLE NO.</u>	<u>TABLE DESCRIPTION</u>
THXX	XX	16	Ownership of dwelling
		17	Frequency of meals
		18	Frequency of consumption of certain foods
		19	Other means of survival
		20	Who ordered the forthcoming move
		21	What reason was given
		22	Whether households want to move
		23	Whether households trying to stay
		24	Whether households opposing the move
		25	Whether other households notified of the move
		26	Years in present place
		27	Has compensation been promised
		28	Whether dwelling numbered by authorities
		29	How many households have been given notice
		30	Whether title deeds to present residence held
		32	Why people came to their present place
		33	Why people came to this particular place
		34	Type of present dwelling
		35	Whether rent paid
		36	Whether members of a voluntary organisation
THAA	AA	1	Age by sex by residence status
		2	Economic status by sex by residence status
		3	Sector by sex by residence status by economic status
		4	Income type by sex by residence status
		5	Remittances by sex by residence status
		6	Education by sex by residence status
		7	Occupation by sex by residence status by economic status
		8	Identity of employer by sex by residence status by economic status
		9	Marital status by sex by residence status
		11	Economic status by sex by age by residence status
		12	Education by sex by residence status by age
		13	Occupation by sector by sex
		14	Headship by residence status by sex
TH SUP 1	XX	1	Correction of table 23 of THXX

Appendix 1. Background questionnaire, relocation areas

BACKGROUND QUESTIONNAIRE

MAGISTERIAL DISTRICT

NAME OF PLACE (given by
people or local authority)

NAME OF NEAREST TOWN OR VILLAGE

DATE OF INTERVIEW

DAY	MONTH	YEAR

NAME OF INTERVIEWER

PLEASE NOTE: This questionnaire should be used as a guideline for an interview. While all the questions should be asked, try to get the overall history and conditions over time by talking to a few people acquainted with the place. Fill in one questionnaire for each person interviewed.

1. Details of arrival of people - list each major set of arrivals:

(i) Were there people here before others were moved in? (tick one only) YES NO

(ii) If YES about how many? (state whether people or families)

PEOPLE FAMILIES

(iii) How many are here now? (state which)

PEOPLE FAMILIES

(iv) What happened when people came here? (general history)

Date arrived	Place where from	Number (approx) (people/family)	Who told them to move	Why were they moved

2. Is there agricultural land here? (tick one only) YES NO

If YES ask the following further questions:

(i) Who owns it? (list e.g. Trust scheduled private land)

(ii) How is it allocated? (describe)

(iii) Can everybody have access to it? (tick one only) YES NO

If NO, who can have access to it and why?

(iv) Do people pay rent for it? (tick one only) YES NO

(v) If YES, how much? R c per plot/field

(vi) What is the size of the plots/fields?

<input type="checkbox"/> acres
<input type="checkbox"/> hectares
<input type="checkbox"/> paces

(vii) How much stock is there? (Estimate)

CATTLE	SHEEP/GOATS	PIGS	POULTRY	HORSES/DONKEYS
OTHER (Specify)				

3. Residential Land

(i) Who owns it? (list)

(ii) How is it allocated? (describe)

(iii) How big is the usual plot? (in paces)

(iv) Do people pay rent/service levies? (tick one only) YES NO

If YES, how much a month on average? R c

4. Facilities

(i) Water Is it clean? (tick one only) YES NO

Where does it come from? (describe)

How many taps are there?

How many work?

How many houses per tap?

How far on average do people have to walk for water? metres

Do people pay for water? (tick one only) YES NO

If YES, whom?

How much?

(ii) Sanitation What arrangements are there? (describe)

Are there any problems with disposal?

(iii) Health Are there any major problems? (tick one only)

YES	NO
-----	----

If YES describe

(iv) Transport What places are there transport to (bus or taxi), what are the distances and fares? Any special commuter fares? How frequent are the services?

Destination	Bus?	Taxi?	Train?	Distance (in km)	Bus fare (single)	Taxi fare (single)	Frequency of service (how many a day each way - buses)

Who owns the buses?

(v) Shops What kind and how many?

	FORMAL	INFORMAL	PLANNED
GENERAL DEALER			
BOTTLE STORE			
BEER HALLS/SHEREENS			
BUTCHER			
OTHER (specify)			

Prices (list price for weight e.g. 40 kg mealie meal costs R12,00)

1 loaf brown bread	cake of soap
500 g powdered milk	pack of candles
1 kg sugar	1 kg washing powder
1 sack mealie meal	bag of coal
1 carton Jawaala	bundle of firewood
1 750 ml bottle paraffin	

(vi) Public facilities

	Now	Number	Planned
CHURCHES			
CLINICS permanent			
mobile			
SCHOOLS primary			
secondary			
OTHER (specify)			
How often does a mobile clinic visit?			
What does it cost to visit the clinic?			
How much are school fees?			
Do children have to wear uniforms?			
How many children are in the schools?			
How many teachers are there?			

(vii) Fuel What do people use? (describe)

If wood free? (tick one only) YES NO

If NO. how much is it? R c

5. Local Authorities

(i) Who controls the area? (describe)

(ii) Are there local authority offices here? (tick one only)

YES	NO
-----	----

(iii) Are there police here? (tick one only)

YES	NO
-----	----

(iv) If YES what kind of police?

SAP HOMELAND CHIEFS (tick appropriate box)

(v) How many police?

(vi) Do people pay tax here? (tick one only)

YES	NO
-----	----

If YES to whom and what type of tax? (e.g. GST)

6. Work

(i) Where are the nearest places of wage employment? (list)

(ii) Where is the nearest state labour bureau?

(iii) Can people here find work through it? (tick one only) YES NO

(iv) How many find work? (tick appropriate block)
VERY FEW A FEW MANY VERY MANY

(v) What kind of work?

(vi) Where do most people work?

(vii) What are the most common types of work?

(viii) How do most people find work?

7. Organisation

(i) What community organisations are there here? (list)

(ii) Who are the leaders in the community? (list, and if names of individuals are given, write them down and ask what positions they hold)

(iii) Do people here work well together? (tick one only) YES NO

If NO answer the following further questions:

(iv) What divides them? (list factors)

(v) Have there been any serious clashes? (tick one only) YES NO

If YES, describe these

8. Further areas

(a) Have you knowledge of any other area being used or prepared for resettlement? YES NO

If YES specify

Areas in use:

Areas being prepared:

(b) Do you know of any communities under threat of resettlement?

YES NO

If YES, specify

List attempts to prevent resettlement

Appendix 2. Household questionnaire, relocation areas

HOUSEHOLD QUESTIONNAIRE

MAGISTERIAL DISTRICT

NAME OF AREA

DATE OF INTERVIEW

DAY	MONTH	YEAR
<input type="text"/>	<input type="text"/>	<input type="text"/>

NAME OF INTERVIEWER

DATE HOUSEHOLD ARRIVED

YEAR
<input type="text"/>

General Instruction: Tick appropriate box

HOUSEHOLD INFORMATION: Table 1
A. PRESENT COMPOSITION

No	Name	Sex	Age	Marital Status	Relationship to Household Head	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25
							If eligible and not receiving a pension, why?	Resident status	If joined household since arrival, when?	Academic	Vocational	Income Type	Regularity of Remittances to Household	Employment Status	Months	Looking?	Industry	Work Type	Employer	Place of Work	Job length	Months worked	How job found	Written contract?
A1																								
A2																								
A3																								
A4																								
A5																								
A6																								
A7																								
A8																								
A9																								
A10																								
A11																								
A12																								
A13																								
A14																								
A15																								

WRITE "R" AGAINST THE NUMBER OF THE PERSON ACTUALLY ANSWERING THE QUESTIONS

B. CHILDREN BORN ONCE ARRIVED, BUT WHO HAVE DIED

No	Name	Sex	Date Born	Date Died
B1				
B2				
B3				
B4				

C. COOKING INSTRUCTIONS

ALL QUESTIONS: X = DON'T KNOW

- SEX: Male - M, Female - F
- AGE in years
- MARITAL STATUS: Never married - NM, Married - M, Widowed - W, Divorced - D, Living together - LT
- RELATIONSHIP TO HOUSEHOLD HEAD
- Write in relationship: Head - HD, Husband - H, wife - W, Father - F, Mother - M, Sister - SR, Brother - B, Son - SN, Daughter - D, Grandfather - GF, Grandmother - GM, Grandson - GS, Granddaughter - GD, other relative - R, Father-in-law - FL, Mother-in-law - ML, Son-in-law - SL, Daughter-in-law - DL, Lodger - L, Not related - N.
- Write in number of person related to, unless 6 is head, lodger or not related. They will normally be the number of the household head, but where there are two married couples

In the household or where there is a woman (not the household head or his wife) with children, it should be the spouse or woman involved. Don't use GF, GM, GS, GD unless all members of intermediate generation are missing. Don't use FL, ML, SL, DL unless spouse is missing.

EXAMPLE: A1 is a married household head, A4 is A1's son, A5 is A4's wife and A6 is A5's daughter (A1's grand-daughter). Then the entries would be:

1	5	6	7
A1	M	HD	
A4	M	SN	A1
A5	M	W	A4
A6	NM	D	A5

- If eligible and not receiving a pension, why? - write in.
- RESIDENT STATUS: Daily commuter - D, weekly commuter - W, monthly commuter - M, yearly commuter - Y, permanent - P.
- If joined household since arrival, when? Year he/she joined
- EDUCATION
- Academic: never attended school - 0, write in highest standard reached.
- Vocational: Write in post-JC teaching diploma, nursing qualification etc
- INCOME TYPE: earnings - E, old age pension - P, UIF/Maternity - U, disability grant - D, Maintenance grant - M, Maintenance order - O.
- REGULARITY: Regularly - R, irregularly - I, never - N
- EMPLOYMENT STATUS: Not economically active - NE that is, not working for an income and not wanting to do so, because of schooling, duties at home, maternity, illness, disability, retiring, expect to start a job later, retired, etc) Employed - E (includes people at home on leave), Unemployed - U (people looking for work, between contracts)
- UNEMPLOYED
- Months: write in number of months since last job
- LOOKING for work? Yes/No
- UNEMPLOYED AND IF EMPLOYED
- INDUSTRY: Agriculture - 1, Mining - 2, Manufacturing - 3, Electricity, gas, water - 4, Construction - 5, Commerce - 6, Transport, storage, communication - 7, Finance - 8, Services (including domestic) - 9
- Work type: Professional - 1, Business - 2, Clerical - 3, Sales - 4, Service - 5, Farm/Forestry - 6, Skilled - 7, Semi-skilled (machine operator) - 8, Labourer - 9
- EMPLOYER: Self-employed - S, Private employer - P, Government - G
- Piece of work: write in
- Job length: write in number
- Months worked last year: write in number
- How job found: labour bureau - B, employer direct - D, Self - S, Recruiting agent - A, Network of friends & family - N
- On written contract? Yes/No

C. People who were in the household at the time of the move but who are no longer in the household:

No	Name	Sex	Age When Left	Date When Left	Marital status (5)	Relation-ship to household head (6)	(7)	Reason Left
C1								
C2								
C3								
C4								
C5								
C6								

2. Household subsistence

(a) (i) Are there informal economic activities in your household? (Tick one only)
 YES NO

If so, what are they? (Describe)

(ii) Do you receive gifts from people outside the household? (Tick one only)
 YES NO

(b) Does your household produce agricultural goods? (tick one only) YES NO
 (If NO got to (e))

(i) How many fields does it have?
 (If answer to (i) is zero, go to (iv))

(ii) What size are its fields? (tick one only) SMALL MEDIUM LARGE

(iii) Does it have to pay for these fields? (tick one only) YES NO

(iv) How many garden plots does it have?

(v) What does your household produce? (tick appropriate blocks)
 MAIZE SORGHUM POTATOES BEANS OTHER (specify) NOTHING

(vi) What stock does it have? (tick appropriate block and fill in number)
 NONE CATTLE GOATS SHEEP PIGS POULTRY HORSES/DONKEYS

(if answer to (vi) is NONE, go to (x))

(vii) Does it have grazing rights? (tick one only) YES NO

(viii) Does it have to pay for these rights? (tick one only) YES NO

(ix) What does it produce from its stock? (tick appropriate blocks)

NOTHING	MEAT	MILK	HIDES	SKINS	WOOL/MOHAIR	EGGS	OTHER (specify)
---------	------	------	-------	-------	-------------	------	-----------------

(x) Does it sell any of its agricultural produce? (tick one only)
 YES NO

(c)(i) How often does your household eat? (tick one only)

THREE TIMES A DAY OR MORE	TWICE A DAY	ONCE A DAY	LESS THAN ONCE A DAY
---------------------------	-------------	------------	----------------------

(ii) How often does it eat the following foods? (tick appropriate blocks)
 D = daily, S = every 2nd day, T = twice a week, W = once a week,
 L = less than once a week N = less than once a month

	D	S	T	W	L	N
MEALIE MEAL/SAMP/ETC						
SPINACH /BEANS/LENTILS/GREENS						
POTATOES/RICE						
MILK						
TEA/COFFEE						
SUGAR						
MEAT						
EGGS						
FISH						
CHEESE						
BREAD						
BUTTER/MARGARINE/FAT						
JAM						
OTHER (specify)						

ASK THIS QUESTION ONLY IF NO INCOME IS REPORTED IN COLUMN 11 OF TABLE 1 AND NO INFORMAL SECTOR INCOME OR GIFTS ARE REPORTED IN QUESTIONS 2(a)(i) AND 2(a)(ii) AND NO AGRICULTURAL GOODS ARE REPORTED IN QUESTIONS 2(b)(v) AND 2(b)(ix). IF YOU ASK IT MAKE EVERY ATTEMPT TO GET A SATISFACTORY ANSWER:

(iii) If your household receives no money and does not produce agricultural goods, how does it survive?

