

THE INTERNALLY DISPLACED IN SOUTH AFRICA*

The strategy of forced removals and apartheid

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White South Africa's system of apartheid created and maintained a strategy of forced removals of the majority black population as a means of dividing and controlling the economic and political power of black South Africans. The policy of forced removals was a pillar of the apartheid system, without which apartheid could not have become as fully entrenched as it was in South African society, before the establishment of black majority rule with the first multiracial elections in April 1994.

Despite the assertion of the black majority to political power, however, the long standing effects of the white minority's forced removal policy remain and perpetuate the injustice of apartheid, creating an enormous obstacle to the reformation of South Africa and the economic and political empowerment of its black citizens.

In this article, I refer to 'forced removals' in terms of the statutory, regulatory and economic means by which the white minority government of South Africa controlled the black majority's right to take up residence and work, and the process by which black were excluded from white controlled areas. I will discuss the problem of the internally displaced in South Africa, the historical origins and the evolution of the pervasive phenomenon of forced removals that lies at its origin.

By way of introduction, I will briefly discuss the definition of internally displaced and the specific form it takes in South Africa. In the first chapter, I establish the link of the forced removals with the economic and political aspects of the apartheid policy¹ and I explain some of the methods used by the government to achieve these removals. In the second chapter I discuss the different categories of forced removal and their relation to political and economic developments. In the third chapter I outline the different forms of resistance against forced removal and the psychological and material loss for the relocated people. This constitutes an appropriate link to the last chapter dealing with South Africa in the post-apartheid era, the transitional Constitution, the 1994 Restitution of Land Rights Act and the African National Congress's broader and innovative program of reconstruction and development.

INTRODUCTION: 'INTERNALLY DISPLACED', A BRIEF EXPLANATION OF THE DEFINITION

* This paper was written for the seminar on forced migration at Fletcher school of law and diplomacy to which I cross-registered from Harvard Law School where I pursued my LL.M. in '94-'95.

¹ See *infra* chapter one, section A on historical origin. It becomes clear that forced removals also happened before 1948, the official beginning of apartheid.

The United Nations High Commissioner for Refugees (UNHCR)'s operational definition of internally displaced is : "those who have been forced to flee their homes for the same reasons as refugees but who have not left their own countries; and are therefore not considered 'refugees' under the UNHCR statute or under relevant international or regional instruments".² Internally displaced in refugee-like situations are defined as persons fleeing persecution, armed conflict or civil strife.³ The Refugee Policy Group however gives a broader enumeration of causes of internal displacement, namely civil war, breakdown in civil order, ethnic tensions, forced resettlement, demobilization and refugee repatriation.⁴ The internally displaced in South Africa are mainly caused by forced resettlement or forced removal.

I. FORCED REMOVALS AND APARTHEID

The apartheid system can be described as state action designed to secure and maintain white domination by furthering white political and economic interests through control over the black majority population. The mechanisms of population control used, include the panoply of forced removal intended to control, divide and segregate the people of South Africa. Forced removals have occurred in different historical periods with different functions and in different guises,⁵ but ultimately the whole process can be traced back to the structures of black economic exploitation and white political domination inherent in the apartheid regime.

The force used has sometimes been direct, through use of police and guns, bulldozers demolishing houses and sometimes less overt, through intimidation, co-option of community leaders, the pressure of shops and schools being closed etc. The overall tendency has been one of refinement of tactics due to mounting internal and external pressures and to protests against the forced removals.⁶ In the 1980s, there was less large scale relocation of whole communities and more extensive use of administrative methods either to prevent people from moving to the urban areas or to relocate them on a more individual basis.⁷

The so-called structural force is the coercion inherent in the mass of discriminatory and oppressive legislation and institutions of the apartheid regime⁸ restrict-

² Protection aspects of UNHCR activities on behalf of internally displaced persons, UN do. EC/1994/SCP/CRP.2 (4 May, 1994).

³ Id.

⁴ Refugee Policy Group, *Internally Displaced Persons in Africa* 5 (1992).

⁵ See annex on the regional, numerical overview of removed people until 1983 (I was unable to get more updated information on this national scale). I also explained in that annex the close links with the new regional division in the transitional Constitution.

⁶ Surplus People Project, *Forced Removals in South Africa* vol. 1, at 1-2 (1983).

⁷ See *infra* chapter two, section B/1 on influx control and its formal change in 1986.

⁸ Note that legislation providing for forced removals also existed before 1948 but it was sharpened and amplified when the national party came to power; see Colin Bundy, *Land, Law and power: forced removals in historical context*, in *No Place to Rest, Forced Removals and the Law in South Africa* 3, 8 (Christina Murray & Catherine O'Regan eds., 1990).

ing black population's freedom of movement and the access to land.⁹ These laws and institutions taken together with their effects of inducing people to move under threat of penal sanctions and/or expropriation, were clearly a crucial factor in the goal of disorganizing the dominated class and thereby achieving control over that class.¹⁰ Law is not neutral and reflects the existing interests and distribution of power in any society. In South Africa, the discriminatory legislation reflected the asymmetrical property and power relations of the apartheid regime.

Because of this intrinsic link of forced removal with the all-encompassing apartheid strategy that had an economic, political and ideological component, it will be necessary to expand somewhat on certain issues not directly related to forced removals. For example, the importance of legislation in the establishment of the structural force behind the forced removals has to be seen in terms of the voting rights issue. On the one hand, the fear of a black majority led to the restriction of national voting rights of the Africans, coloreds and Indians.¹¹ Internal and external pressures for political participation, on the other hand, led to the attempt to balkanize feelings of African nationalism in the Bantustans. Generally, the Bantustans were to be the restricted territory where the political as well as the economic aspirations of the black population were to be realized.¹²

It is also interesting to note that sometimes the removal was only statutory, that is, achieved by redrawing boundary lines of the Bantustans to incorporate small rural villages or metropolitan townships¹³ situated a relatively small distance from nearby Bantustans.¹⁴ Although there was no physical removal, I address these actions as forced removals because of the ancillary loss of certain important rights such as section 10 rights of permanent residence in the urban areas, or even South African citizenship due to the incorporation of these villages and townships in one of the four independent homelands,¹⁵ namely Transkei, Bophutatswana, Venda and Ciskei (the so-called TBVC-countries). Therefore,

⁹ Surplus People Project, *Forced Removals in South Africa* vol. 1, at 1 (1983).

¹⁰ *Id.* vol. 5 at 5.

¹¹ Jacob S. Mohlamme, *Forced Removals in the People's Memory* 11 (1989); See glossary in Surplus People Project, *Forced Removals in South Africa* vol. 1, at xviii (1983); 'black' is used to include all those who are not white, thus all the people officially classified as African, Colored or Indian.

¹² Gerry Mare, *Population Relocation in South Africa* 44 (1980) and Surplus People Project, *Forced Removals in South Africa* vol. 1, at 38 (1983).

Note that only a minority of the forced removals have affected the Indian and colored population and mainly in terms of the Group Areas Act.

¹³ Townships are defined as 'residential areas set aside for African, Indian or colored occupation, usually adjacent to or within commuting distance of a white urban area on which they are economically dependent', Surplus People Project, *Forced Removals in South Africa* vol. 1, at xvii (1983).

¹⁴ See *infra* section B/2, b on the implementation of the bantustan policy; Elaine Unterhalter, *Forced Removal: the Division, Segregation and Control of the People of South Africa* 112 (1987) and Aninka Claassens, *Rural land struggles in the transvaal in the 1980s, in No Place to Rest, Forced Removals and the Law in South Africa* 27, 32 (Christina Murray & Catherine O'Regan eds., 1990).

¹⁵ Laurine Platzky and Cheryl Walker, *The Surplus People, Forced Removals in South Africa* 125 (1985); Elaine Unterhalter, *Forced Removals: the Division, Segregation and Control of the People of South Africa* 104 (1987) and T.R.H. Davenport, *South Africa: a Modern History* 413 (4th ed. 1991).

statutory removals will also be briefly touched upon in the subsequent more detailed analysis.

A. HISTORICAL ORIGIN

Although the era of apartheid is generally said to have begun in 1948¹⁶ with the governing national party's strategy of separate development, features of the segregationist policy with forced removal implications can be found in the 19th century and further increased in the first decade of the 20th century intensifying after the formation of the Union¹⁷ in 1910.

The antecedents of forced removal in itself can be dated back as far as 1652 with the arrival of the white settlers in South Africa.¹⁸ Those early roots had a pervasive impact on the strategies used by the nationalist party after 1948. The creation of reserves in the 19th century can be seen as an especially determining factor in the elaboration of the bantustan policy.

By the end of the 19th century, the European settlers had developed a coordinated policy with as result that the original African chiefdoms retained only a fraction of their former lands. The people were crammed together in those so called reserves as a result of forced relocation.¹⁹ The experience with those reserves as facilitating the economic and political domination of the black population was the incentive behind the bantustan policy elaborated in the mid 20th century.²⁰

After the formation of the Union in 1910, the territorial segregation established during the colonial period was firmly entrenched by the 1913 Black Land Act, an act which would be the basis of South Africa's land policy for decades. This Act limited the areas that could be occupied by Africans (the so-called scheduled areas), through ownership or rent, to basically those areas that had already been reserved as tribal land in each of the four provinces before the formation of the Union.²¹

The 1913 Act is to be seen as the first step in the process of creating the structural force behind the forced removals of the apartheid era. At the same time, this Act boosted the system of migrant labor, an essential feature of apartheid, to the mines and industries in the areas designated as 'white' by preventing ac-

¹⁶ Paul W. Coetzer, *The era of apartheid, 1948-1961*, in *A New illustrated History of South Africa* 278 (1991).

¹⁷ Laurine Platzky & Cheryl Walker, *The Surplus People, Forced removals in South Africa* 95 (1985); the *Surplus People Project, Forced Removals in South Africa* vol. 1, at 34 (1983) and Colin Bundy, *Land, Law and power: Forced Removals in historical context*, in *No Place to Rest, Forced Removals and the Law in South Africa* 3, 8 (Christina Murray & Catherine O'Regan eds., 1990).

