

PC16/2/2/53

CIVIL



RIGHTS



Box 3807

Cape Town 8000
Vol. XXVIII No. 8

October 6, 1981

News Letter

Permanent residence? (Cape Times, 24-25-26/9/81)

In a recent judgment in the Rand Supreme Court Mr Justice O'Donovan laid it down that a Germiston contract worker, Mr Mahlolo Tom Rikhoto, who had been working in the urban area for at least ten years, was entitled to stay permanently in such an area. Formerly, officials have held that such workers were not entitled to do so because they had to return to the homelands to renew their contracts each year. They can now, in terms of this judgment, live in urban areas, move from town to town in response to job offers and choose where they want to work.

Administration Board officials have in the past claimed that contract workers cannot qualify for permanent residence under Section 10(1)(b) of the Urban Areas Act. The most recent figures, says the Cape Times, indicate that there are 1,04 million such workers from the homelands working in "white" South Africa.

The Minister, Dr Koornhof, has said that the Government will abide by the Court's decision, will study the judgment and its implications and take action accordingly. We hope the East Rand Administration Board will think better of its reported idea of appealing against the court decision.

We would respectfully suggest to Dr Koornhof that one logical step would be to remove the requirement that such workers return annually to the homelands to renew their contracts.

This judgment is of the highest importance. Mr Justice O'Donovan said that there had been "a common and continuing intention" that Mr Rikhoto remain in employment. "In reality there were no breaks in the applicant's employment. At most what was created was the semblance of a series of breaks." The Judge added that the obligation to comply with these formalities had been imposed on Mr Rikhoto "with the object of ensuring that he, in common with other blacks from the homelands", would not qualify for Section 10(1)(b) rights. But, said the Judge, "this objective is not one which is authorised by the legislature."

Parliament, he said, had intended that blacks who worked continuously for one employer for ten years would qualify for these rights, and regulations could have no force if they were designed to prevent workers from obtaining these rights.

Priorities? (Cape Times, 25/9/81)

According to the same Minister, the Government constructed a total of 5 814 houses in black urban areas in the 1980-81 financial year - 3,6% of its own estimated shortage. Of these, 640 were in Cape Town.

The Minister estimated that there was a shortage of 420 000 houses for black people - about 160 000 of them in the urban areas.

In the Eastern Province at Port Alfred, the Minister has stated in parliament that the East Cape Administration Board has, in the past four years, earned R376 501 from the 9 658 blacks living there, but has built no houses - only a beer hall and office building at a cost of R30 815, and has spent R1 841 on "essential services".

It seems clear that the need for allowing blacks to build their own houses, with help from non-government bodies, on site and service schemes is urgent.

Property rights recommended (Cape Times, 18/9/81)

Mr Justice O'Donovan's judgment is particularly timely in view of the recommendation of the Grosskopf Commission that blacks be allowed full property ownership rights in urban areas. It has been said that this Commission has recommended that blacks with urban residence rights be granted full freehold title on property and that the present conditions for permanent rights be withdrawn, to make such rights dependent only on a job and approved housing, with automatic permanent residence for blacks who have come within five years of obtaining permanent residence under existing law. It has further been recommended by the Commission that the 72-hour limit for blacks without urban residence rights be scrapped and that rural blacks be given the right to remain in cities for three months if they acquire a permit to do so.

All too often in the past the Government has set up commissions and then ignored their recommendations. We hope the recommendations of these two commissions will be taken seriously and acted on.

Work in the homelands? (Cape Times, 25/9/81)

Dr Koornhof has stated in Parliament that only 12,5% of the work force of Kwazulu, Ciskei, Lebowa, Gazankulu, Kanga-wane and Kwa Kwa are employed within their own borders, 85% being either commuters or migrants.

Generous... (Cape Times, 19/9/81)

People who have freehold rights in Fingo Village, Grahamstown will lose these rights when their properties are expropriated for "public purposes" such as undeveloped buffer strips, public open spaces and streets, schools, churches or trading sites when the township is replanned, says Dr Koornhof. Such properties, he says, will be bought by the East Cape Administration Board, although owners of such rights whose properties are not needed for such development will be able to retain their rights.

The Minister says such people will be able to acquire property under the 99-year leasehold scheme in other areas.

Surely the least that could be expected, if such removals are to be enforced, is that the people concerned should be given the full equivalent of the rights they lose in their present homes?

Open Stellenbosch? (Sunday Times, 20/9/81; Cape Times, 24/9/81; Argus, 26/9/81)

To those who watch with sympathy the delicate growth of verligtheid at Stellenbosch it is disappointing that the proposed student referendum on the idea of making it an "open" university should have been abandoned.

Obviously its sponsors have concluded that the better part of valour is discretion. But the disappointment remains. Theology professor Nico Smith has said that what happens at Stellenbosch eventually happens all over South Africa, and has urged that it should take the lead (presumably, of the Afrikaners universities) in opening its facilities to all races.

One can only hope that the movement in this direction will continue and accelerate.

Phasing out sports apartheid (Cape Times, 2/9/81)

The Minister of National Education, Dr Gerrit Viljoen, has said that amendments to the Group Areas Act, Mixed Amenities Act, Liquor Act and Urban Consolidation Act will now be held over until 1982, in so far as they affect the question of apartheid in sport.

But why only in sport?

The Human Sciences Research Council had reported to the Minister that discriminatory measures such as discriminatory legislation were "regarded" (presumably by the Council) "as unacceptable in the field of sport"; that sport "should not be used as a political instrument" and that "legislation that did not

by nature relate to sports situations", such as the Group Areas Act, "should not be made applicable to sport by proclamation".

The Minister said that "administrative" exemptions from legislative measures were "legally impermissible" and "undesirable from a policy-forming point of view".

Is it too much to hope that action on these lines may be the forerunner of further amendment to the situation caused by the Group Areas Act? To do away with that Act would really impress the world - not only in world sport.

Sport and civil rights (Argus, 26/9/81)

An interesting sidelight on the Springbok rugby tour of the USA comes in the news that the American Civil Liberties Union (the US equivalent of the Civil Rights League) successfully argued in a Federal District Court that to ban the proposed match violated the principles of equal protection and equal access to public facilities laid down in the U.S. Constitution.

This stand by the ACLU was taken in spite of its vehement opposition to apartheid or any other form of racism or discrimination.

The Argus comments: "Over the years it (the ACLU) has increasingly recognised the need to defend people of all political hues..." It has fought for black and women's rights (!) and defended the controversial Moonie cult from persecution in terms of US freedom of religion guarantees.. The ACLU's founder, Mr Roger Baldwin, believed it was important to "defend the people you dislike and fear as well as the people you admire".

Like the Civil Rights League, the ACLU is affiliated to the International League for Human Rights.

"Teacher on Trek"

We have now heard from the Lovedale Press, publisher of this book we mentioned last month, that they are the distributors and can supply it by mail @ R5-00 including postage and packing.

"The Responsibility of Judges"

Second revised edition now available. Postage cost would be appreciated.