3. Details of last place

(a) Where did your household live last? (name) []

(b) What sort of place was it? (tick one only)

AGRICULTURAL LAND	MISSION LAND	
	FREEHOLD FARM IN "WHITE" AREA	
	WHITE FARM	
	TRUST LAND	
URBAN LAND	TRIBAL LAND	
	SMALL TOWN LOCATION	
	METROPOLITAN TOWNSHIP	
	OTHER (specify)	

(c) Why did it leave? (tick one only)

OF OWN FREE WILL		(go to (f))
EVICTED AND DECIDED TO COME HERE		(go to (d), then (f))
EVICTED AND BROUGHT HERE		(go to (d))

(d) If evicted,

(i) Who told your household to leave? []

(ii) What reason did they give? []

(iii) Did your household try to stay? (tick one only) YES NO

(if NO, go to (e))

(iv) What did your household do and what happened? []

(v) Were other households moved at the same time? (tick one only) YES NO

(vi) If answer to (v) is YES, how many? []

(vii) Were any households left behind when your household moved? (tick one only) YES NO

(viii) If answer to (vii) is YES, how many? []

(ix) Why? []

(e) If brought to present place:

(i) Who brought your household? []

(ii) How were you brought? []

(f)(i) How long did your household live in your last place (number of years) []

(ii) Did your household receive compensation (tick one only) YES NO

(iii) If YES, what compensation? R [] c [] other (describe) []

(g) Refer back to 3(b). If moved off agricultural land, answer the following questions:

(i) How many fields did your household have? []

(if answer is zero, go to (iv))

(ii) What size were its fields? (tick one only) SMALL MEDIUM LARGE

(iii) What did it produce? (tick appropriate blocks)

NOTHING	MAIZE	SORGHUM	POTATOES	BEANS	OTHER (specify)
---------	-------	---------	----------	-------	-----------------

(iv) Did it have stock? (tick appropriate blocks and fill in number)

NOTHING	CATTLE	GOATS	SHEEP	PIGS	POULTRY	HORSES/BONKEYS
---------	--------	-------	-------	------	---------	----------------

(if answer is zero, go to (vii))

(v) Did it have grazing rights? (tick one only) YES NO

(vi) What did it produce from your stock? (tick appropriate blocks)

MEAT	MILK	HIDES/SKINS	WOOL/MOHAIR	EGGS	OTHER (specify)
------	------	-------------	-------------	------	-----------------

(vii) Did it sell any of its agricultural produce? (tick one only)

YES	NO
-----	----

(viii) Did it produce more than now? (tick one only)

MUCH MORE	MORE	SAME	LESS
-----------	------	------	------

(ix) If there is a difference, why? (e.g. was stock or land lost? Detail) []

(x) Did your household sell stock as a result of your move (tick one only)

YES	NO
-----	----

(xi) If YES, did it get a fair price? (tick one only) YES NO

If moved off a white farm, answer the following additional questions:

(xii) Did members of your household work for the farmer? (tick one only)

YES	NO
-----	----

(if NO, go to (xvi))

(xiii) How many members? []

(xiv) How many months of the year? []

(xv) For what wages?
(cross block and specify)

CASH	R	C
KIND		

(xvi) Did the farmer live on the farm?

YES NO

(xvii) Did you have a written contract with the farmer? (tick one only)

YES NO

(xviii) Did members work on the farm? (Tick one only)

YES NO

(xix) If YES, what did they do?

Refer back to 3(b) : If moved off urban land, answer the following questions:

(i) Did you own, rent or occupy free your last dwelling? (tick one only)

OWNED RENTED OCCUPIED FREE

(ii) If you did not own your last dwelling, who did? (tick one only)

GOVERNMENT/MUNICIPALITY PRIVATE OWNER

(i) Refer back to Table I: List on the following table members of household by number in Table I who used to work in your last place:

No. from Table 1	Industry	Work Type	Place of work	Normally resident?

(Use industry (col.16), work type (col.17) and residence status (col.7) codes from Table 1)

4. Conditions on arrival

(a) What was here when your household arrived? (tick appropriate blocks)

WATER	LATRINES	ROADS	BUSES	TAXIS
FUEL	SHOPS	SCHOOLS	CLINIC	CHURCHES
LOCAL AUTHORITY/POLICE		OTHER (specify)		

(b) What did your household have to live in then? (tick one only)

NOTHING	TENT	TEMPORARY HOUSE	PERMANENT HOUSE	OTHER (specify)
---------	------	-----------------	-----------------	-----------------

(c) Did your household bring building materials from your old place? (tick one only)

YES NO

(d) Who allocated your household land or a house? (Detail)

(e) Did your household pay a lump sum for land or a house? (tick one only)

YES NO

If so, how much? (to nearest rand)

R

to whom?

(f) Were there people here before your household arrived? (tick one only)

YES NO

If so, how many?

How do you get on with them?

5. Present conditions

(a) What does your household live in now? (tick one only)

SHACK	TENT	TEMPORARY HOUSE	PERMANENT HOUSE	OTHER (specify)
-------	------	-----------------	-----------------	-----------------

(b) Does your household pay rent? (tick one only)

YES NO

If YES, to whom? (tick one only)

PRIVATE OWNER GOVERNMENT/LOCAL AUTHORITY

(c) Do you belong to any organisation here? (tick one only)

YES NO

If YES, to which? (list)

(d) Who are the leaders here? (list)

[Empty box for listing leaders]

(e) Have conditions improved here since your household arrived? (tick one only)

YES NO

If YES, how? (specify)

[Empty box for specifying improvements]

(f) What are the differences between here and where your household was before? (list)

[Empty box for listing differences]

(g) What improvements would you like? (list)

[Empty box for listing desired improvements]

(h) What are your problems? (list)

[Empty box for listing problems]

(i) What do you expect to do about them? (list)

[Empty box for listing actions]

(j) Who do you expect to help? (list)

[Empty box for listing helpers]

Appendix 3. Background questionnaire for communities under threat of removal

BACKGROUND QUESTIONNAIRE FOR COMMUNITIES UNDER THREAT OF REMOVAL

MAGISTERIAL DISTRICT

NAME OF PLACE (given by people or local authority)

NAME OF NEAREST TOWN OR VILLAGE

DATE OF INTERVIEW

DAY MONTH YEAR

NAME OF INTERVIEWER

ESTIMATE OF SIZE : (no of persons)

; (no of households)

TYPE OF COMMUNITY (tick either RURAL or URBAN and ONE other box)

RURAL	URBAN
"BLACK SPOT"	"BLACK SPOT"
LABOUR TENANTS/ SQUATTERS	TOWNSHIP (African)
HOMELAND	TOWNSHIP ("Coloured"/African)
	SQUATTER SETTLEMENT

PLEASE NOTE: This questionnaire should be used as a guideline for an interview. While all the questions should be asked, try to get the overall history and conditions over time by talking to a few people acquainted with the place. Fill in one questionnaire for EACH person interviewed.

1. Nature of threat

(a) Tick RUMOUR if only a rumour, tick VERBAL NOTICE if verbal but not written notice has been given, tick WRITTEN NOTICE if written notice of removal has been given. Tick one only.

RUMOUR	VERBAL NOTICE	WRITTEN NOTICE
--------	---------------	----------------

(b) If RUMOUR:

(i) What is the content of the rumour?

(ii) Do people generally believe it? (tick one)

YES	NO
-----	----

Why?

(iii) Do you believe it? (tick one)

YES	NO
-----	----

Why?

(iv) Where do you think the rumour has come from?

(c) If VERBAL NOTICE OR WRITTEN NOTICE

(i) Who gave it?

(ii) To whom?

(iii) when?

(iv) What is the content of the notice?

(v) When is the removal to be?

(vi) Where will people be taken to?

(vii) How many people will be moved? (tick one)

A FEW	SOME	MOST	ALL
-------	------	------	-----

(viii) How are people to be moved?

(d)(i) Why do you think the removal is to take place?

(ii) What reasons do you have for thinking this?

(e)(i) Has anyone moved so far? (tick one)

YES	NO
-----	----

If so, why?

Where?

(f) If a (rural) labour tenant/squatter community:

Has the farmer owner played any role in arranging the removal?

(tick one)

YES	NO
-----	----

If YES, what role?

(g) If an urban squatter community:

Who is the landowner?

Has he played any role in arranging the removal? (tick one)

YES	NO
-----	----

If YES, what role?

2. History of tenure

(a) How long have people lived here?

(b) Have there been newcomers in the last ten years? (tick one)

YES	NO
-----	----

If YES, where did they come from?

Why did they come?

(c) Unless this is a (rural) labour tenant/squatter or urban squatter community:

What proportion of households are landowners?
tenants?

(d) If there are landowners:

When were the properties bought?

(d) If there are landowners:

Do the owners have title deeds? (tick one)

YES	NO
-----	----

3. Agricultural land available to rural settlements

(i) Who owns the agricultural land? (list e.g. Trust, scheduled, private)

(ii) How is it allocated? (describe)

(iii) Can everybody have access to it? (tick one only)

YES	NO
-----	----

If NO, who can have access to it and why?

(iv) Do people pay rent for it? (tick one only)

YES	NO
-----	----

(v) If YES, how much? R c per plot/field

(vi) What is the size of the plots/fields?

	acres
	hectares
	paces

(vii) How much stock is there? (estimate)

CATTLE	SHEEP/GOATS	PIGS	POULTRY
HORSES/DONKEYS	OTHER (specify)		

(viii) Is a significant amount of produce sold? (tick one)

YES	NO
-----	----

4. Residential land

(i) Who owns it? (list)

(ii) How is it allocated? (describe)

(iii) How big is the usual plot?

(in paces)

(iv) Do people pay rent/service levies? (tick one only)

YES	NO
-----	----

 If YES, how much a month on average?

R	c
---	---

5. Facilities

(i) Water:

Is it clean? (tick one only)

YES	NO
-----	----

Where does it come from? (describe)

How many taps are there?

--

 How many work?

--

 How many houses per tap?

--

How far on average do people have to walk for water?

--

 metres

Do people pay for water? (tick one only)

YES	NO
-----	----

If YES, whom? _____

How much?

--

(ii) Sanitation:

What arrangements are there? (describe)

Are there any problems with disposal?

(iii) Health:

Are there any major problems? (tick one only)

YES	NO
-----	----

If YES, describe

(iv) Transport:

What places are there transport to (bus or taxi)?

What are the distances and fares?

Any special commuter fares?

How frequent are the services?

Destination	Bus?	Taxi?	Train?	Distance (in km)	Bus fare (single)	Taxi fare (single)	Frequency of service (how many a day each way - buses)

Who owns the buses? _____

(v) Shops:

What kind and how many?

	FORMAL	INFORMAL	PLANNED
GENERAL DEALER			
BOTTLE STORE			
BEER HALLS/SHEBEENS			
BUTCHER			
OTHER (specify)			

Prices: (list price fo weight e.g. 40 kg mealie meal costs R12,00)

- | | |
|--------------------------|---------------------|
| 1 loaf brown bread | cake of soap |
| 500 g powdered milk | pack of candles |
| 1 kg sugar | 1 kg washing powder |
| 1 sack mealie meal | bag of coal |
| 1 carton Jawala | bundle of firewood |
| 1 750 ml bottle paraffin | |

(vi) Public facilities:

	NUMBER	
	NOW	PLANNED
CHURCHES		
CLINICS permanent		
mobile		
SCHOOLS primary		
secondary		
OTHER (specify)		
How often does a mobile clinic visit?		
What does it cost to visit the clinic?		
How much are school fees?		
Do children have to wear uniforms?		
How many children are in the schools?		
How many teachers are there?		

(vii) Fuel:

What do people use? (describe)

Is wood free? (tick one only)

YES

NO

If NO, how much is it?

R

c

6. Local Authorities

(i) Who controls the area? (describe)

(ii) Are there local authority offices here? (tick one only)

YES

NO

(iii) Are there police here? (tick one only)

YES

NO

(iv) If YES, what kind of police? (tick appropriate box)

SAP

HOMELAND

CHIEFS

(v) How many police?

(vi) Do people pay tax here? (tick one only)

YES

NO

If YES, to whom and what type of tax?

7. Work

(i) Where are the nearest places of wage employment? (list)

(ii) Where is the nearest state labour bureau?

(iii) Can people here find work through it? (tick one only)

YES

NO

(iv) How many find work? (tick appropriate block)

VERY FEW

A FEW

MANY

VERY MANY

(v) What kind of work?

(vi) Where do most people work?

(vii) What are the most common types of work?

(viii) How do most people find work?

(ix) Do people work part-time here? (tick one)

YES

NO

If YES, how many?

8. Organisation

(i) What community organisations are there here? (list)

(ii) Who are the leaders in the community? (list, and if names of individuals are given, write them down and ask what positions they hold)

[Empty box for listing community leaders]

(iii) Do people here work well together? (tick one only)

YES	NO
-----	----

If NO, answer the following further questions:

(iv) What divides them? (list factors)

[Empty box for listing factors]

(v) Have there been any serious clashes? (tick one only)

YES	NO
-----	----

If YES, describe these:

[Empty box for describing clashes]

9. Reaction to the prospect of removal

(a) Have people seen where they are to be removed to? (tick one only)

--	--

If YES, what is their assessment of it?

[Empty box for assessment]

If NO, what do they expect to find?

[Empty box for expectations]

(b) How many people want to move? (tick one)

NONE	SOME	MOST	ALL
NONE	SOME	MOST	ALL

How many people do not want to move?

Why are people reacting in the way that they are?

[Empty box for reasons]

(c) Has there been any attempt to resist removal? (tick one)

YES	NO
-----	----

If YES, (i) what action has been taken? (describe)

[Empty box for describing actions]

(ii) Has it been successful/do you expect it to be successful? (tick one)

YES	NO
-----	----

(iii) Why?

[Empty box for reasons]

(iv) What could help?

Publicity	
Legal advice	
Community survey	
Other (specify)	

(d) If this is a rural community, answer the following question:

If you move, what will happen to your stock and farm equipment?

[Empty box for rural community response]

(e) Are people aware of their rights to compensation?

[Empty box for awareness response]

10. Further areas

(a) Have you knowledge of any other area being used or prepared for resettlement? (tick one only)

YES NO

If YES, specify:

AREAS IN USE:

AREAS BEING PREPARED:

(b) Do you know of any communities under threat of resettlement? (tick one only)

YES NO

If YES, specify:

[Large empty box for specifying communities]

Appendix 4. Household questionnaire for communities under threat of removal

HOUSEHOLD QUESTIONNAIRE FOR THOSE UNDER THREAT OF REMOVAL

MAGISTERIAL DISTRICT

[Empty box for Magisterial District]

NAME OF AREA

[Empty box for Name of Area]

TYPE OF AREA (Cross one only)

AGRICULTURAL LAND

MISSION LAND
FREEHOLD FARM IN WHITE AREA
WHITE FARM
TRUST LAND
TRIBAL LAND

URBAN LAND

SMALL TOWN LOCATION
METROPOLITAN TOWNSHIP
OTHER (specify)

DATE OF INTERVIEW

DAY MONTH YEAR

NAME OF INTERVIEWER

[Empty box for Name of Interviewer]

DATE HOUSEHOLD ARRIVED

YEAR

General Instruction : Tick appropriate box

HOUSEHOLD INFORMATION: Table 1

A. PRESENT COMPOSITION		B. HOUSEHOLD INFORMATION		C. HOUSEHOLD INFORMATION		D. HOUSEHOLD INFORMATION		E. HOUSEHOLD INFORMATION		F. HOUSEHOLD INFORMATION		G. HOUSEHOLD INFORMATION		H. HOUSEHOLD INFORMATION								
No	Name	Sex	Age	Marital Status	Relationship to Household Head	If eligible and not receiving a pension, why?	Resident status	Education	Income Type	Regularity of Remittances to Household	Employment Status	Months	Looking?	Industry	Work Type	Employer	Place of Work	Job length	Months worked	How Job found	Written contract?	
A1																						
A2																						
A3																						
A4																						
A5																						
A6																						
A7																						
A8																						
A9																						
A10																						
A11																						
A12																						
A13																						
A14																						
A15																						

WRITE "R" AGAINST THE NUMBER OF THE PERSON ACTUALLY ANSWERING THE QUESTIONS

13. INCOME TYPE: earnings - E, old age pension - P, UIF/Maternity - U, disability grant - D, Maintenance grant - M, Maintenance order - O.