¹⁸ Laurine Platzky & Cheryl Walker, *The Surplus People, Forced Removals in South Africa* 70 (1985) and Aninka Claassens, *Rural land struggles in the Transvaal in the 1980's*, in *No Place to Rest, Forced Removals and the Law in South Africa* 27, 29 (Christina Murray & Catherine O'Regan eds., 1990).

¹⁹ Laurine Platzky and Cheryl Walker, *The Surplus People, Forced Removals in South Africa* 70-74 (1985).

²⁰ From the 50s onwards, those areas were renamed first bantustans, then homelands and finally national states (Laurine Platzky and Cheryl Walker, *The Surplus People, Forced Removals in South Africa* 111 (1985). I will use these terms interchangeably in the next of article.

²¹ *Id.* at 84.

cess to land which was and remains the source of income to most Africans. The scheduled area for the African population was simply not big enough for the majority to make their living there.

B. THE RELATION OF APARTHEID TO FORCED REMOVALS

South African's forced removals are intrinsically linked with the apartheid's policy in its political and economic aspects. The forced removals have had different functions and different guises, but each form at a specific time can be tied to the goal of preserving and entrenching white political domination and economic exploitation of the black population.

1. General Overview

The total segregationist policy of apartheid in its political component is aimed at achieving and maintaining white supremacy/black inferiority and especially at the control of the dominated class. This political goal of white supremacy is related in two interconnected ways to the economic component of apartheid.

Firstly, the rules on land ownership secured the supremacy in wealth for the white population since only 13 % of the total land area (the scheduled areas of the 1913 Black Land Act and the released areas of the 1936 Development Trust and Black Land Act) was reserved for the black majority.²² The land question is central to South Africa's past, present and future since an unjust, punitive and untenable allocation of land and rights to land inevitably leads to the construction and maintenance of an unjust, inequitable and brutal social order.²³ Furthermore, regulation of access to land was a major factor in the forced removals and was thus used as a means of control over the dominated class. Both aspects of land regulation are linked with the importance of the land issue in the overall debate of redressing the results of the apartheid, a major goal of the Reconstruction and Development Program.²⁴

Secondly, the central allocation and location of black (mainly African) labor not only contributed to black disorganization, but also accommodated the wishes of the white capitalists controlling agriculture, mining, commerce and industry. White control over the labor allocation provided an answer to the shifting labor needs of the various categories of capitalist production and to the ancillary unemployment problem.²⁵ Furthermore, this system helped maintain the low-wage path of South Africa's capitalist development.²⁶ In the agriculture field, wages could be kept at a lower rate than in the other sectors since the en-

²² Surplus People Project, *Forced Removals in South Africa* vol. 1, at 37 (1983).

²³ Colin Bundy, *Land, law and power: Forced removal in historical context*, in *No Place to Rest, Forced Removals and the Law in South Africa* 3, 11 (Christina Murray & Catherine O'Regan eds., 1990).

²⁴ See *infra* chapter four.

²⁵ Development Studies Group, *Population Removals* 1 (1980).

²⁶ Elaine Unterhalter, *Forced Removals: the Division, Segregation and Control of the People of South Africa* 43 (1987) and Surplus People Project, *Forced Removals in South Africa* vol. 5, at 6 (1983).

forcement of influx control, partly through forced removals, prevented the flow of agricultural labor to the 'white' cities where higher wages could be had in the industrial and commercial centers. In the other capitalist sectors, the low-wage path could be maintained through the insecurities linked with the migrant labor resulting especially from the rural resettlement to the Bantustans.

This obvious economic interest for the white capitalists resulting from labor regulation was further protected through the inherent economic disorganization achieved by that regulation. Thus, the migrant labor system not only created the conditions for and maintenance of low wages, but also effectively prevented working class organization. The economic disorganization must in turn be seen in the overall scheme of disorganization, including political and ideological²⁷ as a means of control over the black dominated class.

The political disorganization of the black majority was not only achieved by banning political organizations such as the African National Congress (ANC) and the Pan African Congress (PAC), but also and perhaps even more effectively by dividing the black majority into a plurality of minorities with separate political structures in distinct areas. The latter issue is closely related to the ideological disorganization that aimed at breaking the common bonds of the dominated class by appealing to distinct ethnic identities and 'national' aspirations.

More generally speaking, one can say that there is an inherent connection between a systematic mechanism of political and economic control aimed at maintaining white political and economic domination and the strategy of forced removals which is deeply imbedded in South Africa's history.

2. Two Major Geographical Directions of Forced Removals

In this section I will illustrate the relation between the forced removals and the apartheid regime's furthering of the economic and political interests of the white dominant class in regard to the two major geographical directions of forced removals. This is not meant to be an exhaustive overview of the categories of forced removals as further discussed in chapter two.

a. Urban Resettlement

The first broad direction of the systematized forced removals was an attempt to prevent blacks from entering the white urban areas. This movement started in the 1930s and 40s when the agricultural sector was performing badly and experienced a further drop in the already low wages. The great disparity between the wages paid in the rural areas and those paid in the cities induced a considerable amount of the African working class to move to the urban centers. This efflux went counter to the wishes of the agricultural capitalists who needed a sufficient work force²⁸ because the agricultural boom in the 1950s created an increase in the intensity of production and thus also in the number of farm workers needed.

²⁷ Surplus People Project, *Forced Removals in South Africa* vol. 5, at 7-12 (1983).

²⁸ *Id.*, vol. 2. at 17.

At the same time, the policy of restricting urban resettlement prevented the emergence of a substantial permanent concentration of Africans in the 'white' urban areas with its potential political and security problems.²⁹ The permanent urban African residents made increasingly militant demands for equal rights and the majority rule movement was consequently strongest in the towns. This explains the attempt to keep the African population out of the urban areas when they were not required by the labor demands of the urban industrial and commercial capitalists even after the decline in labor needed by the agricultural sector. As explained *infra*, the removal of the surplus labor from the white rural areas to the Bantustans exacerbated the problem of low economic viability of the latter. This negated the myth of an idyllic rural subsistence community in the Bantustans,³⁰ and induced an increased population flow to the white urban areas. The enforced application of the influx control regulations countered this flow and served at the same time to maintain a system of migrant labor, this time from the labor reserve assembled in the Bantustans to those capitalist sectors that needed labor.

b. The Implementation of the Bantustan Policy

A second main direction of forced removals started in the late 50s and 60s and was directed at (and happened within) the Bantustans with the elaboration of the bantustan policy which was strictly implemented in the 1970s.³¹ This development of the theory of separate development (grand apartheid) was influenced by several political and economic factors.

In the 1950s and the early 1960s, the ANC launched a forceful political campaign, including general strikes and an anti-pass campaign, against the white minority rule.³² The government brutally repressed the political struggles, setting out to break the ANC and to eliminate political dissent.³³ The growing resistance of the dominated black majority, however, made the government realize that blatant repression would not be sufficient in the long run to maintain the structure of white political domination and economic exploitation of the black population. Consequently, the Bantustans were created and presented as the areas where national aspirations of Africans had to be realized. To guarantee long term security and stability, the government wanted to provide a political alternative to Africans in answer to the subversive doctrine of majority rule.³⁴

²⁹ Laurine Platzky & Cheryl Walker, *The Surplus People, Forced Removals in South Africa* 106 (1985).

³⁰ Gerry Mare, *Population Relocation in South Africa* 20 (1980).

³¹ Elaine Unterhalter, *Forced Removals: the Division, Segregation and Control of the People of South Africa* 15 (1987) and Paul Van Slambrouck, *Why South Africa's rural blacks migrate to dry, dusty settlement areas*, *Christian Science Monitor*, July 2, 1984.

³² T.R.H. Davenport, *South Africa, a Modern History* 531-532 (4th ed. 1991).

³³ Laurine Platzky & Cheryl Walker, *The Surplus People, Forced Removals in South Africa* 103-104 (1985).

³⁴ Jacob S. Mohlamme, *Forced Removals in the People's Memory* 11 (1989) and Gerry Mare, *African Population Relocation in South Africa* 44 (1980).

This political alternative was provided on the basis of the 1951 Bantu Authorities Act, the 1959 Bantu Self-government Act and the 1971 Bantu Homeland Constitution Act. On the one hand, the two former Acts co-opt and incorporate the tribal elite of the Bantustans in the overall domination structure, thus giving greater legitimacy to the local agents of the central government. At the same time, those Acts gave considerable executive and legislative powers to the tribal elites thus contributing to the image of Bantustans as self-governing units/national states. On the other hand, the ethnic voting right for the bantustan legislatures was meant to silence the increasing claim for black national voting rights. The ultimate goal of the government was to induce the Homelands to accept independence based on the 1971 Act.

The increasing black worker's militancy in the 1970s and especially in the 1976 country wide resistance movement against apartheid only enhanced the felt need to restructure apartheid as the basis of white supremacy.³⁵ The accelerating industrialization and mechanization facilitated the implementation of the bantustan policy since these developments drastically reduced the labor requirements of agriculture and industry. As a result, the process of relocation and allocation of labor pushed Africans to the Bantustans (cf. its dumping-ground strategy) because there was no other place to go. This of course fitted nicely into the government's policy of presenting the Bantustans as the only true homelands of the African population.

The implementation of the bantustan policy had three components: rural resettlement, urban resettlement and resettlement within the Bantustans.

a. Rural Resettlement directed blacks from the white rural areas to the Bantustans. This specific movement can in turn be related to two major developments.

The rapid mechanization in the agricultural sector sharply reduced the need of labor after the second world war is one of them.³⁶ The resulting surplus of farm labor, mainly squatters, labor tenants and Africans in black spots,³⁷ became even bigger in the late 60s. In an attempt to rationalize the use of farm labor and at the same time enhance the control over the dominated class, the government wanted to eliminate the labor tenants, as they presented more independent forms of tenure,³⁸ and the squatters. The resulting forced removals along with the ancillary flow of surplus labor to the Bantustans, was reinforced by the myth of idyllic rural subsistence community in those areas. In fact, the Bantustans were not economically self-sufficient, and were already overburdened with a disproportionate share of the population.