14. REGULARITY: Regularly - R, Irregularly - I, never - N

15. EMPLOYMENT STATUS: Not economically active - N (that is, not working for an income and not wanting to do so, because of schooling, duties at home, maternity, illness, disability, resting, expect to start a job later, retired, etc)

Employed - E (includes people at home on leave), Unemployed - U (people looking for work, between contracts), UNEMPLOYED

16. Months: write in number of months since last job

17. Looking for work? Yes/No

18. UNEMPLOYED AND IF EMPLOYED

19. Industry: Agriculture - 1, Mining - 2, Manufacturing - 3, Electricity, gas, water - 4, Construction - 5, Commerce - 6, Transport, storage, communication - 7, Finance - 8, Services (including domestic) - 9

20. Work type: Professional - 1, Business - 2, Clerical - 3, Sales - 4, Service - 5, Farm/Forest - 6, Skilled - 7, Semi-skilled (machine operator) - 8, Labourer - 9

21. Employer: Self-employed - S, Private employer - P, Government - G

22. Place of work: write in

23. Job length: write in number of months

24. Months worked last year: write in number

25. How job found: Labour bureau - B, employer direct - D, Self - S, Recruiting agent - A, Network of friends & family - N

26. On written contract? Yes/No

1. In the household or where there is a woman (not the household head or his wife) with children, it should be the spouse or woman involved. Don't use GF, GM, GS, GD unless all members of intermediate generation are missing. Don't use FL, ML, SL, DL unless spouse is missing.

EXAMPLE: A1 is a married household head, A4 is A1's son, A5 is A4's wife and A6 is A5's daughter (A1's grand-daughter). Then the entries would be:

1.....5 M HD
 2.....6 W SN A1
 3.....7 M W A4
 4.....8 F NM D A5

6. If eligible and not receiving a pension, why? - write in:

7. RESIDENT STATUS: Daily commuter - D, weekly commuter - W, monthly commuter - M, yearly commuter - Y, permanent - P

10. EDUCATION:

11. Academic: never attended school - 0, write in highest standard reached.

12. Vocational: Write in post-JC teaching diploma, nursing qualification etc

3. SEX: Male - M, Female - F

4. AGE in years

5. MARITAL STATUS: Never married - NM, Married - M, Widowed - W, Divorced - D, Living together - LT

6. RELATIONSHIP TO HOUSEHOLD HEAD

Write in relationship: Head - HD, Husband - H, Wife - W, Father - F, Mother - M, Sister - S, Brother - B, Son - SN, Daughter - D, Grandfather - GF, Grandmother - GM, Grandson - GS, Granddaughter - GD, other relative - R, Father-in-law - FL, Mother-in-law - ML, Son-in-law - SL, Daughter-in-law - DL, Longer - L, Not related - N

7. Write in number of person related to, unless 6 is head, ledger or not related. They will normally be the number of the household head, but where there are two married couples

2. HOUSEHOLD SUBSISTENCE

(a) (i) Are there informal economic activities in your household? (Tick one only)

YES NO

If so, what are they? (Describe)

Blank box for describing informal economic activities.

(ii) Do you receive gifts from people outside the household? (Tick one only)

YES NO

(b) Does your household produce agricultural goods? (Tick one only)

YES NO

If NO go to (c)

(i) How many fields does it have? (If answer to (i) is zero, go to (iv))

Blank box for number of fields.

(ii) What size are its fields? (tick one only)

SMALL MEDIUM LARGE

(iii) Does it have to pay for these fields? (Tick one only)

YES NO

(iv) How many garden plots does it have?

Blank box for number of garden plots.

(v) What does your household produce? (tick appropriate blocks)

MAIZE SORGHUM POTATOES BEANS OTHER (specify) NOTHING

(vi) What stock does it have? (tick appropriate block and fill in number)

NONE CATTLE GOATS SHEEP PIGS POULTRY HORSES/DONKEYS

(if answer to (vi) is NONE, go to (x))

(vii) Does it have grazing rights? (tick one only)

YES NO

(viii) Does it have to pay for these rights? (Tick one only)

YES NO

(ix) What does it produce from its stock? (Tick appropriate blocks)

NOTHING MEAT MILK HIDES SKINS WOOL/MOHAIR EGGS

OTHER (specify)

(x) Does it sell any of its agricultural produce? (tick one only)

YES NO

If living on a white farm, answer the following additional questions :

(xi) Do members of your household work for the farmer? (tick one only)

YES NO

If NO, go to (xvi)

(xii) How many members?

(xiii) How many months of the year?

(xiv) What do they do?

(xv) For what wages?

CASH

(cross block and specify)

KIND

(xvi) Does the farmer live on the farm?

YES

NO

(xvii) Do you have a written contract with the farmer? (tick one only)

YES

NO

If living on urban land or black spots, answer the following questions :

(xviii) Do you own, rent or occupy free your dwelling? (tick one only)

OWNED

RENTED

OCCUPIED FREE

(xix) If you do not own your dwelling, who does? (tick one only)

GOVERNMENT/MUNICIPALITY

PRIVATE OWNER

(c) (i) How often does your household eat? (tick one only)

THREE TIMES A DAY OR MORE

TWICE A DAY

ONCE A DAY

LESS THAN ONCE

(ii) How often does it eat the following foods? (tick appropriate blocks)

D=Daily

S=every 2nd day

T=twice a week

W=once a week

L=less than once a week

N=less than once a month

	D	S	T	W	L	N
MEALIE MEAL/SAMP/ETC						
SPINACH/BEANS/LENTILS/GREENS						
POTATOES/RICE						
MILK						
TEA/COFFEE						
SUGAR						
MEAT						
EGGS						
FISH						
CHEESE						
BREAD						
BUTTER/MARGARINE/FAT						
JAM						
OTHER (specify)						

ASK THIS QUESTION ONLY IF NO INCOME IS REPORTED IN COLUMN 11 OF TABLE 1 AND NO INFORMAL SECTOR INCOME OR GIFTS ARE REPORTED IN QUESTIONS 2(a)(i) and 2(a)(ii) AND NO AGRICULTURAL GOODS ARE REPORTED IN QUESTIONS 2(b)(v) AND 2(b)(ix). IF YOU ASK IT MAKE EVERY ATTEMPT TO GET A SATISFACTORY ANSWER :

(iii) If your household receives no money and does not produce agricultural goods, how does it survive?

3. DETAILS OF REMOVAL THREAT

(a) Who is telling your household to leave?

(b) What are they saying the reason is?

(c) Does your household want to move? (tick one only)

YES

NO

(d) Will your household try to stay? (tick one only)

YES

NO

Give reasons for your answer

(e) How do you propose to resist removal and what do you think your chances of success are? What help would you see as useful?

(f) Will other households be moved at the same time? (tick one only)

YES

NO

DON'T KNOW

(g) If answer is YES, how many?

(h) Will any households be left behind when your household is moved? (tick one only)

YES

NO

DON'T KNOW

(i) If answer to (h) is YES, how many?

[]

(j) Why?

[]

(k) How long has your household lived here? (number of years)

[]

(l) Will your household receive compensation? (tick one only)

YES	NO	DON'T KNOW
-----	----	------------

If YES, what compensation?

R	c	Other (describe)
---	---	------------------

(m) Have your houses been numbered? (tick one only)

YES	NO
-----	----

(n) If answer to (m) is YES : How many? (tick one only)

ALL	MOST	SOME	FEW
-----	------	------	-----

(o) When were they numbered?

[]

(p) Who numbered the houses?

[]

(q) What reasons did they give for numbering the houses?

[]

Landowners

(r) Do you have a title deed? (tick one only)

YES	NO
-----	----

(s) If answer to (r) is NO, Why not?

[]

Tenants

If your household moved here within the last ten years,

(i) Where did you move from?

[]

(ii) Why did you move?

[]

(t) (iii) Why did you come here?

[]

4. Present conditions

(a) What does your household live in? (tick one only)

SHACK	TENT	TEMPORARY HOUSE	PERMANENT HOUSE	OTHER(specify)
-------	------	-----------------	-----------------	----------------

(b) Does your household pay rent? (tick one only)

YES	NO
-----	----

If YES, how much? (cross block and specify)

CASH
KIND

(c) Do you belong to any organisation here? (tick one only)

YES	NO
-----	----

If YES, to which? (list)

[]

(d) Who are the leaders here? (list)

[]

(e) How do people get along together here?

[]

(f) Do you expect people here to cooperate in resisting removal? Give reasons for your answer.

[]

(g) Who do you expect to help you with your problems?

[]

4. RELOCATION AND THE LAW

The following chapter is intended to serve as a guide to the legal status of various categories of land occupied or owned by blacks and to the major laws that are used or have been enacted to relocate people living on these different categories of land. It is based largely on research done by members of the Centre for Applied Legal Studies (University of the Witwatersrand), the Legal Resources Centre (in Johannesburg and Durban), supplemented by the work of individual lawyers, the Black Sash and researchers of the SAIRR. SPP is grateful for the various contributions.

This summary does not claim to be comprehensive. It is intended as an introductory overview to what is an extremely confusing and under-researched subject. The summary is divided as follows :

- 1) The limitations of legalism
- 2) Major legislation dealing with black land rights and relocation
- 3) Freehold land : expropriation and compensation
- 4) Non-freehold, scheduled and released land
- 5) Eviction of farmworkers
- 6) The Orderly Movement and Settlement of Black Persons Bill.

1. The limitations of legalism

Legalism has been defined as

a reliance on existing laws and legal structures to achieve certain aims. As such, it places considerable importance on court hearings and applications, legal and administrative officials, and lawyers. ('Legalism and Democratic Organisation' in Work in Progress, no. 18, 1981)

In recent years there has been considerable debate about the role of lawyers and legal action, and the limitations of legalism within community and worker organisations. The dangers of a legalistic approach to organisation in general have been spelled out in the article already referred to. Drawing from that, one may summarise these as follows :

1. The superimposition on organisations of outside specialists and experts (the lawyers), 'who are in command of the mystical jargon, legal definitions and legal limits of strategic options', and a corresponding shift away from the active participation of the members of such organisations in determining their goals and controlling the nature of the struggle to achieve them.
2. The lack of accountability of these experts to the members of the organisation that they represent legally.
3. Related to the above, the tendency to undercut democratic organisation and popular control of organisations, and to promote a bureaucratic and elitist approach to questions of organisation and of leadership.
4. The promotion of a view of law as an impersonal and neutral arbiter rather than as a tool of the State.

5. The dissipation of organisation within communities and groups in favour of legal action and agreements which are costly, generally take months, if not years, to be processed through the courts and may bind the parties involved to passivity pending the outcome of such action.
6. A corresponding tendency to 'divert or suppress militant spontaneous action' - 'part of the problem of legalism ... is that it connects with organisation at the leadership level only'; 'legal victories come to replace real struggles'.
7. Issues are fought on terms already defined by the State, through the law. For instance, distinctions may be drawn between 'legal' and 'illegal' residents in an informal settlement or, in the case of fighting against the removal of a black spot, the issue is defined in law as one of fair compensation - the question of expropriation of land by the State, and removal of people cannot be challenged in court.
8. Court action is necessarily often brought by individuals and this encourages an individualisation of the struggle and an elevation of the role of individuals (the lawyer or the person instituting the action) within that.

This debate on legalism and the points listed above have particular relevance to a campaign against forced removals. The lack of protection offered to blacks by the law is nowhere more apparent than in the case of population relocation by the State. The present South African constitutional system is based on the concept of a sovereign legislature which is elected only by the small white minority within the overall population. The people who are being moved are disenfranchised and have no say at all in the legislation-making process; the officials administering the laws are not accountable to them either. In the majority of cases, the people being moved are uneducated, poor, rural people who have very limited or non-existent access to lawyers and are extremely vulnerable to manipulation by both officials and lawyers (even those acting with the best of intentions) because of the massive disadvantages they suffer. As the following summaries of the relevant legislation make very clear, the State has absolute powers to move black people regardless of who they are or where they live, to expropriate freehold land and to amend the boundaries of the various bantustans (the only limitation here being that consultation must take place with the Executive Council of the affected bantustan; this does not mean that the Council's consent to the amendments is necessary). The State may also amend the schedules of land set aside for african occupation in terms of the 1913 Land Act (provided certain provisos with respect to compensatory land are met).

Yet despite these very clear limitations to legal action, there is a strong temptation among organisations and groups fighting against removals to fall back on lawyers and legal action in their campaigns. Partly this is a reflection of the very large organisational problems and weaknesses found within communities in the rural areas. In the vacuum, legal action becomes a kind of stopgap and helps, temporarily, to boost a feeling that 'something is being done' and, also, to dissipate the heavy burden of responsibility for dealing with the problems.

That said, legal action can still play a useful if ancillary role in the struggle against forced removals. At the very least, an understanding of the laws involved is essential to protect the victims of relocation against unscrupulous manipulation and to boost their own sense of control and competence in dealing with government officials. There is some evidence to suggest that these officials themselves are not necessarily familiar with the barrage of laws and regulations governing relocation; generally, however, they can afford to get away with that because of their powerful position and the prevailing ignorance or fear on the part of the people whose lives they control.

In certain circumstances legal action may also be used constructively to boost organisation, both by winning time and by gaining publicity for communities or individuals threatened with relocation. It is possible, provided that such action is accompanied by ongoing organisation and mobilisation of people within the community, that sufficient pressure may be brought to bear on the authorities in this way to force concessions and reprieves; the St Wendolins case study (contained in Volume Four) may be seen as an example of this. In the case where government has acted illegally, court action may succeed in stopping a particular attempt to relocate people. However, in most cases such legal victories are fought on technicalities and amount to temporary victories only: once the case has been won, the government need simply implement the correct procedures or, where the Act itself is insufficient for its purposes, introduce further legislation to cover this.

Finally, even where the removal itself may not be prevented, legal action may serve to ameliorate the circumstances in which individuals or communities are removed - for instance by ensuring fair compensation or, in the case of an individual eviction, due notice. While limited in terms of the wider political issues involved, this is clearly not an unimportant achievement for those who are the victims of relocation.

2. Major legislation dealing with black land rights and relocation

The following summary lists, in chronological order, the major pieces of legislation that control black land rights and may be used to effect relocation. The list is not comprehensive, but deals with the most important acts with a direct bearing on relocation only. Readers need to bear in mind that there are a large number of overlapping laws which the Minister may draw on in implementing removals and that much of the procedure to be followed in removing people is not spelled out in the legislation itself. Frequently the procedure is set out in administrative regulations, drawn up at a departmental and not a parliamentary level and not readily available to the public. Furthermore, apparently innocuous laws and local by-laws that have no direct link to relocation policies may be used to remove people, e.g. local health regulations or town planning regulations. These are not listed here.

1. BLACK LAND ACT, NO. 27, 1913

Amended by Acts no. 18 of 1936, no. 46 of 1937, no. 41 of 1950, no. 54 of 1952 and no. 16 of 1979. This Act provides for the setting apart of areas where africans only may acquire land or interest in land.

Section 1. Except with the Minister's approval no african shall acquire land outside a scheduled african area except from another african; nor shall a non-african acquire land from an african outside the scheduled areas. Further, only africans shall acquire land in a scheduled area.

Section 5. Provides penalties for the breach of the Act.

Section 8. The Act does not affect any agreements entered into before the Act, nor devolution of land on death, nor urban areas.

The Act then lists the areas scheduled for african occupation.

De-scheduling. Chapter 1, section 3 of the Development Trust and Land Act provides for the proclamation or deproclamation of scheduled areas. (See no. 5 below.)

2. NATIVES (URBAN AREAS) ACT, NO. 21, 1923

This Act made provision for the accommodation of africans in segregated urban locations. The provisions controlling african residence in urban areas were subsequently consolidated by Act no. 25 of 1945. (See no. 6 below.)

3. THE BLACK ADMINISTRATION ACT, NO. 38, 1927, AS AMENDED

This Act provides for the administration of african affairs; makes provision for the establishment of Commissioner's Courts where african laws and customs may be recognized; makes provision for the establishment of Appeal Courts; deals with the law of succession in respect of africans and gives effect to customary unions between africans.

Chapter II : Tribal organisation, control and removals

Section 5 is entitled 'Constitution or Adjustment of Black Tribes and Removal of Blacks' and provides that the State President may

- a) define the boundaries of the area of any tribe or of a location and may from time to time alter the same and may divide any existing tribe into two or more parts ...
- b) order that ... any tribe, portion of a tribe, african community or african shall withdraw from any place to any other place or to any district or province within the Republic and shall not at any time thereafter or during a period specified in the order return to the place from which the withdrawal is to be made or proceed to any place, district or province other than the place, district or province indicated in the order.

This order may be made without prior notice and it may be sufficient to leave the order at a place of residence or to affix it in a conspicuous place. Whenever an order is issued in respect of any tribe, portion of a tribe or any african community, it must be served at a public meeting convened for that purpose. The original of the order must be exhibited and the contents read out and explained to those present at such meeting.

Section 5 provides that an african in respect of whom an order has been issued may request the Minister to furnish him with the reasons for such order and with a statement of the information which induced the State President to issue such an order and so much of the information shall be furnished as can be disclosed without detriment to the public interest. Any african who neglects or refuses to comply with any order is guilty of an offence and any Commissioner or Magistrate may, upon such conviction, take necessary steps to ensure compliance with the order and may direct a policeman to carry out the withdrawal or ensure compliance with the order. However, in the case of a tribe living on scheduled and released land there is a little more protection in that if the tribe refuses to leave their land, the Minister has to secure a resolution of Parliament approving their removal before the removal order can be put into effect.

4. SLUMS CLEARANCE ACT, NO. 53, 1934, AS AMENDED

This Act lays down minimum standards for housing and allows for evictions and the expropriation of properties deemed to be slums. It was replaced by Act no. 76, 1979.

5. THE DEVELOPMENT TRUST AND LAND ACT, NO. 18, 1936, AS AMENDED

This Act provides for the establishment of a South African Development Trust and defines its purposes. It also places restrictions on land transactions between africans and

other persons. The proposed 'Orderly Movement and Settlement of Black Persons Bill' (see section 6 below) will, if enacted, replace sections of this Act.

Chapter I : Released and scheduled land

Section 1 states that the Act is to be read with the 1913 Land Act.

Section 2 provides for the declaration of 'released' areas or the deproclamation of a released area by the State President.

Section 3 provides for the proclamation or deproclamation of scheduled areas. (See

Chapter II : Establishment of the SADT

Sections 4, 5, 6, 7, 8, 9 provide for the establishment and functioning of the South African Development Trust. It is further stipulated that State-owned land in the scheduled or released areas shall vest in the Trust. Provision is made for the establishment of local boards of the Trust.

Chapter III : Acquisition of land by the SADT

Section 10(1) provides for the acquisition of land by the Trust up to an aggregate maximum of land held by the Trust in each province.

Section 10(2) provides that only land in scheduled, released or adjoining land may be so acquired by the Trust, apart from urban areas.

Section 11 (i) Africans may acquire land from whites in the same areas where the Trust may acquire land.

(ii) The Minister's permission is required for an african controlled company to acquire any land.

Section 12(1)

a) Only with the Minister's approval may a non-african acquire an interest in land in a released area.

b) And similarly for an african who wishes to acquire land from a white in an area surrounded by farms owned by non-africans outside a scheduled area. 12(bis) makes the subdivision of land in an african area subject to the Minister's approval.

Section 13 provides for the expropriation of land. For the purposes of acquiring land in scheduled, released or adjoining land the Minister of Agriculture may expropriate such (white) land. The Minister of Agriculture may also expropriate african owned land outside a released or scheduled area - including land owned communally, in trust for a community or registered in the name of deceased africans. The manner of expropriation is discussed in section 3 below.

Section 17. The Trustee may exchange Trust land for land held by an african.

Section 18. Trust land is to be held for the use and benefit of africans, although it may be expropriated if required for public purposes. The compensation is to be made by a compensation court. Trust land may be sold to non-africans if it is in the interest of africans.

Section 18(bis). Any land bought by State bodies in a scheduled area shall only mean the use of the land. Dominium shall vest in the Trust.

Section 19. The Trust does not pay land tax or fees.

Section 20. The Trust may have its land surveyed.

Section 21. Trust land or land bought from the Trust is an african area in terms of Black Administration Act 1927, Black Affairs Act 1920.

Section 22. Provides for the compulsory fencing of Trust and african owned land.

Section 23. Prospecting or mining on Trust or african land is subject to the Minister's permission and conditions.

Section 24. Trading, residing, carrying on a business by non-africans in an african area or Trust area is subject to permission of the Minister.

Chapter IV : Regulation of residence of africans in white areas

Section 26. No african may reside or congregate on land in a white area unless

- 1) he is the registered owner or a member of a tribe/community for the land is held in trust;
- 2) he is a farm worker; or
- 3) registered squatter or labour tenant;
- 4) a dependant of the above.

An owner who allows blacks illegally on his land is guilty of an offence unless he can show he is pursuing ejection action.

No african lawfully on the property shall allow another african to reside there.

Section 26(bis).

- 1) A court, in convicting a person for unlawful residence, may order the simultaneous ejection and removal of the african and the demolition of the house.
- 2) After conviction a commissioner may direct the police to remove the african to another area and to lock him up pending his removal.
- 7) And at this new place he may again be relocated to yet another area if there is no accommodation or work, etc.

Section 27 dealt with the control of labour tenants. These provisions have been superseded by the abolition of labour tenancy in terms of Proclamation 2089 GN 6663, 21.09.79.

Sections 28, 29. Provide for the establishment and functioning of Black Labour Control Boards. The Board has the power inter alia of compelling a farmer to reduce the number of his employees and to proceed with the ejection of the surplus. The farmer may make representations on the issue (section 29 (2) (3)) at the time, and subsequent to the reduction may appeal to the Minister.

Section 32. Provides for the control of 'squatters' (rent/cash tenants). All squatters are to be registered and the owner of the land must pay licence fees yearly in respect of each squatter. In terms of section 32(3) no further licence shall be granted after 1979. Any owner of land who contravenes these provisions shall be guilty of an offence.

Section 34. Provides that if the Commissioner and owner consent, certain classes of africans may reside on land without a licence. These are chiefs, headmen, the infirm, the destitute, teachers, ministers and scholars. Also african tenants may reside lawfully on white land with the due permission of the Commissioner and owner.

Section 35. Provides for the submission of information concerning african residents by the land owner to the Commissioner.

Sections 36 and 37 provide for summary ejection of any african. If a land owner or representative official (duly authorised in writing) of the State, in respect of State-owned land, complains to the Commissioner of the district

about the presence of an unlawfully resident african, the Commissioner shall issue a notice to the african calling on him to state his right to residency. The notice must be personally served by a member of the SAP. After the hearing the african may be summarily and forcibly ejected. The african is deemed to be in unlawful residence if his notice of termination of residence or occupation has expired. If no notice period is stipulated in the contract, it shall be deemed to be one month for a servant and three months for all other africans.

Section 38. Provides for ejected africans. If any african is 'displaced' because of the provisions of this Act or because of the Urban Areas Act, it is the duty of the Department of Cooperation and Development

- a) if the african is displaced from a released area to make provision for his settlement in another scheduled/released area.
- b) if he is displaced from land outside a released area, to make provision for his settlement as in a) only if he has been in occupation for a long time. If not, there is merely a duty to 'endeavour' to find suitable employment or settlement for the displaced african.

Section 38. Empowers the Minister, after due notice, to prohibit an owner of land from allowing africans to 'congregate' thereon if it is considered a 'nuisance' to the neighbourhood.

Section 38. Empowers the Minister to direct the owner of land to reduce the number of persons he is accommodating on such land if he thinks the land is not being used for bona fide farming operations.

Chapter V : General

This chapter makes general provisions dealing with the terms used, penalties for infringement of any of the sections and the promulgation of regulations for the administration of the Act.

6. BLACK (URBAN AREAS) CONSOLIDATION ACT, NO. 25, 1945, AS AMENDED

This Act consolidates the laws relating to the control of africans in urban areas and the provision of residence for africans in these areas. The Act, as amended, also makes provision for controlling the entry of africans into urban areas and, in conjunction with the Black Labour Act (no. 67 of 1964) and the Black Labour Regulations, is a key structure in the influx control system. The proposed 'Orderly Movement and Settlement of Black Persons Bill' will, if enacted, repeal this Act.

Section 2 : Reservation of areas for african occupation

Any urban local authority may, subject to the approval of the Minister, define certain areas for the occupation of africans.

Section 3 : Removal of african urban areas

Subsection (2) of Section 3 provides that no location, african village or african hostel shall be removed, curtailed or abolished without the consent of the Minister and except upon such terms and conditions as to compensation, if any, as the Minister may direct. Subsection (3) provides that the Minister may, after consultation with the Administrator and the urban local authority, require the urban local authority to take such steps for the removal, curtailment or abolition of a location, african village or african hostel.

Section 3(a) deals with the removal or abolition of african residential areas. Once an urban local authority has received the consent of the Minister under Section 3(2) or is required by the Minister under Section 3(3) to remove or

abolish a location, african village or african hostel, then any person who has entered such place after the date fixed by the Minister may be removed with his personal effects from such place to somewhere else. Such urban local authority may prohibit the construction or alteration of any village or structure in that area. Whenever any location, african village or african hostel has been removed or abolished, then any person who enters that land shall be guilty of an offence.

Subsection (4) provides that unless the Minister otherwise directs, no compensation shall be payable in respect of any building or structure or improvement thereto :

- erected in contravention of any prohibition referred to in subsection (2),
- erected after the date referred to in subsection (1),
- demolished under a warrant referred to in subsection (1),
- erected by a resident of a location, african village or african hostel who, by agreement with the urban local authority concerned, has waived any claim to compensation he would have in respect of any building, structure or improvement by reason of the removal or abolition, in terms of section 3(2) or (3) of such location, african village or african hostel.

It would therefore seem that compensation would, in the normal course of events, be payable in respect of a building or structure or improvement.

Section 10(1) : Qualifications for permanent urban residence

This section spells out the qualifications african people have to have in order to be allowed to remain for longer than 72 hours in a prescribed (urban) area. He/she must:

- a) have been born there and lived there continuously since birth, or
- b) have worked there continuously for one employer for 10 years or worked there continuously and lawfully for 15 years, or
- c) be the wife, unmarried daughter or son under 18 years of age of africans falling in either a) or b) above, or
- d) have been granted a permit to live there, by a labour bureau.

Section 16 : Local authorities and administration, expropriation

The urban local authority may acquire land, borrow money and dispose of the right of occupation of houses. Subsection (3) provides that whenever an african resides in an urban area and is the owner of the land on which he lives and whenever he is required, in terms of the provisions of this Act, to go and live elsewhere, then the urban local authority shall acquire such land at a price to be determined on in the manner described in section 16(1)(a). Section 16(1)(a) provides that the urban local authority may expropriate land subject to an obligation to pay compensation. However, an african who owns land in the Cape Province shall not be compelled to sell land.

Section 16(4)(a) provides that Sections 6 to 23 of the Expropriation Act shall apply in respect of the expropriation of any land.

Section 28 : Removal of 'redundant' africans

Where the urban local authority causes written notice to be served upon an african calling upon him to remove with his dependants to a certain place, then in terms of Subsection (c), such notice shall offer to pay the reasonable costs of the removal of such african, his dependants, and his movable

property to that place. Subsection (5) provides that, whenever any african who is the owner of land is required to remove, then the urban local authority shall acquire that land at a price, in default of agreement, to be determined in the manner described in Subsection (1)(a) of Section 16.

Section 29 : Removal of 'idle and undesirable' africans

This section empowers a commissioner to declare an african idle and undesirable and impose various penalties including detention at a farm colony or removal from the urban area. Subsection (1) defines the terms 'idle' and 'undesirable'. Provision is made for any authorised official to arrest (without a warrant) any african whom he has reason to believe falls within the definition of these terms and bring him before a commissioner. If the african fails to give a 'good and satisfactory' account of himself the commissioner can declare him idle or undesirable and impose the necessary penalties upon him.

7. THE GROUP AREAS ACT, NO. 41, 1950, AS AMENDED

This Act provides for the proclamation of segregated areas in which only members of particular race groups are allowed to live and conduct business, and controls inter-racial property transactions. It is directed primarily against indian and coloured people.

8. PREVENTION OF ILLEGAL SQUATTING ACT, NO. 52, 1951, AS AMENDED

This Act provides that no person may enter any land or buildings or remain there without the permission of the lawful owner or occupier and provides further for the demolition of any buildings or structures erected by such illegal residents. An amendment to the Act, introduced in 1977, empowers officials to demolish illegal structures without having to give prior notice to the owners; furthermore, it rules out court interdicts against such demolitions.

9. THE BLACKS (ABOLITION OF PASSES AND COORDINATION OF DOCUMENTS) ACT, NO. 67, 1962

This Act provides for the issue of reference books to africans (men and women) and thus serves to underpin the system of influx control.

10. THE BLACKS RESETTLEMENT ACT, NO. 19, 1954

This Act provides for the removal of africans from any area in the Magisterial District of Johannesburg or any adjoining magisterial district and their settlement elsewhere and for that purpose establishes a Board. It was enacted primarily to effect the removal of Sophiatown.

11. THE BLACK PROHIBITION OF INTERDICTS ACT, NO. 64, 1956

This Act removes the common law right of any black to apply to court for protection by way of an interdict 'or other legal process' against any form of order, warrant, direction, notice or instruction issued under any law or purporting to be issued under any law, that orders him to leave or be removed from or prohibits him from entering or being at any area or place. The effect of this Act is that the courts cannot order any removal of a black or blacks to be stopped or suspended pending legal argument about the legality of the action. All that can happen is that the legality of a removal may be reviewed after it has already been implemented.