³⁵ Elaine Unterhalter, *Forced Removal: the Division, Segregation and Control of the People of South Africa* 22 (1987).

³⁶ Laurine Platzky & Cheryl Walker, *The Surplus People, Forced Removals in South Africa* 119 (1985).

³⁷ See definitions in *Surplus People Project, Forced Removals in South Africa* vol. 1, at xviii (1983) and they will be mentioned in the discussion of the categories of forced removal in chapter two.

³⁸ *Surplus Peoples Project, Forced Removals in South Africa* vol. 2, at 17-19 (1983).

The period after WW II was furthermore characterized by a change in relative population in the white rural areas, that is by an enormous boost in the African population and a decrease in the white population. The resulting white fear of the 'verswarting' (blackening) of the country side increased the tendency to remove Africans to the Bantustans.³⁹

The 'rural resettlement' encompassed not only relocation due to abolition of the labor tenant system and squatting on white owned farms,⁴⁰ but also the clearance of black spots and, more broadly, the Bantustan consolidation policy⁴¹ consisting of a massive program of putting together a number of pieces of land to create ten separate ethnic units.

b. The Bantustan policy also entailed a Second Strand of 'Urban Relocation'. As explained above, the rural resettlement pushed people from the white rural areas to the Bantustans. Consequently the Bantustans became more densely populated and the possibility for the individual families to gain a living in the Bantustans through agriculture decreased.⁴² The low economical viability of the Bantustans led to the so-called 'displaced urbanization', as people became attracted by the better living conditions in the cities. This emigration pressure on the African population was countered by the system of influx control. The latter system was already more strictly implemented because of the decrease in labor needed by industry due to the further mechanization what allowed a heightening of the barriers around the cities.⁴³ This overall increase in 'superfluous' and 'unproductive' people made the dumping-ground aspect of the Bantustans progressively more important.

The influx control system as the major cause of forced removals at issue, became increasingly more sophisticated. Most importantly, it became more difficult to acquire permanent residence rights in the cities because the migrant laborers were systematically tied to short term contracts of a maximum of 1 year⁴⁴ and one of the two categories of section 10 rights that provided for permanent residence rights required a continuous employment with one employer in the area for at least 10 years (1945 Black (Urban Areas) Consolidation Act, section 10 (b)).

The 1960s also saw the emergence of another category of urban resettlement, namely the incorporation of African townships in the Bantustans what resulted in the loss of section 10 rights for the relocated people. If a town was incorporated into one of the four independent Homelands, this even resulted in loss of South African citizenship for the people of that town. This incorporation involved physical removal of African townships within 70 km of the bantustan,

³⁹ Elaine Unterhalter, *Forced Removal: the Division, Segregation and Control of the People of South Africa* 95 (1987); Surplus Peoples Project, *Forced Removals in South Africa* vol. 2, at 8 (1983) and Laurine Platzky & Cherryl Walker, *The Surplus People, Forced Removals in South Africa* 120 (1985).

⁴⁰ See *infra* chapter two, section A/2; squatters are also in point in the urban areas.

⁴¹ A specific formulation of the definition of bantustan consolidation can be found in Jacob S. Mohlamme, *Forced Removals in the People's Memory* 12 (1989).

⁴² Cosmas Desmond, *The Discarded People* 32 (1971).

⁴³ Surplus Peoples Project, *Forced Removals in South Africa* vol. 2, at 19 (1983).

⁴⁴ *Id.* at 7.

as well as the redrawing of the borders of some Bantustans to include metropolitan townships, the so-called statutory removals.⁴⁵

c. Within the Bantustans themselves there was a further relocation due to the implementation of the Betterment Schemes that started in the 1930s.⁴⁶ To maximize agricultural development within the Bantustans so as to improve the image of a separate economic development, these schemes demarcated the Bantustan land into arable, residential and common grazing areas, and thus entailed the relocation of people away from areas that were no longer residential.⁴⁷ The prime motivation of these schemes were to improve output for a limited number of peasant producers in the Bantustans. This scheme was therefore closely related to the goal of class stratification in those areas as a further means of facilitating control. Another cause of forced removals in the Bantustans was interwoven with the overall attempt to reduce squatting and thus several squatter areas were demolished, forcing the inhabitants to move.

3. Additional remarks

By the beginning of the 1980s, approximately 60% of the African population was based in the Bantustans,⁴⁸ which illustrates the importance of the bantustan policy in the overall apartheid strategy. Ultimately this policy with its theory of separate development was aimed at having political control over and containment of the political, ideological and economic aspirations of the African population in order to maintain white domination.

On the one hand, this was achieved through the centralized control over the allocation and location of African labor, which turned the black labor force into rightless, powerless migrants. This in turn prevented the emergence of a powerful class and the formation of an alliance between the poor whites and the poor blacks and helped create a cheap, controllable African proletariat for farms, mines, commerce and industry. The population surplus to the labor needs of the production sector was increasingly located in the Bantustans, which turned them into labor reserves and more generally into dumping grounds for the unwanted blacks, namely the unemployed as well as the old, the children and the women.⁴⁹

⁴⁵ Elaine Unterhalter, *Forced Removals: the Division, Segregation and Control of the People of South Africa* 77- 85 (1987); Surplus Peoples Project, *Forced Removals in South Africa* vol. 2, at 6 (1985) and Laurine Platzky & Cheryl Walker, *The Surplus People, Forced Removals in South Africa* 118 (1985).

⁴⁶ See Surplus People Project, *Forced Removals in South Africa* vol. 1, at xvi (1983).

⁴⁷ Elaine Unterhalter, *Forced Removal: the Division, Segregation and Control of the People of South Africa* 101 (1987); Gerry Mare, *Population Relocation in South Africa* 29 (1980) and Laurine Platzky & Cheryl Walker, *The Surplus People, Forced Removals in South Africa* 93 (1985).

⁴⁸ Surplus People Project, *Forced Removals in South Africa* vol. 2, at 6 (1983).

⁴⁹ Gerry Mare, *Population Relocation in South Africa* 45 (1980) and Laurine Platzky & Cheryl Walker, *The Surplus People, Forced Removals in South Africa* 123 (1985).

On the other hand, the bantustan policy maintained and enhanced the political control over the African population living in the Bantustans through three strategies.⁵⁰

Firstly, the co-option and manipulation of certain members of the dominated class, set in motion with the 1927 Black Administration Act,⁵¹ was transposed to the Bantustans. The 1951 Black Authorities Act incorporated the tribal elite in the domination structure by appointing them as bantustan state functionaries. This co-option ensured that an influential group would be committed to the system of the Bantustans not only because of their official remuneration but also through the economic advantages they could secure through the local political power entrusted to them. The bantustan authorities were in charge of the allocation of resources such as employment opportunities in the area, which only enhanced their divisive role.

Secondly, a pattern of class stratification emerged as a direct result of the bantustan policy since the economic resources were decentralized towards the Bantustans and allocated by the bantustan authorities. This stratification added a further division within the African population aimed at the disorganization of the dominated group while at the same time it helped to ensure the maintenance of the existing structures by making segregation in the interest of the small African middle class thus created.⁵²

Thirdly, the bantustan policy meant an exacerbation of the divisive impact of ethnicity as the Bantustans were defined as separate ethnic units and the people were called upon to define themselves ethnically, instead of as workers or as oppressed persons with common problems and aspirations. This fitted nicely into the overall 'divide-and-rule' policy of the white minority because it prevented efficient organization of the African resistance movement.⁵³ This control aspect of the ethnic division and spatial separation was supplemented by a legitimacy factor, since the creation of a black conglomerate of minorities made it easier to justify the white political domination as being a majority rule.

Generally, the 'creation' of those nationalist beliefs together with the emphasis on the economic bantustan development and the executive and legislative powers/responsibilities of the bantustan authorities⁵⁴ gave the Bantustans some economic, political and ideological existence and thus legitimized the bantustan policy.

II. THE CATEGORIES OF FORCED REMOVALS

⁵⁰ Surplus People Project, *Forced Removals in South Africa* vol. 2, at 10-14 (1983).

⁵¹ Since the chief was claimed to represent the whole tribe, this facilitated the governments assertion that the people agreed to be moved (cf. the so-called voluntary removals in the '80s).

⁵² Laurine Platzky & Cheryl Walker, *The Surplus People, Forced Removals in South Africa* 98 (1985).

⁵³ Elaine Unterhalter, *Forced Removals: the Division, Segregation and Control of the People of South Africa* 113 (1987).

⁵⁴ Those powers and responsibilities of the Bantustan authorities are based on the 1959 Promotion of Bantu Self-government Act.

In this chapter I will elaborate on the different categories of forced removals that have been developed throughout South Africa's history of white minority rule and domination. The previous chapter has already touched upon several categories, but here they will be dealt with more systematically and extensively including a brief discussion of the most important relevant pieces of legislation. I have subdivided the forced removals into two broad categories, namely those in the rural areas and those in the urban areas. The relocations more specifically in implementation of the bantustan policy have been subsumed under either of those groups. I will deal neither with the relocations as a result of infrastructural development schemes and conservation of agricultural projects, nor with the removals for strategic/military purposes as they are not specifically related to the preservation of white political and economic domination. This is not to deny that the way in which those schemes have been developed and implemented has been racially specific and has had the secondary effect of disproportionately disadvantaging the African, colored or Indian population. However, they are less on point.⁵⁵

A. FORCED REMOVALS IN THE RURAL AREAS

'Forced removals in the rural areas' includes the eviction of farm workers, the removals of a subset of squatters, the removals due to the implementation of the betterment policy, the elimination of black spots and the consolidation of the Bantustans.