12. THE PROMOTION OF BLACK SELF-GOVERNMENT ACT, NO. 46, 1959

This Act abolished the extremely limited parliamentary representation of africans and

defined the eight original bantustans - North-Sotho, South-Sotho, Tswana, Zulu, Swazi, Xhosa, Tsonga and Venda. It also enhanced the powers of the territorial, regional and tribal authorities within them.

13. THE BLACK LAWS AMENDMENT ACT, NO. 76, 1963

This Act tightened up provisions relating to influx control and the residence of africans within the urban areas. It also tightened up the controls on foreign africans resident and working within South Africa.

14. THE NATIONAL STATES CITIZENSHIP ACT, NO. 26, 1970, AS AMENDED

This Act provides that every african in South Africa, regardless of place of residence, is a citizen of one or other of the bantustans. It uses the criteria of birth, language, family history and association to allocate such citizenship. In international relations africans who are citizens of self-governing but non-independent bantustans retain their South African citizenship until such time as the territory to which they have been assigned accepts independence.

15. THE NATIONAL STATES CONSTITUTION ACT, NO. 21, 1971, AS AMENDED

This Act empowers the government to establish legislative assemblies in the various bantustans.

Chapter I, Section 2 : Area of legislative assembly

This provides that the area over which a particular legislative assembly is to hold jurisdiction is defined by proclamation by the Minister and that this area may, after consultation with the executive council of the area concerned, be amended from time to time by the State President by proclamation in the Government Gazette.

16. THE EXPROPRIATION ACT, NO. 63, 1975

Previous Acts have referred to Sections 6 to 24 of the Expropriation Act as being applicable in certain instances.

Section 6 : Inspection of properties required for public purposes

The Minister may authorise any person to enter upon the land, survey the land, dig or bore on that land, construct a weir in any stream and enter or go across any other land for the purposes of ascertaining whether any particular property is suitable for the purpose or use contemplated or for the purpose of determining the value. Such a person shall not enter any building without the consent of the owner or occupier unless he has given at least twenty-four hours notice of his intention to do so.

Section 7 : Notice of expropriation

The Minister is required to serve a notice of expropriation on the owner of an expropriated property. This notice shall give a full and clear description of the property, shall state the date of the expropriation and shall either state the amount which is offered as compensation for the property or request the owner to advise the Minister in writing of the amount claimed by him as such compensation. The owner must advise the Minister in writing within sixty days from the date of notice of expropriation and must state how much the amount claimed as compensation represents the amounts contemplated in Section 12, which provides the various calculations for the basis of compensation. If the whereabouts of the owner or of every owner of the property in question is not readily ascertainable or if the number of persons who have an interest in the land

is such that registered service is not practicable, then the Minister shall publish it in the Government Gazette and in newspapers.

Section 8 : Ownership of expropriated property

Ownership vests in the State on the date of expropriation. If such property is land, it remains subject to all registered rights (except Mortgage Bonds) in favour of third parties with which it is burdened, until such rights have been expropriated from the owner thereof. However, the State may not take possession of the property until the expiry of a period of sixty days from the date of expropriation or such longer period as is agreed upon between the owner concerned and the Minister. Where such property is urgently required for the purposes for which it was expropriated, then the Minister may cause such property to be taken into possession at any time prior to the expiration of the applicable period. From the date of expropriation to the date upon which the State takes possession, the owner of the expropriated property shall care for and maintain the property and shall be entitled to the use of and the income from the property, also remaining responsible for the payment of taxes and other charges.

Sections 9 - 21 : Compensation

An owner whose property has been expropriated shall, within sixty days from the date of notice, deliver to the Minister a written notice which indicates whether or not he accepts the compensation offered, what amount he does claim as compensation, particulars of all improvements to land which affect the value of such land, details regarding any lessees of the land. The Minister may request further particulars. The Minister may also request the owner to deliver his Title Deed to the Minister within sixty days.

Section 10 provides that if the owner fails to indicate whether or not he accepts the compensation offered, or where the owner has indicated he does accept the compensation but fails to provide further information relating to the amount of compensation he does require, then the Minister may apply to a Compensation Court or Supreme Court for determination of the amount of compensation. Where the owner has indicated what amount he claims as compensation and the Minister is not prepared to pay that amount, then the Minister shall offer him a certain amount as compensation and indicate how this amount is made up. The owner must apply for the determination of compensation to an appropriate Court within eight months of the offer of compensation or he will be deemed to have accepted the compensation offered.

Section 11 deals with the payment of the amount offered as compensation. The Minister may pay the amount to the owner or deposit it with the Master or utilise it in settlement of tax or other obligations.

Section 12 outlines the basis on which compensation is to be determined. The amount of compensation shall not exceed the aggregate of the 'amount which the property would have realised if sold on the date of notice in the open market by a willing seller to a willing buyer' plus an amount to make good any actual financial loss caused by the expropriation. In addition, an amount equal to ten per cent of the market value (not exceeding R10 000,00) will be added to the total amount payable. Subsection (5) details many rules which are to be applied in determining the amount of compensation.

Where the parties cannot agree or one of the parties applies, then the compensation to be paid shall be determined by a Compensation Court if the amount of compensation claimed is less than R100 000,00 or by the Provincial or Local Division of the Supreme Court of South Africa if the

amount of compensation claimed is R100 000,00 or more. There shall be a Compensation Court for the area of jurisdiction of every Provincial Division of the Supreme Court and the President of the Compensation Court shall be appointed from the ranks of Judges or former Judges, Magistrates or former Magistrates, Advocates or Attorneys. In terms of Section 17, there is a right of appeal against a decision of the Compensation Court to a Provincial Division of the Supreme Court.

If compensation is payable in terms of this Act and there is no person to whom it can be paid or the person's place of residence is not known, then the Minister may deposit the amount of compensation payable with the Master or, if the compensation is payable to an african, with the South African Development Trust. (Section 21).

17. LAWS ON COOPERATION AND DEVELOPMENT AMENDMENT ACT, NO. 83, 1982

Clause 2 of this Act provides for the preservation of secrecy in connection with matters dealt with by the commission of Cooperation and Development. In the parliamentary debate on the Bill, government spokesmen made it clear that consolidation and related land issues are likely to be affected by this provision.

3. Freehold land, expropriation and compensation

This section looks in greater detail at the provisions relating to the removal of african freehold land (black spots).⁺

EXPROPRIATION

In terms of the Development Trust and Land Act 18 of 1936 (hereafter referred to as the 'Act') the Minister of Agriculture may expropriate land owned by an african or held in trust for a tribe or group of africans or registered in the name of a deceased african. If only one person is the owner the whole property must be expropriated. This land can be expropriated only if it is outside a scheduled or released area. However, in terms of the Expropriation Act 63 of 1975 the Minister of Agriculture may expropriate any land in the country subject to the proviso that it must be for 'public purposes'. The differences between expropriation in terms of these two Acts are that land in a scheduled area may be expropriated in terms of the latter Act, and further, only the procedures in that Act may be followed. The differences lie in the service of the notice of expropriation.

Entry

For the purposes of inspecting the property with a view to expropriation a person authorised by the Minister may enter, survey, bore, construct a weir on the land. But if that person wishes to enter a building or yard or garden he must give the owner or occupier 24 hours notice. In neither case, provided the latter notice is given, does the owner/occupier have the right to refuse entry. If damage is caused by the inspection, etc. the owner may institute an action for damages. However, any person may be refused entry to a building if the 24 hours notice was not given, or, if he is not 'authorised'.

Notice

Once the Minister has decided to expropriate a particular property he must serve notice on the owner (Section 7 Act 63 of 1975) and on all other persons having a registered right in the land. For an example of an expropriation notice see p. 99 below.

⁺This section is derived from a memorandum drawn up by the Centre for Applied Legal Studies.

a) What the notice must contain

1. A clear and full description of the property to be expropriated. The owner may request further particulars, and the date of the notice will be the date when the further particulars are delivered.
2. The date of expropriation - provided that the date shall not be later than 180 days or earlier than 60 days from the date of the notice.
3. The amount of compensation offered, or alternatively, a request to the owner to state his figure of compensation together with a breakdown showing how this figure is made up, within 30 days. If the owner requests an extension of time the Minister shall allow him a further 60 days to submit his figure.
4. A warning that the expropriation may be withdrawn if any other person has a lease in respect of the property or is a sharecropper.

b) Method of service

1. The method of service of the notice shall be by personally handing the notice to the owner or by sending it by registered post, provided the provisos below do not apply.
2. If there are many owners, or the owner or owners are not readily available, the Minister may, in place of, or in addition to personal service (if he in his discretion thinks personal service is impractical), cause the notice to be published in two consecutive weeks in both an Afrikaans and an English newspaper circulating in the area.
3. In terms of the Land Act of 1936 other methods of service of the notice are possible in certain circumstances. (Note: it appears that the relevant provision (Section 13(3)) makes incorrect references to Section 4 of the Expropriation Act whereas it should be to Section 7. This may be a material defect in the legislation.)

Where the land is held in trust for a tribe or a community whose individual names are not reflected on the title deed then service may be effected by conveying the information normally found in a notice to the members of the tribe or community at a public meeting convened by the local commissioner (or the magistrate in areas where there is no commissioner).

Further, where anyone to whom notice must be given is not readily ascertainable, notice may be served by posting up the notice at the commissioner's office and the nearest post office and if the boundaries of the land are readily ascertainable then the notice must be posted on the door of a building on the land or, if no building exists, then at any conspicuous spot. (Note: a certificate by the commissioner is conclusive proof that the above formalities have been complied with. Furthermore, a tribe or community may be represented by a chief failing whom a person nominated by the community/tribe at a public meeting called by the commissioner. Again, the commissioner's certificate that the meeting took place is prima facie proof of this fact.)

The notice and its service must comply with all the formalities above, failing which it is not good notice.

The expropriation

The Minister has a discretion to expropriate any land he wishes to, provided that the expropriation takes place within the ambit of the relevant Act. That is, for 'public purposes', in terms of the Expropriation Act, and, to acquire african owned land outside scheduled and released areas, in terms of the Land Act of 1936. However, the right of expropriation is subject to an obligation to pay compensation.

a) Obligations and procedures after due service of the notice

The ownership of the property passes at the date of expropriation. However, the State may not take possession of the property until 60 days or longer after the date of expropriation. The owner is obliged to maintain the property (pay taxes etc.) until the State takes possession. Failure to do so will result in the depreciation of the property being deducted from the compensation. The owner may continue to take the income of the property until actual possession is taken by the State.

b) Reply to notice

Within 60 days of the service of the notice the owner must send a reply to the Minister indicating:

- The amount he claims for compensation, how this figure is made up in terms of Section 12 (see below), and details of any improvements on the land.
- If the land was let, the full particulars of the lease, or, if it had been sold the full particulars of the sale, or, if it was subject to a sharecropper's contract then he must supply full particulars of the sharecropper's contract.
- His address for service of documents.

The period for delivering this reply shall be extended by another sixty days if the owner requests in writing for such an extension.

The Minister may request the owner to supply him with the title deeds or information as to where such deeds can be obtained. Failure to comply with this request is a criminal offence.

c) The effect of a failure to reply to notice, and the effect of a counter offer

If the notice specifies the amount of compensation offered and if no reply or an inadequate reply is returned by the owner the Minister may refer the matter to a compensation court. In this event the owner will bear the costs of the court case.

If the notice contained no specific offer of compensation and there is no reply to the notice, then the Minister shall serve a notice on the owner making an offer of compensation. If there is still no reply within 30 days the Minister may refer the matter to a compensation court as above.

Where the owner does reply to the notice and makes a counter offer the Minister may either accept or reject the offer. If he rejects it, he shall make a counter offer. If there is still no agreement the Minister may refer it to a compensation court on the same conditions as above.

In all the above cases it is clear that the Minister may in his discretion refer it to a compensation court. However, he may, in terms of Section 11(5), wait for the owner to do so and if the owner has not done so within 8 months of receiving the offer he shall be deemed to have accepted the offer. Provided that not later than one month before the expiry of this period the Minister has warned the owner of this provision.

The Minister may tender his offer of compensation and pay the amount into court (in fact to the Master). The practical effect of this is that if the

figure finally determined by the court is less than this figure then the interest on the amount is refunded to the State.

The owner may apply for determination of just compensation, if he rejects the Minister's offer, to

1. A compensation court if the amount is less than R100 000,00.
2. The Supreme Court if the figure claimed is R100 000,00 or more.

The workings of this procedure are explained below.

d) Land in place of compensation

In terms of the Land Act 1936 the owner of expropriated land, if he is african, may elect to request the Trust for an exchange for land in a scheduled or released area, of an equal value and with the same conditions of tenure. This request must be made within 3 months of the date of expropriation. In these cases :

- If the african owner owns more than 20 morgen of land then the Trustee is obliged to provide such land of an equal value in any area the Trustee determines.
- If the african owner owns less than 20 morgen of land then the Trustee shall (i.e. must) offer for sale 'such' land at 'such' price in 'such' area as the Trustee may in his discretion decide.

It can well be argued that the Trustee is obliged to offer at least a substantial plot of land in exchange. If the value of the land is less than that expropriated the owner is entitled to the balance of the compensation money.

Numbering of properties

It is usual, when an area is to be removed, for officials to number the properties belonging to individual households by painting numbers on the doors. Often this happens many years before the area is finally expropriated and removed and is the first indication a community has that it is threatened with removal. It appears that these numbers are used by the local authorities to facilitate their control over the area in several ways :

1. They serve as a census of the area;
2. They serve to control the entry of new people and the erection of new buildings: any house or building not numbered is easily identifiable;
3. They are used to identify households for compensation purposes once relocated.

The system of numbering used varies from area to area. It may be a straight sequence of numbers; it may involve letters of the alphabet as well; on occasion different coloured paints may be used to distinguish between different categories of residents (e.g. tenants and landowners).

It does not appear that the legality of these numbers or the illegality of residents removing them has ever been tested in court. The Minister of Cooperation and Development has claimed authority for numbering particular properties from at least two different sources:

1. Section 5 of the Black Administration Act of 1927;
- and 2. Regulations 14, Chapter III, Government Notice R 1892/1965.
(Hansard, Question 162, 22.09.81)

NOTICE OF EXPROPRIATION IN TERMS OF SECTION 13(2) OF THE
BANTU TRUST AND LAND ACT, 1936 (ACT 18 OF 1936)

TO:

1. Kindly take notice that the following immovable property together with all improvements thereon and all rights to minerals attaching thereto (hereinafter referred to as the property) in respect of which you are the registered owner(s), are hereby expropriated in terms of section 13(2) of the Bantu Trust and Land Act, 1936 (Act 18 of 1936) read with section 2(1) of the Expropriation Act, 1975 (Act 63 of 1975), on behalf of the Republic of South Africa, which property is situate outside a scheduled Bantu area and a released area:

- (a) A two-third ($\frac{2}{3}$ rd) undivided share in and to Lots 48 and 49 of the in extent 4047 square metres each;
- (b) A two-third ($\frac{2}{3}$ rd) undivided share in and to the Remainder of Subdivision 7 of the in extent 260,2333 hectares and
- (c) A nought decimal nought five two two two two (0,052222) undivided share in and to Subdivision 1 of the farms in extent 824,3454 hectares.

all situate in the County of Province of Natal, Held under Deed of Transfer 1921

2. The expropriation shall take effect one (1) day from the date of notice as defined in section 1 of the Expropriation Act, 1975, and section 13(3)(b) of the Bantu Trust and Land Act, 1936 (hereinafter referred to as the date of notice) from which date the ownership of the expropriated property shall vest in the State.
3. In terms of the provisions of the Expropriation Act, 1975 (Act 63 of 1975) -
 - (a) the total amount of R 31 043,97 (thirty one thousand and fourty three rand and ninety seven cents) is hereby offered as compensation in terms of section 12(1)(a) and (2) of the said Act (hereinafter referred to as the offer of compensation) to you;
 - (b) your attention is invited to the fact that the offer of compensation -
 - (i) can be withdrawn if a lessee, share-cropper or builder has a right contemplated in section 9(1)(d)(i), (iii) or (iv) of the said Act in respect of the property;
 - (ii) shall, in terms of the provisions of section 10(5) of the said Act, be deemed to have been accepted by you if an application for the determination of the compensation is not made to a compensation court or division of the Supreme Court with jurisdiction within eight months (or such longer period as the Minister may allow) from the date of the offer of compensation, unless it has prior to the expiration of this period, been agreed to submit the dispute regarding the amount of compensation to arbitration or to have the compensation determined by a compensation court;

(c) you /

(c) you are hereby requested to deliver or cause to be delivered to me within sixty days from the date of notice to the address at the bottom of this notice a written statement in which the following is set out:

- (i) Whether you accept the amount of compensation mentioned herein or, if you refuse it, what total amount is claimed by you as compensation and how much of that amount represents each of the respective amounts contemplated in section 12(1)(a) and (2) of the said Act and full particulars as to how such amounts are made up;
- (ii) if you refuse the offer of compensation, full particulars of all improvements on the expropriated property which in your opinion affect the value of the land;
- (iii) the following particulars must be supplied where applicable:
 - (aa) if prior to the date of notice, the land was leased for business or agricultural purposes by unregistered lease, the name and address of the lessee, accompanied by the lease or a certified copy thereof if it is in writing, or full particulars of the lease if it is not in writing;
 - (bb) if prior to the date of notice, the land was sold by you as owner, the name and address of the buyer, accompanied by the contract of purchase and sale on a certified copy thereof;
 - (cc) if a building has been erected on the land and such building is subject to a builder's lien by virtue of a written building contract, the name and address of the building contractor, accompanied by the building contract or a certified copy thereof;
 - (dd) if on the date of notice the land was farmed by a share-cropper, the name and address of such share-cropper, accompanied by the share-cropper contract or a certified copy thereof if it is in writing, or full particulars of the contract if it is not in writing;
- (iv) You must mention the address to which you want further documents in connection with the expropriation to be posted to you.

4. You are hereby further requested to deliver or cause to be delivered to me within sixty days from the above-mentioned date of notice the title deed(s) of the expropriated property or, if this is not in your possession or under your control, written particulars of the name and address of the person in whose possession or under whose control it is.

5. The property hereby expropriated shall be taken into possession by the State one day from the date of notice or on such later date as may be agreed upon.

PLACE: PRETORIA

DATE OF SIGNATURE:

AS WITNESSES:

1.

2.

p.p. MINISTER OF AGRICULTURE
(By virtue of Special General Power
Attorney 354/1976 dated

8 September 1976

Address: The Secretary for Agricultural
Credit and Land Tenure
Private Bag X118
PRETORIA
0001

COMPENSATION

Computing compensation

Some of the following factors are to be taken into account in computing compensation.

- There is no allowance to be made for any of the following factors - the involuntary nature of the expropriation; illegal or unhealthy improvements to the land; the State's special desire to acquire the property (unless this would enhance its market value); improvements made after the date of the notice of expropriation (Expropriation Act).
- The value of the land shall not be diminished because it is occupied by Africans or because of the operation of the Land Act (Land Act of 1936).
- Account will be taken of water rights, possible minerals, goodwill of any business conducted from the land. This last is computed as the average annual profit of the business. (Goodwill is the established 'good name' of the business in the area. This is an asset and takes time to acquire.)
- The amount of compensation is the market value of the property - 'the price a willing buyer would pay to a willing seller'
And
10% of this amount up to a limit of R10 000,00
And
an amount in lieu of the actual financial loss.

Regard must be had to all the use, actual and potential, the land may be put to. Indicators are the possible yield of the property in relation to the property itself, not the expertise of the farmers. Other indicators are the cost of similar property in the vicinity, municipal valuations, improvements on the property, its revenue.

Once compensation has been determined or agreed, one can not appeal for an increase because of factors not realised at the time.

Care must be taken to assess every factor which may make the property valuable, e.g. proximity to roads; the proximity to future roads; its utility for township development. Valuation is on the basis of the farm's best and most profitable use.

In relation to improvement, regard must be had to buildings, fences, trees, crops standing. There is no compensation for movable attachments or goods.

All loss caused by the expropriation must be included. This excludes emotional or sentimental loss, inconvenience, etc. But it includes any actual pecuniary losses present or future, e.g. increased tax, replacement of dwellings, removal expenses, losses as a result of a forced sale (e.g. of cattle), loss of income as a result of the removal, loss of rental, losses incurred by expenditure for a future use of the property.

Tenants

The lessee is entitled to compensation independent of the owner. He is entitled to compensation for at least the following: the value of his unexpired lease, the value of improvements erected by him, general loss, including the costs occasioned by the removal to another area. A claim for loss and profits has been considered too remote but in the circumstances where there is no alternative land, then such a claim is feasible. However, to be compensated, the owner must reply to the notice of expropriation giving full details of the lease. The difficult question is whether 'illegal' tenants will be recognised as 'tenants'. The same applies to sharecroppers.

In the event of a landowner failing to give details re his tenants' leases, the tenant

would have a claim against the landowner for the value of his improvements included in the compensation paid to the landowner.

Evaluation of properties by officials

In 1964 the Minister of BAD stated in Parliament that africans moved off black spots were compensated at 'Land Board valuation' for their land and improvements. (Hansard, col. 4856, 24.04.64) In 1969 he reported that land 'and the better type buildings and improvements' were valued by valuers appointed by the Department of Agricultural Credit and Land Tenure while 'Bantu type huts and improvements' were valued by officials of his Department; land bought from whites as compensatory land was valued by valuers of the Department of Agricultural Credit and Land Tenure as well, but the allocation of such land to the individual africans settled on it was made on the basis of valuations by officials in his Department. (Hansard, col. 1576, 28.02.69)

By 1982 the system of evaluation appeared to have changed. In answer to a question about the procedure followed in regard to the payment of compensation to africans being relocated from urban centres and black spots, the Minister of Cooperation and Development stated:

The properties and improvements concerned are valued by Valuers of the Department of Co-operation and Development and the valuations considered and approved by the Department of Community Development. Payment is effected on removal of the people to the place of resettlement. (Hansard, Question 187, 22.03.82)

Challenging the compensation

Once the owner/tenant has made a counter offer for compensation and the Minister's replying offer has been rejected, the owner may make application to a compensation court (if the figure claimed is less than R100 000,00) or to the Supreme Court.

The form of this application is by legal proceeding (motion proceedings) and the applicant should consult a lawyer.

The onus is on those seeking compensation to commence this application. Failure to do so within 8 months may result in the Minister's final offer being deemed to be accepted.

The compensation court consists of a legal person (Judge or Magistrate or Advocate or Attorney) and two advisors appointed by the Minister. There is right of Appeal to the Supreme Court. If the figure determined is close to or below the Minister's figure then the owner will pay most or all of the costs and vice versa if the figure is close to or above the claimant's figure.

In order to assess the value of the property, affected persons should clearly identify the amounts they claim in relation to the above categories; get a valuator or farmer to assess the 'market price' of land of a similar size in the vicinity; itemize carefully every possible use and value of the property and its improvements, then add 10% to this figure.

Thereafter add to this figure every loss that will be occasioned by the expropriation. Make sure that the replies or the proceedings are commenced within the time limits. Especially take note that the failure of the landlord to notify the authorities of the full particulars of his tenants' leases will prejudice their claim, leaving them with only a claim against the owner.

Some examples of compensation paid

1. Limehill, 1969 : 966 households received a total of R139 033, i.e. an average of R143,93 per household. (Hansard, col. 1576, 28.02.69)

2. Roosboom landowner, 1976 : E. Mngadi, a landowner and shopkeeper, was offered R1 700 compensation. He rejected this offer and was subsequently paid out over twice the original amount, R3 500. (AFRA Special Report no. 2, 1981)
3. Kwapitela, 1981 : 69 households received a total of R35 606, i.e. an average of R516 per household. (Hansard, Question 390, 2.04.82)
4. Woodstock Dam, 1981 : 656 households received a total of R683 941,71 i.e. an average of R1 042,59 per household. (Hansard, Question 520, 23.04.82)

4. Non-freehold, scheduled and released land

OWNERSHIP

Ownership of all State-owned land within scheduled and released areas and all property acquired by the South African Development Trust (SADT) vests in the SADT in terms of Sections 5 and 6 of the Development Land and Trust Act of 1936 (hereinafter called the Act). Land formerly vested in the Natal Land Trust (established 1864) and the Zululand Development Trust (established 1909) is also vested in the SADT in terms of this Act. Generally such land is held in trust for the african population as a whole, and not for the particular people who live on the land. Regardless of previous history or length of occupation, they thus have no special claim to rights of occupation or exploitation of the mineral or other resources of such land. Their legal status is analogous to that of tenants of the SADT and the SADT has ownership of the land, including mineral rights.

However, the possibility of discovering a greater right to the land on the part of the african residents than that of simple leaseholders may occur in a few instances where the land held by the SADT is held 'in trust' for the particular people or tribe concerned, or subject to some similar condition. The SADT would in this case own the land only nominally, on behalf of a particular tribe, and not in trust for africans generally, as is the more common case.

Trust owned land may be resumed by the State, with the consent of both houses of Parliament, but any african who suffers damage as a result of that is entitled to compensation. (See below.)

In terms of Section 4 of the Act, Trust property in a 'self-governing territory' (i.e. a non-independent bantustan) may be transferred by proclamation to the government of such a territory, and similarly the powers exercised by the Trust may also be transferred. It does not appear that such a transfer limits the powers of the State with respect to the excision of such land from the schedule contained in the 1913 Land Act or from the area of the self-governing territory in question, unless ownership has been specifically granted to that self-governing territory.

REMOVAL OF AFRICAN RESIDENTS

Section 5 of the Black Administration Act of 1927 empowers the State President, by simple notice, to remove any 'tribe, portion of a tribe, Black community or Black' '...from any place to any other place or to any district or province within the Republic'. However, a tribe living on scheduled land (in terms of the 1913 Land Act) is entitled to refuse to obey the notice, in which case the removal has first to be authorised by resolution of Parliament. Until such authorisation, the notice of removal will be of no force or effect at all. Furthermore, such notices must in any event be placed before Parliament within 1 year and 14 days of being served.

Excision of scheduled land from the 1913 schedule and excision of land from the area of a self-governing territory are thus not necessary prerequisites for the removal of the people living on them, though subject to the qualification noted previously. The removal of people and the reclassification of their land can be treated by the State as two completely separate issues.

EXCISION OF LAND FROM THE SCHEDULE

In terms of Section 3 of the Act, scheduled land may be excised from the schedule to the 1913 Land Act by mere proclamation, provided that:

1. Land, equivalent in pastoral and agricultural value (and not necessarily exactly the same size) is added to the schedule in the province concerned. This land need not be the same as the land to which the people are relocated. This proviso exists merely to ensure that the total amount of scheduled land in each province remains constant.
2. Parliament consents, by resolution, to such excision.
3. If the land is owned by the SADT, the ownership of it shall revert to the State, such transferral of ownership being effected by a Deed of Grant from the SADT to the State.

It should be noted that until the proclamation descheduling land has been gazetted, the land in question remains scheduled notwithstanding the obtaining of Parliamentary consent to the excision.

COMPENSATION

Unless the tribe or individuals removed from scheduled or released land can be shown to have some real right to the land (e.g. freehold title), they cannot be said to be expropriated as they have no right of ownership of the land concerned. Accordingly, they are not entitled to monetary compensation for the land itself; neither are they entitled to compensatory land in exchange as they would be (in terms of Section 13 (7) of the Act) if they held the land by virtue of freehold title.

However, where the SADT is the owner of the land and the land is resumed by the State (i.e. descheduled) then such resumption is subject to the condition that compensation for all improvements must be paid to 'any black who has sustained any damages by reason of such resumption'. (Section 18 (1)) Such compensation is determined by the principles set out in Sections 12, 14 and 15 of the Expropriation Act, No. 63, 1975. (See above.)

On the question of alternative land, it appears that in practice people relocated off released/scheduled land are not moved into a closer settlement situation but are given some additional land for agricultural purposes; such land may be allocated among the households by the chief and agricultural and other officers. The Minister of Cooperation and Development has claimed there are minimum standards in the provision of land and facilities to relocated 'badly situated areas' (the term used for released or scheduled reserve areas that are to be excised and removed); whether these are enforceable in court has not been tested. Thus, speaking in Parliament in 1980, Dr Koornhof said:

In the case of badly situated Black areas, the people were settled on land equivalent to the agricultural and/or pastoral value of the land from where they were removed. In all cases they were given more land than what they occupied previously. They were also settled on the same basis as they were used to before... The land was first planned, developed and certain basic requirements such as water, sanitation, schools and clinics were provided without any cost to the people resettled.' (Hansard, Question 545, 22.04.80)

EXCISION FROM THE AREA OF A BANTUSTAN

Excision of areas from a self-governing territory is governed by the National States Constitution Act, No. 21, 1971. Section 1 (2) states that the area of such a territory may be amended by proclamation in the Gazette, but only after consultation by the Minister of Cooperation and Development with the executive council of the territorial authority of the area. Such consultation need not necessarily mean the agreement of the executive council but must involve more than a mere revelation of the central government's intentions.

5. Eviction of farmworkers

The major piece of legislation regulating the residence of africans in the 'white' rural areas is Chapter IV of the Development Trust and Land Act.⁺ These provisions apply in land that is not scheduled, prescribed (i.e. urban) or Trust. For a summary of these provisions see Section 2 above. If the proposed Orderly Movement and Settlement of Black Persons Bill (B 113-82) is enacted, it will amend some of these provisions, as summarised in the following section.

An african person may be removed from the premises on which he is residing or visiting under a variety of situations. He may be a squatter, a labour tenant, a trespasser, a worker whose contract has been terminated, a person who has no legally recognised right to be in the area etc.