The pieces of legislation that control black land rights provide a good starting point for the discussion of this set of forced removals. In the 17th Century, the white settlers obtained control over the majority of the land as a result of several wars of conquest. The subsequent need to stabilize and maintain this control resulted in several measures of which the 1913 Black Land Act is no doubt the centerpiece and the ultimate basis of the whole set of racially discriminatory land laws.⁵⁶

The 1913 Black Land Act restricts the area of South Africa that can be occupied by Africans to the reserves (7 % of the total land area in South Africa) resulting from the native land policies in the 19th century. Outside these so-called 'scheduled areas', the Africans were not allowed to buy or rent land in the future. Before the 1913 Act however, there had been a movement among the African population to buy their land that had been taken away from them by the white settlers. These areas of African freehold rights in the white area were subsequently called black spots and were later designated for incorporation in the various Bantustans. Those Africans who were renting in 'white areas' as sharecroppers or cashtenants were to be phased out over time since the government was not in favor of more independent forms of tenure, whereas labor

⁵⁵ Surplus People Project, *Forced Removals in South Africa* vol. 1, at 4 (1983).

⁵⁶ Laurine Platzky & Cheryl Walker, *The Surplus People, Forced Removals in South Africa* 83 (1985).

tenants were not limited at that point of time.⁵⁷ The Act thus also determined the circumstances in which Africans could live and work on white-owned farms.

The 1936 Development Trust and Black Land Act added to the reserves, up to 13% of the total land area (the so-called released areas), but it still excluded several isolated African-owned farms constituting 'black spots'.⁵⁸ Chapter four of the Act dealt with the regulation of residence and work of Africans in white rural areas in an increasingly restrictive way.

1. The government gradually attempted to reduce Labor Tenancy,⁵⁹ as it favored a full time wage labor force with no access to land that conformed to their policy of allowing blacks only in white areas as dependent workers and not as independent producers or owners.⁶⁰ Labor tenancy was subsequently abolished in each area by proclamation and in 1979 for the whole country,⁶¹ resulting in massive forced relocations. Although this part of the 1936 Act was repealed by the 1986 Abolition of Influx Control Act, the 1966 Group Areas Act provided a further basis to restrict the residence of black persons in white rural areas and to evict the 'illegals'.⁶²

2. Chapter four of the 1936 Act also dealt with squatters. This term necessitates a brief explanation, as the term is used in different ways by different groups. A 'squatter' usually refers to a person living illegally on land without permission of the landowner. The official use of the term, however, is much broader 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.⁶³ In the 1936 Act, the squatters were all those persons not qualified to occupy or reside on white farm land, including the laborers with a terminated contract and labor tenants.⁶⁴ This category of forced removals thus included the on-going evictions of full-time farm workers who were considered redundant to the needs of capitalist agriculture. The squatters lived under the constant threat of convictions for illegally being on white owned land and their subsequent removal by the authorities (the 1936 Development Trust and Black Land Act, section 26).⁶⁵

⁵⁷ But see below under 1/.

⁵⁸ Surplus People Project, *Forced Removals in South Africa* vol. 1, at 3 (1983).

⁵⁹ Labor tenants are defined in Surplus People Project, *Forced Removals in South Africa* vol. 1, at xviii (1983) as 'African families living on white-owned farms who supply their labour to the landowner for part of the year as form of rent, in return for the use of some of the land for themselves'; see also Gerry Mare, *Population Relocation in South Africa* 9 (1980).

⁶⁰ Aninka Claassens, *Rural Land Struggles*, in *No Place to Rest, Forced Removals and the Law in South Africa* 27, 29 (Christina Murray & Catherine O'Regan eds., 1990).

⁶¹ Elaine Unterhalter, *Forced Removals: the Division, Segregation and Control of the People of South Africa* 96 (1987).

⁶² Catherine O'Regan, *The Prevention of Illegal Squatting Act*, in *No Place to Rest, Forced Removals and the Law in South Africa* 162, 169 (Christina Murray & Catherine O'Regan eds., 1990).

⁶³ Surplus People Project, *Forced Removals in South Africa* vol. 1, at xviii (1983) and for example section 6 F in the 1988 amendment of the Prevention of Illegal Squatting Act of 1951.

⁶⁴ Surplus People Project, *Forced Removals in South Africa* vol. 1, at 3 (1983).

⁶⁵ *Id.* at 106.

Actually, those squatters could also be convicted and ejected under the 1951 Prevention of Illegal Squatting Act, the impact of which was even further enhanced with the 1988 amendments.⁶⁶ The 1988 amendment concerning the criminal procedure of the 1951 Act removed technical difficulties in obtaining conviction and furthermore removed the judicial discretion not to order eviction after conviction. The 1988 amendment also enhanced the administrative power of the magistrate to remove people by vastly increasing his discretion by removing the 'health and safety of the population requirement' from the legal definition of the scope of his power. This restrictive attitude towards squatters can be contrasted with the official endorsement of squatting in the urban policy which provided for 'controlled squatting' in the 1986 amendment.

As explained in the previous chapter, those people evicted from the white rural areas were pushed into relocation areas in the Bantustans as the implementation of the influx control prevented them from going to the white urban areas.

3. Within the Bantustans, however, the threat of removals was not finished, as is exemplified by the considerable forced removals due to the Betterment Schemes elaborated from the 1930s onwards. Betterment was aimed at improved land use and consisted of a division of the reserve land in three areas: one for livestock, one for residence and one for agriculture. Again, this entailed a massive uprooting of peasant households and it provoked some of the fiercest rural resistance in the 1950s.⁶⁷

At first, the policy aimed at increasing the productivity in the subsistence sector, on the one hand to prevent a flow to the white urban areas,⁶⁸ and on the other to be able to maintain low wages for the migrant labor force living in the Bantustans. In a second stage, the betterment policy was used more directly to implement the bantustan policy by giving credence to the economic viability of a self-governing separate 'ethnic' (later 'national') unit. In that way the policy aimed at increasing commercial farming with a focus on the export market and the concomitant elimination of subsistence agriculture.⁶⁹ This in turn can be linked to the general 'divide-and-rule' policy of the apartheid government in that it clearly aimed at the creation of a small middle class of Africans who would be committed to the maintenance of the existing structures of segregation because it improved their economic position and social status (compare with the broader class stratification resulting from the bantustan policy).

4. A last category of forced removals in the white rural areas is closely related to the Bantustan Policy with its ideal of separate ethnic/national units (based on

⁶⁶ See generally Catherine O'Regan, Prevention of illegal squatting Act, in *No Place to Rest, Forced Removals and the Law in South Africa* 162, 162 (Christina Murray & Catherine O'Regan eds., 1990).

⁶⁷ Laurine Platzy & Cheryl Walker, *The Surplus People, Forced Removals in South Africa* 45 (1985).

⁶⁸ Elaine Unterhalter, *Forced Removals: the Division, Segregation and Control of the People of South Africa* 101 (1987).

⁶⁹ *Id.* at 103.

culture and language)⁷⁰ as self-governing states in the areas set aside for African occupation by the 1913 Black Land Act and the 1936 Development Trust and Black Land Act. The creation of the reserves in the late 19th century and early 20th century resulted in a multiplicity of pieces of land with little geographical, let alone political, coherence. This situation of course did not contribute to the image of emerging independent (national) states and thus limited the implementation of the bantustan policy. In the 1960s and 70s, the government attempted to counter the rising political and economic militancy with a stringent implementation of the bantustan policy. Consequently consolidation plans were elaborated in 1972, 1973 and 1975 entailing massive forced removals of people from black spots, tenants of white-owned farms bought for inclusion into the Bantustans, and even removals from one bantustan to another as border lines were redrawn.⁷¹

As mentioned before, the so-called black spots resulted from early native policies, but only became a major issue with the start of the apartheid era since 1948 and especially with the elaboration of Grand Apartheid from the late 50s onwards. The National Party's policy was to eradicate all black spots, but although the 1936 Development Trust and Black Land Act provided for the expropriation of Africans living outside the scheduled and released areas, the government was confronted with a shortage of land for relocation. In the 60s, however, African farming communities on black spots were relocated into the Bantustans and in the 70s the black spot removals were a major part of the removals in implementation of the consolidation plans.⁷²

The economic and political unrest in the 70s combined with the nationwide uprising in 1976,⁷³ followed by the state of emergency in the mid 80s,⁷⁴ and the rising international pressure, led to ministerial assurances that there would be no more forced removals.⁷⁵ In fact, the forced removals continued, but the government used less conspicuous forms of force and focused on administrative procedures.

Another aspect of this apparent change of policy on behalf of the central authorities is the attempt to present the forced removals as voluntary removals. Those removals were achieved through a lot of indirect official pressure and coercive forms of persuasion such as intimidation, fostering of widespread insecurity, withdrawal of health services, demolition of schools, poisoning of the

⁷⁰ The 10 homelands were Bophutatswana, Ciskei, Venda, Transkei (the four independent homelands) and Gazankulu, Lebowa, Qwaqwa, Kangwane, Kwandebele and Kwazulu.

⁷¹ Elaine Unterhalter, *Forced Removals: the Division, Segregation and Control of the People of South Africa* 105 (1987); Laurine Platzky & Cheryl Walker, *The Surplus People, Forced Removals in South Africa* 38 (1985) and Gerry Mare, *Population Relocation in South Africa* 41-42 (1980).

⁷² Elaine Unterhalter, *Forced Removals: the Division, Segregation and Control of the People of South Africa* 104-105 (1987) and Laurine Platzky & Cheryl Walker, *The Surplus People, Forced Removals in South Africa* 116 (1985).

⁷³ Elaine Unterhalter, *Forced Removals: the Division, Segregation and Control of the People of South Africa* 22-23 (1987).

⁷⁴ T.R.H. Davenport, *South Africa, a Modern History* 439 (4th ed. 1991).

⁷⁵ Laurine Platzky & Cheryl Walker, *The Surplus People, Forced Removals in South Africa* 150-52 (1985) and concerning Mogopa see Nicholas Haysom, *Practicing Law Democratically, in No Place to Rest, Forced Removals and the Law in South Africa* 107, 110 (Christina Murray & Catherine O'Regan eds., 1990).

water supplies, and, in actions like the Mogopa case of surrounding of the village with armed police.⁷⁶

The confrontation of the late 1980s which were marked by increasing resistance and successful struggles to stop removals of black spots led to another form of less visible forced removal, namely the incorporation in Bantustans through statutory removal.⁷⁷ On the one hand this approach prevented the usual strategies of community resistance, as it did not entail a tangible physical confrontation, and at the same time it diminished the publicity and ancillary national and international reaction. On the other hand, the redrawing of the bantustan boundaries meant that communities were assigned to different Bantustans often in violation of their wishes and entailed a decline in their condition and often a reduction of legal status. Especially the incorporation into one of the four independent Bantustans through the several Borders of Particular States Extension amendment Acts had an enormous detrimental impact, since it entailed several disabilities of change of status of the inhabitants such as loss of South African citizenship that also made employment in South Africa more cumbersome.⁷⁸ It is important to note that the 1986 Restoration of Citizenship Act only had a very limited effect for the inhabitants of the independent Bantustans because of the strict conditions it imposed.⁷⁹

B. FORCED REMOVALS IN THE URBAN AREAS

The 'forced removals in the urban areas' encompass those related to the influx control regulation including the operation of the colored preference policy in the western cape, the Group Areas Act of 1950 with the establishment of African townships, squatting and the urban relocation involving deproclamation from and removal of African townships situated within white urban and industrial areas into the Bantustans (as implementation of the bantustan policy).⁸⁰

1. The system of influx control regulating and controlling the movement and residential rights of Africans and the subsequent further restrictions or relaxations must be tied to the political environment and the economic needs of the white capitalists. As the towns are centers of wealth and power and the majority rule movement was strongest in the towns, a permanent African population in the towns was perceived as raising political and security problems. In general

⁷⁶ Aninka Claassens, *Rural Land Struggles, in No Place to Rest, Forced Removals in South Africa* 27, 31 (Christina Murray & Catherine O'Regan eds., 1990); Elaine Unterhalter, *Forced Removals: the Division, Segregation and Control of the People of South Africa* 110-11 (1987); Laurine Platzky & Cheryl Walker, *The Surplus People, Forced Removals in South Africa* 158-60 (1985) and Cosmas Desmond, *The Discarded People* 35 (1971).

⁷⁷ Clive Plasket, *Homeland incorporation, the new forced removals, in No Place to Rest, Forced Removals and the Law in South Africa* 214, 214 (Christina Murray & Catherine O'Regan eds., 1990).

⁷⁸ Elaine Unterhalter, *Forced Removals: the Division, Segregation and Control of the People of South Africa* 41 and 104 (1987).

⁷⁹ South African Institute for Race Relations, *Race Relations Survey* 344 (1986) and Elaine Unterhalter, *Forced Removals* 42 (1987).

⁸⁰ Compare *Surplus People Project, Forced Removals in South Africa* vol. 1, at 3 (1983).

the influx control regulation aimed at reducing the number of Africans living permanently in the towns as much as possible so as to reduce the concomitant political threat they pose.⁸¹ On a temporary basis however the workers needed by the economy were to be allowed in.⁸² It is thus clear that the legal African population in the white urban area is divided into a settled and a migrant component

The center piece of the influx control regulation was the 1945 Black (Urban areas) Consolidation Act. Under that Act the only Africans allowed to stay in a white urban area were those who qualified under section 10 of the Act⁸³ (see *infra*). An important and closely related component of the influx control are the pass laws and especially the 1952 Blacks (Abolition of Passes and Co-ordination of Documents) Act instituting the obligation of all Africans to carry passes and to produce it on demand by an authorized officer.⁸⁴ Overall, the pass laws can be described as a creeping form of removal as they brought about slow, piecemeal removal of people from urban areas, determined by the amount of labor needed by the white capitalists.⁸⁵

Influx control became systematically applied after WW II because of two factors. During the 1940s there had been an increase in political resistance as political organizations grew tremendously and attracted more people to the cities. This increase of African urban population resulted in a stronger political threat in the urban areas. Furthermore a stricter application of influx control had been lobbied for by the white farmers as they were faced with a labor shortage due to the higher wages in the cities and were not willing to increase their wages (see *supra*). A further strengthening of the regulation was provoked by the political struggles in the 1950s when the ANC staged a massive political campaign opposing the minority rule which was brutally repressed by the government⁸⁶.

Under the Black (Urban Areas) Consolidation Act as amended in 1952,⁸⁷ those Africans with the so-called section 10 right that had the right to stay permanently in a white urban area were those that were born in the area and had lived there continuously, those that had worked continuously for one employer in the area for 10 years, or who had lived lawfully and continuously in the area for 15 years. The dependents of the two previous categories might have lost their rights when they grew up. The last category of Africans with section 10 rights were other workers with special permission entitling them to stay longer than the normal 72 hour limit. Their residential rights, however, were of a purely

⁸¹ Elaine Unterhalter, *Forced Removals: the Division, Segregation and Control of the People of South Africa* 43 (1987).

⁸² Laurine Platzky & Cheryl Walker, *The Surplus People, Forced Removals in South Africa* 106 (1985).

⁸³ South African Institute for Race Relations, *Race Relations Survey* 339 (1986).

⁸⁴ The 1952 Blacks (Abolition of Passes and Co-ordination of Documents) Act was repealed by the 1986 Identification Act that introduced uniform identity documents for all races. See South African Institute for Race Relations, *Race Relations Survey* 338 (1986).

⁸⁵ Elaine Unterhalter, *Forced Removals: the Division, Segregation and Control of the People of South Africa* 27 (1987).

⁸⁶ Laurine Platzky & Cheryl Walker, *The Surplus People, Forced Removals in South Africa* 103-04 (1985).

⁸⁷ *Surplus People Project, Forced Removals in South Africa* vol. 2, at 7 (1983).

temporary nature. Consequently, this provision served as the basis of the migrant labor force. Additional regulations limited blacks' stay further to the duration of their employment, a time period which could not exceed one year. This regulation in turn limited the emergence of a substantial class of persons with permanent section 10 rights. The so-called illegal Africans without the required section 10 rights lived under threat of arrest, conviction and deportation. The influx control regulations were further influenced in the 1960s by the reduced labor need of the industry, a situation which allowed the African urbanization program (entailing once again forced removals) to become stricter without harming the industries. This evolution went hand in hand with the increasing role of the Bantustans as dumping grounds i.a. for the unproductive and redundant workers.⁸⁸

The 1986 Abolition of Influx Control Act replaced the influx control regulation (the whole of the Native (Urban Areas) Act was abolished) with a policy of orderly urbanization. Although it was no longer necessary to have section 10 rights to reside in urban areas; one needed approved accommodation to be legally resident and thus there was a shift to other exclusionary legislation by which allocation of land and access to housing was used as an instrument of forced removal.⁸⁹ The 1951 Prevention of Illegal Squatting Act and the 1979 Slums Act both were amended by the 1986 Abolition of Influx Control Act providing for the necessary administrative controls that could be used to control the population and restrict African urbanization in the same way influx control used to do.⁹⁰ Furthermore, housing was used as a means of imposing stratification and social differentiation within the urban African population, what fitted in nicely with the old strategy to disorganize and disunite the dominated group.⁹¹

2. Closely related to the forced removals caused by the influx control regulations was the relocations related to the Colored Labor Preference Policy of the Western Cape, a policy aimed at the general replacement of African workers by coloreds and Indians.⁹² This policy was strictly and systematically implemented from 1954 and resulted in a very strict application of the influx control and a concomitant high level of evictions. The policy was officially denounced in

⁸⁸ Laurine Platzky & Cheryl Walker, *The Surplus People, Forced Removals in South Africa* 117 (1985).

⁸⁹ T.R.H. Davenport, *South Africa, a Modern History* 442 (4th ed. 1991).

⁹⁰ South African Institute for Race Relations, *Race Relations Survey* 344 (1986) and Joyce Harris (Black Sash), *It's apartheid without the pass laws*, S.W., May 5, 1986.

⁹¹ Michael Sutcliffe et al., *State urbanization strategies since 1986*, in *No Place to Rest, Forced Removals and the Law in South Africa* 86, 101 (Christina Murray & Catherine O'Regan eds., 1990).

⁹² See Elaine Unterhalter, *Forced Removals: the Division, Segregation and Control of the People of South Africa* 67-77 (1987) and Allister Sparks, *Black squatters of Cape Town: no homes and nowhere to go*, *Washington Post*, February 20, 1983 but note that very few white people were called upon to move as a result of the group areas proclamations (Muriel Horrel, *Group Areas: the Emerging Pattern* 23 (1966)).

1985, partially because of the strong opposition of the cape employers against the resulting high labor costs.⁹³

3. The segregation within the towns could be traced back to the 1923 Black (Urban Areas) Act that segregated the urban African population. The 1950 Group Areas Act expanded upon and systematized this principle in that it provided for the proclamation of urban areas as White, Indian or Colored, thus restricting the place for a particular group to reside and have a business.⁹⁴ The proclamation had an immediate effect of forced removals since the disqualified owner was no longer allowed to live in that area. His heirs were furthermore obliged to sell the land within one year after his death whatever the market prices.

The Group Areas Act⁹⁵ provided a way of facilitating control over the black urban population in that it aimed at disuniting the Africans, colored and Indians by dividing them in segregated urban townships and furthermore divided the Africans according to the principle of ethnicity used in the bantustan policy. The Act thus attempted to hamper organization by entrenching divisions among the oppressed urban working class. This divisiveness was further enhanced by the material advantages offered to the Indian and colored areas. The Act also facilitated political and economic control by locating the segregated townships at the outer edges of the towns away from the city center and the strategically sensitive business center.