The starting point for an analysis of who has a right to be on land in a rural area is the Development and Trust Act 18 of 1936 (hereinafter referred to as the Act) read together with the Black Land Act of 1913.

These two Acts specify land which may be owned and occupied by africans (scheduled land; land owned by the Development Trust; prescribed land in an urban area e.g. townships). This is by and large 'reserved' land. The Act goes on to specify in what circumstances africans may reside in the rest of South Africa.

These may be summarised as follows: No african person may be on such rural land unless:

1. The land is registered in his name, or his tribe or community's name;
2. He is a registered employee of the owner of the land;
3. He or she is a dependant of an african entitled to reside on the land;
4. He or she has obtained special permission from the Commissioner to be there because he is infirm, old, a teacher, a minister, an employee of a public body (as defined in Section 34) or a lawful tenant;
5. The land is owned by an african.

In terms of Section 26 the owner of the land on which africans reside unlawfully is liable for prosecution, as well as the african resident who may also be summarily evicted by the Commissioner. (See below)

THE WORKER WHOSE CONTRACT IS TERMINATED

For many farm workers the right to reside on the farmer's land is not only sanctioned by the above Act but is also a term of the condition of employment. This right may also incorporate a right to use a portion of the land for grazing or cultivation. Once the contract of employment is terminated the ex-worker loses the right to his housing as the contract no longer exists. Furthermore he ceases to qualify in terms of the Act as a person entitled to reside on white owned land. If he continues to reside on the land he falls into the category of a squatter and may be evicted by the authorities in terms

⁺ This section is drawn from an unpublished paper prepared by P. Benjamin at the Centre of Applied Legal Studies, University of the Witwatersrand, July 1982.

of Section 26 of the Act or else by the owner who may go by means of civil proceedings, commenced by the service of a summons on him, or by the ejectment procedure provided in Section 37 of the Act.

However:

1. Where the termination of the contract is in dispute, the eviction may be defended on the basis that the defendant is still qualified to reside on the land, and/or that the contract is still in existence.
2. Where the termination is not in dispute the eviction must still follow the procedures laid down by the above Act or other relevant Acts. (See below for procedure for eviction of squatters) The owner may not himself summarily evict the african by force and/or demolish his dwellings. (But see below, point no. 8, for exceptions.) Should the farmer use force himself he will be guilty of taking the law into his own hands. Should he unlawfully demolish the house he will effectively be spoliating and the resident will be entitled to a spoliation order compelling the farmer to rebuild the house. (See Frederickson's case but see Section 3B of the Prevention of Illegal Squatting Act 52 of 1951 which applies only where the building is erected without his consent.)
3. The farmer or owner may only proceed with the summary ejectment procedure in the Act after the expiry of the period of notice of termination of the contract under which occupation was granted. In the case of a worker where there is no notice period stipulated in the contract, notice may be deemed to be one month. (Section 37 (5)(a).) The employee shall have the right to return after the ejectment to harvest his crops. (Section 37 (5).)

SQUATTERS

A dismissed or former farm worker over 18 years of age who continues to reside on the land falls into the category 'squatter'. (See definition of squatter, Section 49.) Until 1969 a squatter could be 'qualified' to reside on the land if he was registered. (Section 33 (3)). Likewise a labour tenant could be a 'qualified' person until 21 September 1979. (Section 27 bis: Proc 2089/79.) Now all these categories - ex-labourers, labour tenants, squatters squatting with the consent of the owner - can be dealt with under the category 'squatter' and are persons who are not qualified to occupy or reside on white owned land. By residing on such land they lay themselves open to:

1. Conviction under the Act, for unlawfully being on white owned land (Section 26 of Act 18 of 1936);
2. Removal by the authorities once they have been convicted (Section 26 of Act 18 of 1936);
3. Conviction under the Trespass Act 6 of 1959 for 'entering and being upon' property without the permission of the owner or lawful occupier;
4. Civil ejectment proceedings in terms of the common law;
5. Summary ejectment proceedings in terms of Section 37 of the Act 18 of 1936;
6. Conviction under the Prevention of Illegal Squatting Act 52 of 1951 for 'entering upon or remaining on any land or building without the permission of the owner';
7. Summary ejectment after conviction under the above Act (52 of 1951) and
8. Demolition without notice of his house and buildings
 - a) by the owner of the land if such structure was built or occupied without his permission (Section 3B(1) (a))
 - b) by the authorities if the structure does not comply with the local requirements for the building of such structures.

Notwithstanding that this appears to be an overabundance of legislative weaponry, it is unfortunately not the complete arsenal. Should the authorities or the owner have issued any order, warrant, direction or notice under any law requiring any african to vacate or leave any such place, then no-one may stay or suspend the execution of that order etc. or removal of the african, even when that order etc. was invalid or bad in law (Blacks Prohibition of Interdicts Act 64 of 1956). There is some small relief in that

1. Where that order was invalid then the african is entitled to compensation for having to comply with the order (Section 4 of Act 64 of 1956);
2. The african may still be entitled to a spoliation order where the owner or the authorities simply rely on force without initiating the process according to the proper procedures.

However even the latter possibility of legal self-defence is undercut:

- a) Where the owner or authorities intend to or actually demolish without notice a structure in terms of Section 38 of the Prevention of Illegal Squatting Act and
- b) Where the person applying to court for a stay of execution can not first prove on a balance of probabilities that he has a lawful right to occupy the land. In other words the common law protection against unlawful ejectment by force (the spoliation interdict) is rendered nugatory. (Section 3B (4) of Act 52 of 1951.)

It should be mentioned however that this Act 52 of 1951 has been directed in the main against squatter communities in the Western Cape. The Department of Cooperation and Development tends to proceed in terms of the Trust Act, Black Administration Act, Urban Areas Act etc. It is only in terms of the Act 52 of 1951 that a local authority or owner may demolish a structure without notice. Accordingly, unless the owner or the authorities are acting in terms of that Act, they must proceed to obtain proper authority or vacate possession by other lawful means first. (Note: the material of the structure will continue to belong to the owner of the materials.)

PROCEDURES FOR REMOVAL OR EJECTMENT OF 'SQUATTERS' OR 'UNQUALIFIED' PERSONS

1. Section 26 of the Act (18 of 1936) provides for the conviction of any person unlawfully resident on the land and on convicting such person the court may also order the eviction of the person; and order his removal with or without dependants to another place; and order the demolition of his house; and allow such person out on bail or order the person to be held in custody until he is removed.
2. Section 37 of the Act applies where the owner wishes to evict a squatter or 'unqualified' person. The owner may complain in writing to the local commissioner who in turn issues a notice calling upon the african to state at a specified hearing why he should not be ejected. This notice must be properly served on the african. At the hearing the commissioner may order the South African Police to eject the african using 'such force as may be necessary'. It is open to the african to establish his right to be on the land e.g. the existence of a contract etc.; this section does not empower the owner to eject the african, nor does it grant anyone the right to demolish the house of the african concerned.
3. The Trespass Act, No. 6 of 1959 enables the police to arrest and take into custody a 'trespasser', who is any person who without permission from the owner or occupier, enters or is upon particular land or

building. An employee of the lawful occupier can not be a 'lawful occupier' i.e. be a person who may grant permission to another to enter the land. The person so charged may defend himself by alleging he was there with a 'lawful reason'. 'Lawful reason' has been broadly defined to encompass 'entering property for one's own innocent pursuits and having no reason to anticipate objection on the part of the occupier'. However, should the occupier explicitly request the african to leave and he refuses then he is trespassing. One is not a trespasser when one has some right to be on the land even if the occupier orders one to move. In *Ngewa v Union Co-op* (ILJ, Vol 2, No. 3) the employer charged his dismissed employees with trespass and had them removed from the premises. The employees were able to bring a spoliation order entitling them to reoccupy their hostel until the question of their purported dismissal had been adjudicated on.

RELOCATION OF EVICTED FARMWORKERS

Where an african has been displaced by any procedure laid down in the Act 18 of 1936 or displaced because of the provisions of that act relating to ejection of 'unqualified' africans, then there is a 'duty' on the government to

1. relocate such african in a scheduled area if he has been evicted from a released area or evicted from occupation of land he could reasonably have expected to remain in;
2. 'endeavour' to relocate or place in employment an african who has been evicted in all other circumstances.

Whether it is desirable to enforce compliance with this provision is an open question. The 'relocation' is merely 'relocation' according to the regulations laid down by the Minister. However, as some of the evicted persons have nowhere to go to, this may be better than nothing. In the second case one can only compel the Department of Co-operation and Development to 'endeavour' and not actually to find new employment.

IMPOUNDING OF ANIMALS⁺

Although in terms of Common Law a person has the right to sue another person for trespass and damage by animals, the provincial authorities in each province have made certain laws which lay down the procedures to be followed and the rights and duties of the owners of the land and of the animals in each case. The following section deals with the position as regulated in Natal, in terms of the Natal Ordinance no. 32 of 1947.

Impounding, damage assessment and release

The following is a discussion of certain sections of the Ordinance and Regulations which attempts to provide a practical guide to the procedure relating to impounding and release of animals and to the assessment of damage caused by trespassing animals.

- a) The Ordinance permits (Section 16) the owner of any land upon which the animal is found trespassing to impound the animal. It is important to note that the definition of owner in the Ordinance includes lessee and lawful occupier. A landowner who has impounded straying animals is obliged to provide the animals with food and water within 6 hours of detaining them. The animals may not be held longer than a period of 48 hours after which they must be released or taken to the pound for the particular area.

⁺ This section is drawn from an article of this name by R. Lyster in the Para-Legal Manual compiled by the Legal Resources Centre, Durban, June 1982.

- b) Section 18 of the Ordinance provides that any donkey or pig found trespassing on the land may be destroyed by the landowner unless it is clearly branded, or unless the owner knows who owns the animal or can easily find out who the owner is.
- c) Before the owner of the land removes the animal found trespassing to the pound, he is obliged to release the animals to their owner if that person pays the trespass fees and any money in respect of damage caused by the animal. The owner of the animal is entitled to request that the damages be assessed and to have the assessment confirmed or set aside by the Magistrate of the district. In practice however, this procedure is not often used. Experience in the rural districts has shown that if the damages claimed by the landowner are not paid on demand the landowner exercises his right to drive the animals to the pound and then to claim from the pound-keeper the driving fees, i.e. transport fees. These are the only fees the landowner may claim from the poundkeeper. Other money due to him (trespass fees and damages) must be claimed after the owner of the animal has paid the poundkeeper for their release.
- d) It should be noted that trespass fees are claimable without the landowner having to prove any damage whatever. Different amounts are payable in respect of trespass depending on the type of animal and whether it was trespassing on pastureland or not.
- e) Once an animal has been found trespassing and the owner claims that the damage caused is more than the flat rate for trespass, he may, within 96 hours of the damage taking place, have the damage assessed by two disinterested persons who must be landowners or voters in terms of the Electoral Act of 1929. The practical effect of this is that only white persons may assess damage.
- f) If the owner of the animals is known to the landowner he must be advised of the trespass. The owner of the animals then has 12 hours within which to nominate one of the assessors. On failure to agree on the assessment, a third person may be called in.
- g) The assessment is always subject to confirmation by the Magistrate whose decision is final. However the Magistrate only confirms the decision if requested to do so by one of the parties.
- h) The portion of the Ordinance relating to assessment or damages is the most abused section. It is clear from impounding cases which have been investigated that the figure put forward as damages by the landowner is very often arbitrary, i.e. does not have any relation at all to the actual damage done and is clearly intended to be punitive i.e. to punish the owner of the animals rather than to claim the compensation, which the landowner is entitled to do. In rural areas where impounding is common, e.g. the Weenen and Msinga areas of Natal, the assessors are normally neighbours or relatives of the farmer on whose land the trespass has occurred. The owner of the animals (who in 90% of the cases are africans) is normally not informed of his right to nominate an assessor who in any event will be a white person as well. The remedy which is always at the disposal of the owner of the animal is to apply to the Magistrate to decide on the reasonableness or otherwise of the assessment figures. It is a remedy seldom used in rural areas but it remains an important source of relief to those who feel aggrieved by an assessment.

- i) A person wanting a decision of this nature from the Magistrate should attempt to obtain a third written assessment to assist the Magistrate in arriving at a fair decision.
- j) All receipts, assessments and other documents relating to an impounding are kept at the poundkeeper's office and are available for public inspection for a payment of 25c.
- k) An inspection of the books in certain rural areas, notably Weenen, reveals that enormous amounts of money are collected every year by the poundkeeper, a great deal of which is payable to the landowners as trespass and damages.
- l) In certain areas the owner of impounded animals also faces the prospect of having to pay pound fees for a period of up to three weeks if the animals are placed under quarantine in terms of the Animal Diseases and Parasites Act (13 of 1956). This section applies to pounds established in terms of the Ordinance as well as to pounds conducted by Local Authorities or Health Committees. A current directive issued by the State Veterinarian in terms of the regulations affects goats and sheep in the Weenen area suffering from mange. The pound is obliged to hold the animals in isolation for 2 dippings which shall be 8 to 10 days apart. In practice the animals are normally held for up to 20 days. The owner of the animals is then obliged to pay the fees incurred, including the dipping fees.
- m) The Ordinance provides that the poundkeeper is obliged to release the animals to their owner once the trespass and damage fees have been paid. The poundkeeper is entitled to retain the animals if the owner does not have the money to secure their release, to provide security for his fees. One of the duties of the poundkeeper is to arrange for the sale of animals which have not been released, by public auction. Provision is made for the auction to be advertised in local newspapers and in the Provincial Gazette. The poundkeeper is entitled to 20% of the value of any animal sold and the proceeds remaining are used to settle other outstanding amounts e.g. driving fees, trespass fees and damages.

Trespass and the Ordinance

The courts have stated that if an animal is under the control of its master it cannot be said to be trespassing. Furthermore, if the master is not trespassing then the animal cannot be said to be trespassing.

For the master to be trespassing it must be established that he is on the land of the landowner unlawfully. These points of law are mentioned to illustrate a certain state of affairs that arises from time to time when a farmer employs a labourer who has a house on the farm and is permitted to keep animals on the farm for his own use. The farmer decides to dismiss the labourer and orders him off the farm. The farmer then considers that the labourer's animals are trespassing; he impounds them and takes them to the municipal pound where the labourer is forced to pay for their release.

In fact, in terms of the law, the labourer is not trespassing on the farmer's farm unless he remains on the farm after being evicted by proper court process. The farmer may not order the labourer to leave his farm. He must cause a summons to be issued against the labourer and obtain an order for his ejection by the messenger of the Court. In such cases the labourer is obliged to pay the poundkeeper for the release of the animals but then is entitled to sue the farmer for wrongful impounding.