4. A further source of forced removals from the 1960s onwards was the (third strand of) Urban Relocation implying the relocation of African townships across bantustan boundaries after a deproclamation of the non-bantustan township. It is especially important because it entailed a further erosion of section 10 rights since it caused the loss of qualifications necessary for permanent urban residence rights in the urban areas and thus was also inspired by the white fear of a permanent African urban settlement. At the same time the loss of section 10 rights transformed the long established urban workers who were essential to industry, into rightless migrants. In the 80s this program was used to curb the political militancy of the townships and to create large labor pools in the Bantustans for decentralized industrial concerns.⁹⁶

5. A last category of urban removals was the removals of squatters. In this setting the term squatter is used in the broad meaning of any black person whose presence on a particular piece of land is not approved of by the authorities (see *supra* in the section on forced removals in rural area). The strict enforcement of influx control could not prevent the large number of illegal residents in the cit-

⁹³Elaine Unterhalter, *Forced Removals: the Division, Segregation and Control of the People of South Africa* 67- 72 (1987).

⁹⁴ Laurine Platzky & Cheryl Walker, *The Surplus People, Forced Removals in South Africa* 99 (1985).

⁹⁵ See Elaine Unterhalter, *Forced Removals: the Division, Segregation and Control of the People of South Africa* 72-77 (1987).

⁹⁶ *Id.* at 83.

ies, because blacks were attracted by the better wages in the white urban areas. Those illegals established squatter camps that increased in extent and number as the influx control was further strengthened.⁹⁷ This movement became especially strong when the insufficiency of the subsistence agriculture in the Bantustans became clear. The constant rising of the bantustan population due to persistent forced removals of course exacerbated the problems of the abhorrent living conditions in the Bantustans.

The emergence of squatter camps was also influenced by the housing policy related to the townships, since the amount of land allocated to the segregated townships was very limited and the housing shortage was further increased by a restrictive township house building program⁹⁸. This policy can be seen as a way to induce self-imposed removal because there existed a lack of adequate housing in the urban areas while the building of houses in the bantustan towns was promoted.⁹⁹ This restriction on the provision of housing for townships was in turn related to the urban relocation movement of the late 60s when townships were relocated across bantustan boundaries.

Despite the attempted eradication of squatters, by the end of the 1970s virtually every African city had its satellite squatter settlement. The increasing overpopulation of the Bantustans however also led to the emergence of squatter camps there.

Several pieces of legislation were used to reduce the squatter population with little success that ultimately resulted in the incorporation of squatting in the official urban policy with the 1986 Abolition of Influx Control Act.

The Slums Act of 1934, replaced in 1979, could readily be used to clear the squatter settlements because they were very primitive and shanty. The 1986 amendment further enhanced the powers of local authorities to clear slums and thus to implement the concomitant forced removals.¹⁰⁰ The 1950 Group Areas Act could also be used against African squatters in the urban areas as the area set aside for the black population was very limited and the squatter camps were established at the outskirts of the towns, outside those areas.

The 1951 Prevention of Illegal Squatting Act is obviously in point and I want to refer to the discussion in the section on forced removals in rural areas, especially concerning the 1988 amendments. Here I want to focus on the amendments by the 1986 Abolition of Influx Control Act.¹⁰¹ On the one hand, it enforced the close relationship between influx control regulation and housing regulation as it is generally accepted that the 1986 Act only entailed a change in the form of influx control.¹⁰² The 1986 Act instituted a policy of 'orderly urbanization' and the amendment of the squatting Act more specifically required a certificate of

⁹⁷ Laurine Platzky & Cheryl Walker, *The Surplus People, Forced Removals in South Africa* 104 (1985).

⁹⁸ Elaine Unterhalter, *Forced Removals: the Division, Segregation and Control of the People of South Africa* 74-75 (1987) and Development Studies Group, *Population Removals* 14 (1980).

⁹⁹ Elaine Unterhalter, *Forced Removals: the Division, Segregation and Control of the People of South Africa* 76 (1987).

¹⁰⁰ South African Institute for Race Relations, *Race relations survey* 342 (1986).

¹⁰¹ *Id.*

¹⁰² *Id.* at 343-44.

proper accommodation to have legal residence. Illegal residence entailed the same threat of conviction and eviction as the influx control regulation. Thus this control over access to housing and the tying of appropriate housing to residence rights was also used to restrict and control the African urbanization (see *supra*).

On the other hand, the 1986 amendment to the Prevention of Illegal Squatting Act provided for the possibility of 'controlled squatting' because it allowed the minister of Constitutional development and planning to designate land for this purpose and make suitable regulations related to the provision of services and a form of local government.¹⁰³ The government thus acknowledged the ultimate impossibility of eradicating all squatters and at the same time the positive effects of this type of low cost housing considering the extreme housing shortage in the urban areas. This provision can also be interpreted as another attempt to divide and disorganize the dominated and oppressed class by giving preferential treatment to a certain group of squatters so as to induce a positive attitude towards the apartheid regime whereas all the other squatters still lived under the threat of conviction and eviction.

III. THE FORMS OF RESISTANCE AND THE LOSS CAUSED BY RELOCATIONS

After having given an overview of the several categories of forced removals implemented in South Africa, I will briefly discuss certain strategies of resistance and the loss caused by the relocations for the affected people before elaborating on the recent developments in South Africa.

A. The forms of resistance included litigation¹⁰⁴ on the procedural level as well as on the substantive level. Challenging removal notices for example certainly had a delaying effect but it did not give any security in the long run.¹⁰⁵ Litigation on the substantive level was made less effective as a delaying measure between 1956 and 1986 in that the 1956 Black Prohibition of Interdicts Act excluded the suspension by court order of a black removal pending legal argument about the legality of the action (this Act was subsequently abolished by the 1986 Abolition of Influx Control Act). Furthermore, substantive legal chal-

¹⁰³ South African Institute for Race Relations, *Race Relations Survey* 342 (1986) and Elaine Unterhalter, *Forced Removals: the Division, Segregation and Control of the People of South Africa* 128 (1987).

¹⁰⁴ See Elaine Unterhalter, *Forced Removals: the Division, Segregation and Control of the People of South Africa* 118 (1987) and Laurine Platzky & Cherryl Walker, *The Surplus People, Forced Removals in South Africa* 195 and 225-30(1985) but see a critical note in Marcus Yunus, *Limitations of the law, legalism and relocation, in Transcripts of a Workshop held in Grahamstown, July 1982, Removals and the law* 7-9 (1984).

¹⁰⁵ Elaine Unterhalter, *Forced Removals: the Division, Segregation and Control of the People of South Africa* 65 (1987).

lenges directed at explicitly racial laws were, generally speaking, doomed to failure.¹⁰⁶

An important form of non-legal resistance was the mass campaigns of the political movements organizing the opposition to apartheid.¹⁰⁷ Another type of resistance was the plain disobedience and passive resistance pushing the authorities to use brutal force that they wanted to avoid with the increasing international pressure to stop forced removals (especially in the 80s). Furthermore, since the process of forced removals depended upon numerous arrangements that required interaction with the people to be removed, the threatened community could easily obstruct the process by providing confusing and incorrect information.¹⁰⁸

B 1. The most obvious kind of loss caused by the forced removals is material loss that encompasses financial loss and other economic considerations. In determining the amount of compensation to be paid in case of expropriation, the land was usually grossly undervalued and the long term investments made on such land were hardly taken into account.¹⁰⁹ The forced sales of black spot land resulted in large profits for the white speculators.¹¹⁰ The same disadvantage was built into the rule of the Group Areas Act in that the heirs of a resident not qualifying for the proclaimed area had to sell the property within one year of his death, no matter what the market conditions.¹¹¹ Later, Group Areas Development Acts and Community Development Acts gave more powers to the so-called 'group areas board', including the power to expropriate and enter the property market. This again enabled a white institution to have windfall profits to the disadvantage of the affected people, in that the board could take advantage of rises and falls in property values caused by its own decisions.¹¹² Compensation for houses was not provided for illegal residents so squatters did not receive anything when their shelter was demolished.¹¹³ There was furthermore a clear lack in compensation aimed at redressing other consequences of resettlement, especially the relocation in furtherance of the bantustan policy. The living conditions in the Bantustans were appalling¹¹⁴ as

¹⁰⁶ Aninka Claassens, *Rural Land Struggles*, in *No Place to Rest, Forced Removals and the Law in South Africa* 27, 42 (Christina Murray & Catherine O'Regan eds., 1990).

¹⁰⁷ See Elaine Unterhalter, *Forced Removals: the Division, Segregation and Control of the People of South Africa* 56 (1987).

¹⁰⁸ Aninka Claassens, *Rural Land Struggles*, in *No Place to Rest, Forced Removals and the Law in South Africa* 27, 40 (Christina Murray & Catherine O'Regan eds., 1990).

¹⁰⁹ Elaine Unterhalter, *Forced Removals: the Division, Segregation and Control of the People of South Africa* 64 (1987).

¹¹⁰ Laurine Platzky & Cheryl Walker, *The Surplus People, Forced Removals in South Africa* 115 (1985).

¹¹¹ *Id.* at 103 and Elaine Unterhalter, *Forced Removals: the Division, Segregation and Control of South Africa* 64 (1987).

¹¹² T.R.H. Davenport, *South Africa, a Modern History* 539 (4th ed.1991).

¹¹³ Laurine Platzky & Cheryl Walker, *The Surplus People, Forced Removals in South Africa* 137 (1985).

¹¹⁴ For certain examples see Ben MacLennan, *Glenmore, The story of a Forced Removal* 59-74 (1987); Ciskei Commission, *The quail report*, February 8 1980, at 34 (1980) and Cosmas Desmond, *The Discarded People* 50-52 (1971).

there were hardly any facilities, the water supply was scarce, and generally the bantustan residents were living in situations of extreme deprivation. The latter factor was in turn related to the exploitation of the workers who were forced into low wage migrant labor.