6. The Orderly Movement and Settlement of Black Persons Bill

This Bill was published in the last days of the 1982 Parliamentary session and referred to a select committee. It has been severely criticised from many different quarters and it has been reported that it may be shelved or amended as a result. Nevertheless, the following synopsis of the Bill is presented as a reflection of the hardline attitudes prevailing in the Department of Cooperation and Development towards influx control in the urban and rural areas.⁺

URBAN AREAS

The Bill contains a completely new structure of influx control. It completely repeals the Black (Urban Areas) Consolidation Act.

Clause 52 : Ministerial discretion

This clause is of the utmost importance. It says that the Minister may by notice in the Gazette declare that any or all of the provisions of the Act shall not be applicable in an area specified in the notice or may only be applicable in such area subject to such 'adjustments' as are set out in the notice. The Minister may by notice in the Gazette declare that any or all of the provisions of the Act shall for any period, and subject to conditions which he may specify, not be applicable to a person belonging to a specified category of persons or to a person in a specified category in a specified area. He can amend or withdraw any such notice at any time, exempt any person from the provisions of the Act, or withdraw the exemption.

Clause 1 : Definition of urban area and qualifications to stay there

The Bill deals with who may 'stay' in an urban area and imposes extremely severe penalties on people found without permission in an urban area between the hours of 10 p.m. and 5 a.m., on those found in employment for which they do not have permission, on those who give them illegal accommodation, and on those who give them illegal employment.

An urban area is defined as being the present prescribed areas and any area defined as an urban area by the Minister by notice in the Gazette.

To 'stay' in an urban area is defined as being to stay in the area during the hours 10 p.m. on any one day to 5 a.m. on the following day.

Who may 'stay' in an urban area? (i.e. be there between 10 p.m. and 5 a.m.)

- a) Black people who are Permanent Urban Residents and their dependants provided that they have approved accommodation. (See below.)
- b) Black people who have been given a permit to stay in an urban area provided that they have approved accommodation.

Control over the provision of accommodation remains in the hands of the Government through the agency of the proposed new Development Boards.

⁺The sections on Urban Areas and on the provisions relating to both urban and rural areas are taken from an unpublished summary of the Bill prepared by Sheena Duncan of the Black Sash, July 1982. The section on Rural Areas is taken from the unpublished paper by P. Benjamin already cited.

Permanent Urban Residents

This is the new term applied to those black people who will have some legal right to be in town. This right will fall away if they are without approved accommodation. Their rights are also subject to the Minister's powers as set out above. It must be remembered too that those black people who have been turned into foreigners through the coming to independence of certain homelands are aliens and can be deported notwithstanding any rights they may have to reside in a town. Permanent Urban Residents will be :

1. South African citizens and citizens of independent homelands who
 - a) own fixed property under the 99 year leasehold scheme in an urban area. (The Black Communities Development Bill provides that only Permanent Urban Residents and those of their descendants who are lawfully resident in an urban area may be granted a 99 year leasehold together with other people who have been specially authorised by the Minister.)
 - b) were authorised in terms of Section 10(1)(a) or 10(1)(b) of the Urban Areas Act to be in a prescribed area at the time that the new Act comes into force.

It may well be difficult to establish these laws in retrospect when the new law is in force.

2. South African citizens who have been lawfully resident in an urban area for a continuous period of at least ten years and who have applied to be recognised as Permanent Urban Residents.

The Minister may also determine other categories of South African citizens who can apply for such recognition.

The application may not be refused if the applicant fulfills the conditions unless the Director General 'is of the opinion' that the applicant is not a person contemplated in the Section. Senior Counsel believes that this in practice excludes the jurisdiction of the Courts because it means that the 'opinion' of the Director General would have to be challenged on the grounds of bad faith (mala fides) which is almost impossible to prove.

Note that this application may only be made by South African citizens.

This clause excludes those who are citizens of independent homelands which means that currently half the black population of South Africa is already excluded from the possibility of coming to town and acquiring the 10 years lawful and continuous residence.

Note also that some lawyers believe that the annual return of a migrant worker to his home area to renew a contract may be defined as a break in his continuous residence.

3. Persons born in an urban area to parents both of whom are Permanent Urban Residents in terms of 1.a) and 1.b) above.

There are many people who are born in an urban area who will be excluded from this provision. For example, what happens to illegitimate children whose father's position is unknown? What about the children of Permanent Urban Resident mothers whose husbands are migrant workers? What about children born to a Permanent Urban Resident father and a mother from an independent homeland who cannot be a Permanent Urban Resident because she is not an owner of fixed property or a South African citizen?

4. The dependants of Permanent Urban Residents will be allowed to stay in an urban area. Dependants are defined as the wife or one female partner in a customary union, the dependent and unmarried children, disabled and dependent children, parents and grandparents who are dependent on the Permanent Urban Resident. Dependants will be able to remain in the urban area following the death of the Permanent Urban Resident until they have achieved the ten years lawful residence which will entitle them to become Permanent Urban Residents themselves - provided that they are South African citizens. Non-South African dependants will only achieve the Permanent Urban Resident status if they are citizens of independent homelands and inherit the deceased Permanent Urban Resident's house.

Permanent Urban Residents will have this status in any urban area in South Africa once they have it in one area so they will be allowed to move around as anticipated by the 13th June 1980 amendments to the Labour Regulations. All this 'change' really means a return to the old 'General Smuts' exemption pass.

All other black people may only be present in an urban area between the hours of 10 p.m. and 5 a.m. if they are authorised (i.e. have a permit) to be there. As is the case at present the permit will not be given unless the person has approved accommodation in the urban area.

Clause 3: Control over the presence of african people in urban areas

Section 2 states that 'No unauthorised person shall at any time during the hours 22h00 on any day to 05h00 on the following day be present in an urban area'.

Authorised people are:

- a) People who have been given permission to be in a prescribed area in terms of existing legislation will be deemed to have been authorised to stay in the area under the new Act until the time period for which they have been given a work or residence permit has expired.
- b) Permanent Urban Residents and their dependants will be deemed to be authorised to stay in an urban area.
- c) Commuters are defined as being black people resident outside an urban area (i.e. in a rural area or in an independent or non-independent homeland) who visit an urban area without staying overnight, or who work in an urban area between 20h00 and 05h00 on the following day but after work return to their place of residence outside the urban area. They may not seek or take up employment in an urban area unless they have been given a permit to do so but, if they are given such a permit, they can be in the urban area concerned between 20h00 and 05h00 if they are working during those hours or are on their way from work to their place of residence.
- d) Patients in a hospital or medical institution and guests in a hotel will also be deemed to have been authorised to stay in an urban area overnight until they leave the establishment concerned.
- e) Visitors to an urban area who wish to stay overnight must get a permit to do so. This permit will only be granted if they have approved accommodation and if their total number of days as a visitor in the urban area concerned does not exceed 14 days in any calendar year. Hotel guests are excluded from this restriction.
- f) Workseekers must have a permit to seek work and a permit to stay overnight in an urban area but the permit to stay will not be granted unless

the person has approved accommodation. Nor will it be granted if the designated officer considers that the person's place of residence is near enough to the urban area to enable him to return home at night, due consideration being given to the availability of public transport.

No permit to seek work may be issued in an urban area if the Minister, being of the opinion that a state of unemployment prevails in the area, has by notice in the Gazette declared that no unauthorised person may seek or take up employment in that area. This prohibition may be applied to any particular category of work in any urban area. (This provision allows the Minister to maintain the prohibition on african workseekers in coloured labour preference areas or in any other area as the government may decide. It also allows the continuation of the present policy of what may be described as 'urban labour preference' in all urban areas whereby employers are not permitted to requisition labour from rural areas if urban labour is available.)

Penalties for infringement of the above

- a) On african people who are present in an urban area without permission between 10 p.m. and 5 a.m. - R500 or 6 months imprisonment plus an additional fine of R20 for each day during which the offence continues (or the proportionate term of imprisonment up to a maximum of three months). Present penalty : R100 or 3 months.
- b) On african people who seek or take up employment in an urban area without permission - R500 or 6 months plus the additional fine of R20 as above.
- c) On people who provide accommodation to an unauthorised person in an urban area between 10 p.m. and 5 a.m. - R500 or 6 months plus the additional fine as above. Present penalty : R20 or 2 months.
- d) On people who introduce an unauthorised person to stay overnight in an urban area without permission - R500 or 6 months imprisonment. Present penalty : R500 or 3 months.
- e) On employers who give employment to any person who has no right to be in an urban area as a Permanent Urban Resident or who is not permitted to take up employment there - R5 000 or 12 months imprisonment. Present penalty : R500 or 3 months.

The onus of proof in prosecutions remains on the accused.

Clause 13 : Control over accommodation of black persons

This clause makes it illegal for anyone to give accommodation to a black person in an urban area outside a black township except with a permit or licence or in the case of one legally employed domestic worker per household. As is the case at present the Minister may suspend the exceptions in any area.

Clause 40(1) : Inspection by officials, pass raids

This section re-enacts provisions which allow inspectors and policemen to enter any premises at any time of day or night without warrant and without notice to question anyone on those premises, to require information about any person who is resident or accommodated or employed on those premises. Any inspector or peace officer may at any time call upon any black person

to produce to him for examination any authority or permit granted to that black person. Failure to produce such authorisation on demand will be an offence carrying a penalty of R500 or 6 months imprisonment.

WHITE RURAL AREAS

Chapter 2 of the Bill will apply to white rural areas. This excludes urban areas, scheduled land and Trust land.

Sections 15, 16, 17 : Africans entitled to reside in white rural areas

No african will be entitled to be resident in a rural area unless he has authority to be there from the authorities; or be resident in an area other than that one where he is specifically authorised to be.

A large category of africans will be assumed to have permission to reside in a rural area :

- a) Persons with permission under the Development Trust Land Act
- b) Registered owners (or usufructuaries) of land
- c) Persons resident on land held by his tribe or community
- d) Registered employees
- e) Dependants of the above
- f) Visitors who have the permission of the owner.

In addition, an owner of land may with official approval give written permission to the following to reside on his land: a chief or headman; a minister, a teacher, pupil, student; aged, chronically ill or destitute persons. No fee is payable by these classes.

Sections 18, 19 : Numbers of residents and reduction of numbers

Officials are entitled to demand that land owners give details as to the number and nature of africans on their property.

Where the Minister believes that land is being used primarily for the accommodation of persons he may order the owner to reduce the number of africans on his property.

Sections 20 - 28 : Farm Tenement Boards

The Black Labour Control Boards will now become Farm Tenement Boards. Their powers and constitutions will be much the same as those of their predecessors. While the Black Labour Control Boards could only order a farmer to cut down on his employees, the Tenement Boards have power over all africans on rural land. The Board where it believes that an unduly large number of africans are resident on land, may investigate what the owner's domestic and/or agricultural requirements for labour are. It will then make a determination and africans (and their dependants) in excess of the Board's decision on the number allowed to stay, will be given up to 6 months to leave. The owner must take the necessary steps to remove the excess residents. It does not appear that the Board determines precisely which workers must leave. This is up to the owner to decide. The dependants of employees who are entitled to remain are not affected. Once the owner has complied with the Board's order he may not allow more persons to be resident on the farm - except where his employees' dependants increase. Where no such Board exists the Commissioner shall enjoy its powers.

OTHER PROVISIONS FOR CONTROL IN URBAN AND RURAL AREAS

Clause 29 : Restrictions on payment for and in connection with the pass laws

This clause prohibits anyone other than an attorney or advocate from charging any fees or receiving any payment for any help given to a black person in connection with the pass laws. This is not new but is in the existing legislation although it does not seem to have been very successful in preventing fly-by-night 'aid societies' from defrauding their customers.

Clause 30 : Restrictions on congregations of africans

This re-enacts the Minister's powers to prevent the congregation of african persons on land if they are causing a nuisance to persons living in the vicinity. Church services and functions are excepted.

Clause 31 : Summary removal of people settled on any land

This is entirely new and is clearly a response to the determined people of Crossroads and Nyanga. It empowers the Minister to order the summary removal of people who have settled on any land if he is of the opinion that their conduct is calculated to canvass support for a campaign for the repeal or amendment of any law or for the variation or the limitation of the application of any law; or if he is of the opinion that their conduct is calculated to endanger the maintenance of law and order or threatens their own health or social welfare.

The Minister must publish his order in the Government Gazette. He decides whether a person is unlawfully resident on such land. The police or anyone else designated by the Minister must carry out the order. No warrant is required and people will be removed to any place decided by the Director General of Cooperation and Development.

Again this excludes legal action in the Courts. The Minister only needs to be of the opinion that he should act and there is no way of testing his bona fides. The power of the Court to prevent such a removal is specifically excluded.

Clause 32 : Assembly points

This allows a Development Board (the new name for Administration Boards in terms of the Black Communities Development Bill) to establish centres for the recruitment and selection of black workers. These centres may be established inside or outside the area of jurisdiction of the Development Board and several Development Boards may cooperate in setting up such a centre.

Clause 48 : Aid Centres

These remain under the new legislation. Persons arrested for contravention of the pass laws may be referred to an Aid Centre.

The Commissioner may hold a Court within an Aid Centre. The manager of an Aid Centre can recommend that a person be not charged, or may place a person in employment and order that he be given authority to stay in the area or may make an order for the removal of a person and his dependants to another place. This removal can be ordered without a trial having taken place first.

Clause 49 : Removal of convicted or unqualified persons

This clause also allows a person who has been convicted of staying in an urban area or residing in a rural area or who is, in the opinion of a

Designated Officer, staying in an urban or rural area in contravention of the Act, to be removed to any other place together with his dependants, after an enquiry has been made by a Commissioner. Anyone who has been convicted of introducing a black person into an urban area illegally or of giving accommodation to an unauthorised person may be ordered to pay the costs of the removal of the person, his dependants and his household effects and the costs of his detention prior to his removal. No Court of law shall be competent to interdict, suspend, postpone, prevent or prohibit or interfere with the execution of a warrant issued in terms of Clause 49(1).

Clause 54(1)(f) : The curfew

This clause re-enacts the Minister's powers to impose a curfew preventing black people from being present in a public place outside a black township during hours of the night to be specified by the Minister.

ADMINISTRATION

The Officials who will carry out the functions of control outlined in this Bill will be known as Designated Officers who will be designated by the Director General from the ranks of those employed in a government department or a Development Board.

A Designated Officer will also be a passport control officer so that he can administer the Admission of Persons to the Republic Regulation Act as it applies to foreign black people.

Certificates showing the status of black people will be issued to them by a Designated Officer - that is a certificate showing that they are Permanent Urban Residents or lawfully in employment or lawfully resident in a rural area etc. This certificate may be in the form of an endorsement in the person's identity documents and the Minister may make regulations prescribing fees for the issuing of certificates.

Appeals by any person who is aggrieved by a decision of a Designated Officer will be to the Minister. No details of the form of such appeal will be known until regulations are published but the Bill ominously says that an appeal 'shall be accompanied by the prescribed amount'.

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⁺ This is a select bibliography, listing major sources only. For more detailed bibliographies, the reader is referred to Maré, G. : African Population Relocation in South Africa (1980) and Yawitch, J. : Betterment : The Myth of Homeland Agriculture (1982).

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