2. Another kind of loss, the emotional, historical and cultural loss etc. was absolutely not taken into account in the determination of any compensation due. No consideration was given to the importance of ancestral lands to indigenous tribes¹¹⁵ and the related violation of peoples history and culture,¹¹⁶ or to the stressfulness of the experience of relocation, the disruption of social relationships¹¹⁷ and the devastating impact on the community life of (extended) families.

IV. THE END OF THE APARTHEID ERA AND THE RECONSTRUCTION OF SOUTH AFRICA¹¹⁸

This chapter will consist of three parts. The first one will give some historical background on the political negotiations leading up to the adoption of the transitional Constitution and the first multi-racial elections. The second part will give an overview firstly of the part of the new Constitution relevant to this paper and secondly of legislation that has been repealed shortly before and since the start of the political negotiations. The last part will then elaborate upon the issue of redressing the consequences of the forced removal policy, a summary which will include not only the process of restitution of land rights but also the broader issue of the ANC's Reconstruction and Development Program.

A. IMPORTANT HISTORICAL EVENTS

The process of change began with the election of Willem de Klerk as leader of the National Party in February 2, 1989, his subsequent presidentship, and more specifically his speech on February 2, 1990 as he announced the repeal of apartheid legislation, the democratization of the state system, the normalization of the political process, and the multi-party negotiation process for a new Constitution.

The latter was eventually set up in December 1991 under the name 'Congress for a Democratic South Africa' (CODESA). After a suspension in June 1992, the negotiations resumed in early 1993 and resulted in an agreement on the de-

¹¹⁵ Jacob S. Mohlamme, *Forced Removals, in the People's Memory* 19 (1989).

¹¹⁶ For an example see Cosmas Desmond, *The Discarded People* 193-94 (1971).

¹¹⁷ Chris de Wet, *A spatial analysis of involuntary community relocations: a South African case study*, in *Anthropological Approaches to Resettlement* 321-23 (Michael M. Cernea & Scott E. Guggenheim eds., 1993).

¹¹⁸ The references in this part do not include the "final" constitution as the certification process is still on going. Furthermore, the sections of the transitional constitution focussed upon are substantially taken over in the "final" one.

tails of a transitional Constitution,¹¹⁹ including 34 Constitutional principles against which the final constitution will be tested,¹²⁰ and the arrangements necessary to ensure free and fair elections set from April 26 to 28, 1994. The then elected transitional parliament, acting as a Constitutional assembly, would begin to draw up a final Constitution.¹²¹

B. LEGISLATIVE CHANGES ACCOMPANYING THE END OF THE APARTHEID ERA

In the run up to the CODESA negotiations, one of the cornerstones of the apartheid legislation with a direct bearing on the policy of forced removals was abolished by the June 1991 Abolition of Racially Based Land Measures Act. This Act repealed the 1913 Black Land Act, the 1936 Development Trust and Black Land Act, and the 1966 Group Areas Act, without however taking further steps to redress the long term effects of those laws. The implementation of those racially based land laws had resulted in 87 % of the total land area being in the hands of the white minority whereas 13 % was 'set aside' for the 5 to 1 black majority, a situation that clearly is untenable in a country where the majority rule is restored.

The transitional Constitution was meant to establish a framework within which the domination and oppression inherent in the apartheid regime can be dismantled.¹²² An important feature of the transitional Constitution is the fact that it abolished the homelands¹²³ and reincorporated the four independent homelands. This feature entailed the repeal of the related Constitutional amendments¹²⁴ and made it possible for residents of those four homelands to regain their South African citizenship.¹²⁵ Of particular importance is also Chapter three with the Bill of Fundamental Rights (especially the section on equality and its subsection on affirmative Action)¹²⁶ and the part of Chapter eight dealing with the restitution of land rights (see *infra*).

The transitional Constitution also provided for the equal franchise for all South Africans and a government of National Unity, the cabinet of which comprises representatives of all parties with at least 20 seats in parliament. Those two

¹¹⁹ The transitional Constitution was promulgated on 28 January 1994 and took effect on 27 April 1994.

¹²⁰ I.M. Rautenbach & E.F.J. Malherbe, *What does the Constitution Say?* 1 (1994).

¹²¹ Willem de Klerk, *The process of political negotiation: 1990- 1993*, in *Birth of a Constitution* 1, 8 (Bertus de Villiers ed.,1994) and I.M. Rautenbach & E.F.J. Malherbe, *What does the Constitution Say?* 1 (1994).

¹²² Firoz Cachalia, *A New Constitution, a Bill of Rights: Protecting Democracy or Protecting Privilege?*, 17 *S.A. Labour Bulletin* 57, 58-59 (1993).

¹²³ This development was already clear in the run up to the CODESA negotiations, see Roger Thurrow, *A pillar of apartheid begins to crumble*, *The Wall Street Journal*, April 2, 1990.

¹²⁴ Repeal of the Status of Transkei Act 1976, the Status of Bophutatswana Act 1977, the Status of Venda Act 1979 and the Status of Ciskei Act 1981.

¹²⁵ Note that the loss of the South African citizenship caused by the push to and acceptance of independence of those homelands was qualified as the ultimate dispossession in the forced removal strategy.

¹²⁶ Section 8 and 8 (3) of the transitional Constitution, see Ciaran Ryan, *Constitutional implications and dilemmas*, *People Dynamics* 35, 36 (Feb. 1994).

regulations seem to deal with the situation the Surplus People Project saw as an important contributing factor in the strategy of forced removals shown in this quote: 'the uprooted were the disenfranchised, debarred from participating in government that passes and enforces the laws and regulations governing these (forced) removals'.

Under the regime of the government of national unity however, there are still forced removals, specifically of squatters, for example those in Johannesburg¹²⁷ and in Cato Manor.¹²⁸ One could critique this harsh attitude on two levels. On the one hand, this strict policy of eradicating all squatter areas seems to neglect the positive aspects of this type of low cost housing considering the extreme housing shortage.¹²⁹ On the other hand, such a policy simply does not take into account that the problem of extreme poverty and the concomitant problem of lack of appropriate housing are consequences of the apartheid system with its goal of preserving white economic (and political) domination.

C. REDRESS OF THE EFFECTS OF THE FORCED REMOVALS

In this section dealing with the redress of the effects of forced removals, the initial focus will be on the restitution and redistribution of land as the land question is central to South Africa's past, present, and future. Since an unjust and punitive allocation of land and land rights is fundamental to the construction of an unjust and inequitable social order, it is clear that the redress of all the pervasive effects of forced removals will have to go beyond the land issue to a broader social-political policy of reconstruction and development.¹³⁰ From the perspective of the goal of the new Constitution to eradicate apartheid and restructure society, it cannot be denied that South Africa's property law stands in need of fundamental reform as it was immensely influenced and changed by apartheid.¹³¹

1. The Property Clause (section 28) in the Transitional Constitution already reflects the compromise between the need felt to protect the individual property rights of the privileged -mainly white- class¹³² and the need to attain reasonable social objectives for the common good.¹³³ Whereas subsection 1 claims a right

¹²⁷ Steven A. Holmes, *Mandela is facing squatter challenge*, N.Y. Times International, July 6, 1994.

¹²⁸ Cosmas Desmond, *The Dumping Ground* as discussed in Gopher, <anc.dip@WN.APC.ORG>.

¹²⁹ Consider that between the 1960s and the 1980s there was a virtual freeze on house building for Africans outside the bantustans see Elaine Unterhalter, *Forced Removals: the Division, Segregation and Control of the People of South Africa* 75 (1987).

¹³⁰ The ANC's Reconstruction and Development Program can be described as a blueprint for addressing the socio-economic needs for a deprived black majority after decades of apartheid.

¹³¹ Irma J. Kroeze, *The impact of the bill of rights on property law*, 9 S.A. Public Law 322, 325 (1994).

¹³² The need to protect the individual property rights of the privileged class is focused upon in Rikus Delpont, *So beskerm grondwet die eigendomsregte*, *Finansies & Tegniek*, April 29, 1994.

¹³³ John Murphy, *Property rights in the new constitution: an analytical framework for constitutional review*, T.H.R.H. 623, 627 (1993), see in connection with the need to attain reasonable social ob-

to property,¹³⁴ subsection 3 provides the possibility of expropriation on condition that it is done for public purposes and that just and equitable compensation is paid. A qualifying clause however, referring to factors to be taken into account, makes clear that this compensation can be below market value¹³⁵ when it is necessary for the financial feasibility of the reconstruction and development program (and more specifically the restitution and redistribution of land).

2. Directly related to the forced removals are the constitutional sections on Restitution of Land Rights and the 1994 Restitution of Black Land Act¹³⁶ implementing these sections.¹³⁷ The Constitution in sections 121-123, taken together with the implementing Act, provides for the possibility of filing a claim for restitution of rights in land when the dispossession of those rights has occurred after June 1913 and in furtherance of a racially discriminatory law. This formulation clearly shows the goal of redressing the injustices of the forced removals from the time of their systematic implementation onwards. The concept 'rights in land' further takes into account that private ownership was not a common phenomenon for South Africa's black population because of both their customs and their colonial history of dispossession. 'Rights in land' may thus include the interest of the labor tenant (and sharecropper), a customary law interest, and even beneficial occupation for a continuous period of not less than 10 years prior to the dispossession.¹³⁸

The Constitution and the Act also contain other provisions aimed at facilitating an equitable judicial process by attempting to strike a compromise between the effort to remove some of the historical injustices and imbalances in the distribution of land rights and the reasonable protection of existing property rights.¹³⁹ Those provisions deal i.a. with the powers of the Land Claim Commission to prevent Acts of bad faith by current occupiers-owners after the claim is lodged,¹⁴⁰ broad evidentiary rules for the Land Claims Court,¹⁴¹ the Court's power to order the state to pay the claimant compensation or provide an alternative remedy when the state has certified that the restoration of the right is not

jectives of the common good Firoz Cachalia, *A new constitution, a Bill of Rights: protecting democracy or protecting privilege?*, 17 S.A. Labour Bulletin 57, 60 (1993).

¹³⁴ Compare with the alternatives in land tenure proposed by Catherine Cross, *An alternative legality: the property rights question in relation to South Africa's land reform*, 8 S.A.J.H.R. 305, 324-28 (1992).

¹³⁵ Since one of factors is market value, the other factors can lead to a higher or lower amount. see section 28 (3) of the transitional constitution. See Matthew Chaskalson, *The property clause: section 28 of the Constitution*, 11 S.A.J.H.R. 131, 138 (1995).

¹³⁶ This act also establishes the Commission on Restitution of Land Rights and the Land Claims court see Donna Bryson, *Land Law gives hope to South Africa's dispossessed*, *The Boston Globe*, November 18, 1994 and Judith Matloff, *Sweet justice for South African blacks as many claim ancestral lands*, *Christian Science Monitor*, December 28, 1994.

¹³⁷ Compare with the propositions of Geoff Budlender, *The right to equitable access to land*, 8 S.A.J.H.R. 295, 295-304 (1992).

¹³⁸ Restitution of Land Rights Act, section 1.

¹³⁹ A.J. van der Walt, *Notes on the interpretation of the property clause in the new constitution*, 57 T.H.R.H. 181, 186 (1994).

¹⁴⁰ Restitution of Land rights Act, section 12.

¹⁴¹ *Id.* section 30.

feasible,¹⁴² the several factors the Court should take into account before ordering the state to expropriate the private owner with the aim of restoring the land rights to the claimant.¹⁴³ In case of an order of compensation, the court shall determine a just and equitable compensation taking into account several factors such as the circumstances at the time of dispossession.¹⁴⁴

Since the Court has wide discretionary powers and furthermore needs to take into account the desirability of avoiding major social disruption and of restituting rights in land or paying compensation at all, it is obvious that the actual result of the land claims will be immensely influenced by the composition of the court and the personal views of the judges.

3. To redress more completely the pervasive effects of forced removals, it is necessary to go beyond the restitution of land rights. Mere restitution of land is simply insufficient because the people lack not only the capital to buy machines to work the land and provide for adequate housing but also the necessary training and experience.¹⁴⁵

Still, there is great political pressure to institute all-encompassing redistributive policies to eradicate all the consequences of apartheid. The reason I mention this as well is that the forced removals were ultimately bound to the apartheid system because they were aimed at the furtherance of the economic exploitation of the black population (and white political domination).

This can in turn be discussed on two levels. Firstly, the apartheid legislation entailed a denial of fair and free access to land for the black population. It can be argued that if there is no equitable redistribution of land, the white privilege developed in the past would be entrenched by the new system. Secondly, the whole of the apartheid strategy entailed that the income distribution in South Africa be racially distorted and that most of the black population be extremely poor and not have the money to buy land, let alone a house, to pay for health services, good education and, balanced nutrition. It may seem exaggerated to push the redress of forced removals so far but I think I have abundantly demonstrated that the relocation policy was absolutely central to the apartheid regime and consequently had extremely far reaching effects for the overall living conditions of the black population.

The ANC's Reconstruction and Development Program¹⁴⁶ (RDP) is geared to attack the pervasive consequences of apartheid. Extreme poverty and deprivation is described as the single greatest burden on South Africa's people due to the apartheid system. Next to issues such as creation of jobs, provision of water and electricity, education, health care and a social security system, the RDP also contains a national land reform program. The latter is meant to address effectively the injustices of forced removals and the historical denial of access

¹⁴² Id. section 35.

¹⁴³ Constitution section 123, subsection 2. and Restitution of Land Rights Act, section 33.

¹⁴⁴ Id.

¹⁴⁵ Robert I. Rotberg, *Ethnic Power Sharing: SA's model*, *Christian Science Monitor*, 14 September, 1994 and Bill Keller, *Back to the land: South African blacks walk a legal and economic maze*, *N.Y. Times International*, 27 July, 1994.

¹⁴⁶ See <andip@WN.APC.ORG>

to land. The land reform program has two aspects: redistribution of residential and productive land to those who need it but cannot afford it and restitution for those who lost land because of apartheid laws ¹⁴⁷ (see *supra*). The program also mentions the need for rural infrastructure, support services and training at all levels to ensure that land can be utilized effectively.

Of particular interest will of course be the degree to which this ambitious program can and will be implemented in the years to come.¹⁴⁸ There is not only the financial problem of getting the necessary funds together giving the crisis in South Africa's economy, but also the problem of striking the right balance between black hopes and expectations for fundamental improvement on the one hand and white fears on the other. The latter issue is extremely important considering the need for national unity and reconciliation as the basis for a workable reconstruction and development program, a program addressing the major consequences of the forced removals during the white minority rule in South Africa.

CONCLUSION

In this article I dealt with the problems of the internally displaced in South Africa, the historical origins, and the evolution of the pervasive phenomenon of forced removals that is the main source of displacement. The force has sometimes been direct (police, guns and bulldozers), sometimes less overt (intimidation, the closure of public services, etc.) but the overall tendency has been one of refinement of tactics due to a mounting international and national protest.

In the first chapter, I develop the main theme of my paper namely that the forced removals policy was an absolutely crucial factor in upholding and entrenching the apartheid regime. There is an inherent connection between the apartheid regime with its goal of maintaining and entrenching the white political domination and black economic exploitation on the one hand and the strategy of forced removals with their aspect of control through division, disorganization, and segregation of the black majority, on the other. Three crucial components of this connection between apartheid and forced removals are firstly the rules on land ownership, secondly the central allocation and location of black labor resulting in a migrant labor system and furthering the labor needs of the several categories of white capitalists, and thirdly the way the forced removals furthered the divide and rule policy of the white ruling minority.

The rules on land ownership have their basis in the 1913 Black Land Act that entrenched the territorial segregation of the 19th century. The Act secured the supremacy in wealth terms of the white population as the scheduled areas for the black majority (87% of the population) were limited to 13% of the total

¹⁴⁷ The ANC aims at redistributing 30 percent of the white farmland in five years time and the restitution process should also be accomplished in five years time.

¹⁴⁸ See for a rather pessimistic prognosis of the full realization of the ANC's reconstruction and development program John Battersby, *Black hopes, white fears: a balancing act*, *Christian Science Monitor*, September 28, 1994.

land area. The Act also boosted the system of migrant labor from the areas where Africans were allowed to reside to the mines and industries in the white areas since it prevented Africans to have access to land, the major source of income for most of them. The migrant labor system resulted in turn in economic disorganization of the black majority and the ancillary low wage path, a situation clearly favoring the economic interests of the white capitalists.

The strategy of forced removals ultimately (from the 50's onwards) resulted in the implementation of the bantustan policy, an obvious component of the separate development strategy or 'Grand Apartheid' developed from the 50s onwards. This policy was not only aimed at restricting the presence of the black population to the 10 Bantustans but also furthered the divisive strategy of the white minority government because it called upon the African population to define itself ethnically and subsequently divided them over Bantustans defined as separate ethnic units. This element of ideological disorganization was supplemented by the political and the economic disorganization because the Africans had to balkanize their political and economic aspirations within these restricted areas. By dividing the black majority into a plurality of minorities, the bantustan policy also aimed at legitimizing the white rule as a majority rule.

The divide-and-rule policy of the white government was ostensibly (but not exclusively) furthered by the implementation of the Group Areas Act in the urban areas, the class stratification within the Bantustans and the provision for a limited category of controlled squatting (since 1986).

The Group Areas Act expanded upon the Urban Areas Act establishing the segregation of the urban African population in that it provided for the proclamation of urban areas as white, Indian or colored, thus restricting the place for a particular group to reside and have a business. This segregation clearly hampered attempts to organize and furthermore facilitated the control of the dominated class since the segregated townships were situated at the outer edges of the towns, away from the city center and the strategically sensitive business center.

The bantustan class stratification came about because the economic resources were decentralized to the Bantustans and allocated by the bantustan authorities. The latter were since the 1951 Black Authorities Act, members of the tribal elite being co-opted into the domination structure. This creation of certain groups of the dominated class who have an interest in the maintenance of the apartheid structures also had a further divisive impact on the majority.

The two major geographical directions of forced removals, namely the urban resettlement and the implementation of the bantustan policy, further illustrate the close connection between the apartheid regime and the forced removals strategy. Urban resettlement, through the influx control, was directed away from the urban areas in reaction to the attraction of those areas engendered by the disparity in wages compared with the agricultural sector. The government also wanted to prevent the emergence of a substantial African permanent residence in the urban areas because of its potential political and security problems. The second main direction of forced removals was towards or within the Bantustans and was due to a rural resettlement (surplus farm labor after WW II and fear of verswarring of the platteland), a second strand of urban relocation (be-

cause of overpopulation and resulting economic inviability of the Bantustans) and the implementation of the betterment schemes.

In a second chapter, I elaborated upon the different categories of forced removals that have been developed throughout South Africa's history of white minority rule and domination, using two broad groups of forced removals.

The forced removals in the rural areas, encompassed the evictions of labor tenants, the removal of squatters, the implementation of the betterment schemes in the Bantustans, the consolidation of the Bantustans and the removal of black spots. In contrast, the forced removals in the urban areas resulted from the implementation of the influx control regulations, the colored labor preference policy in the Western Cape, the Group Areas Act and the urban relocation program. Furthermore, the removals of squatters constituted another prominent set of forced removals in the urban areas.

After giving (in a third chapter) a brief overview of the several forms of resistance to these forced removals and the kinds of loss resulting from them, I discussed (in a fourth chapter) the future of South Africa in view of the reconstruction and reconciliation programs implicated in the process of Constitutional reform. An important section expands upon the scope and means of redress of (the effects) of the forced removals, including the land reform and the ANC's Reconstruction and Development Program, clearly going beyond the land issues. The implementation of these redress measures is confronted with difficult problems and thus the actual development in the next few years is going to be determining and of extreme importance considering the need for national unity and reconciliation in South Africa.