

*the*  
**FORGOTTEN**



**MEN**

**HUMAN RIGHTS WELFARE COMMITTEE**

P. O. BOX 59, CLAREMONT, CAPE TOWN

P. O. BOX 10876, JOHANNESBURG.

A MESSAGE: TRIBUTE TO EXILES

More than a hundred people in the last ten years have been exiled from their homes to desolate places in various parts of the Union. Banishment has been one of the Nationalist Government's big sticks with which it has been trying to beat the people into submission to their oppressive laws and policies ... so devoid is Apartheid of any moral justification.

Almost all those who have been ordered to remain indefinitely in these remote places are peasants, and they have had this cowardly punishment meted out to them because they opposed the implementation in the reserves of decrees which are intended to make the Apartheid pipe-dream a realisable and workable proposition.

That these men, in the first place, have borne incredible hardships in their places of exile - and some of them, like Chief Ndlovu Msutu, have died a lonely death there - is a fact which will go down in history as one of the most outstanding examples of selfless devotion to the Struggle for Liberation. Secondly and equally important is the courageous manner in which their families have faced the grim position resulting from the absence of their breadwinners at home.

These men, some of whom have been in exile for ten years, are paying a price for the greatest and noblest of causes. Let them be assured that they are not undergoing in vain the physical and mental hardships they are bearing. They are part of millions who are engaged in a struggle to break the enslaving chains of racial domination which have, for centuries, fettered millions of people.

Try as they will, the propagators of the Nationalist retrogressive Apartheid policies cannot halt the great march of freedom loving people, to whom the attainment of Freedom in our Lifetime is, as it has ever been, the immediate goal to which we must apply our energies without flinching.

G. Mbeki

---

UNDER WHAT AUTHORITY ARE THESE MEN SENTENCED WITHOUT TRIAL ?

UNDER WHAT POWERS ARE THEY - TO USE THEIR OWN WORDS - "BURIED ALIVE" ?

In 1927 the Union Parliament, composed only of White men and women, passed Act No. 38. This gave the Governor-General - in effect the Minister of Native Affairs - drastic powers over Africans. He could banish them, without trial, from their homes to unknown destinations for indefinite periods.

Only Africans, not Whites, Coloureds or Indians, suffer under these powers (but the Minister has powers under other Acts for dealing with South Africans of other racial classifications who oppose his policies).

Section 5 (1) (b) of the Native Administration Act, No. 38 of 1927, as amended, reads as follows :-

"The Governor-General may :-

Whenever he deems it expedient in the general public interest, order that, subject to such conditions as he may determine, any tribe, portion of a tribe, or native, shall withdraw from any place to any other place or to any district or province within the Union and shall not at any time thereafter or during a period specified in the order return to the place from which the withdrawal is to be made or proceed to any place, district or province other than the place, district or province indicated in the order, except with the written permission of the Secretary for Native Affairs. Provided further that any such order made in respect of a portion of a tribe or a native which is still in force after the expiry of a period of twelve months from the date of service thereof shall be laid upon the Tables of both Houses of Parliament within fourteen days after the expiry of such period if Parliament is then in ordinary session, or if Parliament is not then in ordinary session, within fourteen days after the commencement of its next ensuing ordinary session, and shall, if both Houses of Parliament pass resolutions disapproving thereof during the session in which it is so laid upon the said Tables, cease to have effect on the day on which the last of such resolutions is passed."

Thirty years ago, General Hertzog, then Minister of Native Affairs, in introducing the Native Administration Bill, said that the power to move a "Native" from one place to another was an "excellent provision". It was already used in the Natal Code and should be extended to all provinces of the Union. The Bill provided that the Governor-General had power to remove a whole tribe from one place to another -presumably to

to enable White people to occupy the tribe's land; the Mamatola tribe was removed under this section. General Hertzog said that the powers to remove a "Native" could be used against stock thieves, but there is reason to believe that he had in mind political leaders and members of the I.C.U. more than stock thieves. The Bill went to a Select Committee which agreed that not only tribes, but individual Africans should be deported if the Minister deemed it advisable.

Some members of Parliament objected. Colonel Denys Reitz said that "It is a suspension of habeas corpus". Mr. Payn (for Tembuland) was shocked and said prophetically: "This means that the Minister could take a man from Pondoland and put him on Robben Island without a trial."

But the measure went through, and Mr. Waterson assured the House that any Government that used these powers often "wouldn't last long".

According to the Minister, no record of removals of Africans under this section was kept prior to 1952. But we know of individuals against whom it was used. Six Africans were removed from Mabieskraal, Rustenburg, in 1935 to Steenbokgat where there was no water and no accommodation. They contested their removal orders in Court and their Defence argued that a man could not be "simply dumped in the veld" but must get compensation and be removed to a habitable spot. They lost the case. Mpanza was another. Under pressure from the Johannesburg City Council, the Government issued a removal order exiling Mpanza to Coldplace, Ixopo. He defied the order and won his case in the Supreme Court on the grounds that he was "exempted" from Native Law. Subsequently his certificate of exemption was withdrawn. Mpanza led hundreds of Africans in 1944 out of the overcrowded, intolerable conditions of the locations to camp on land near Orlando, thus founding the Squatters' Movement, which has had a great influence on subsequent housing policy. Of course it is as old as history itself for those in authority to get rid of the man who worries their conscience.

The Nationalists after 1952 seized on the powers granted by this Act to get rid of their political opponents - opponents of Bantu

Education, Bantu Authorities and other unpopular movements. And as these measures have increased, so have the number of opponents and the number of banishments increased.

WHAT DO THESE DRASTIC POWERS MEAN TO AN INDIVIDUAL AGAINST  
WHOM THEY ARE USED?

Let the banished tell their own stories :-

11th March, 1960.

Natal.

1. I was served with a banishment order on ..... and was kept in custody.
2. On ..... I was railed to ..... under an escort of 2 constables.
3. Before my departure I was given £2. I have since up to the time of writing received no assistance whatsoever.
4. I am not in any employment. I am living with friends I made after my arrival here.
5. These friends have allowed me to use their small hut for accommodation. The rest I have to see to myself.
6. The only assistance I get is from my wife. My wife has to support and maintain myself, my 3 minor sons and my old sickly widowed mother-in-law. My one son attends school.
7. I have been banished to a remote area, part of ..... on the boundary of ..... I am 39 miles from the nearest town. There are no transport facilities to this place. Transport is only available as far as ..... From there to where I am is a distance of 39 miles.
8. The nearest doctor and hospital is 39 miles from where I am. The doctor visits once a month.
9. There are no post office facilities nor a telephone in case of emergency. The nearest phone is ... going over the ... mountains.
10. I do my shopping in ..... as there is none here. (I have to hire someone to go and do the shopping for me.) Everything is difficult to obtain.
11. Water for domestic use is from ponds.
12. LIFE HERE IS NOT WORTH LIVING.

The people here live only on maize, but have been unfortunate this year on account of drought. Some get only one to six bags from this stony land."

Life can be terribly lonely for the banished. Two years can pass without a visit. Sometimes a wife, helped by neighbours, scrapes together enough money to pay the fare. But the conditions of the wives and children are as poor as those of their men. Some of the men have no wives. Who else is there to visit, to write to them, to acknowledge their existence? A.G. lived for 16 months in a hut 15 miles from the nearest people. The police visited him once a week to check up. If they saw him about they passed on without a word. X expresses his loneliness in this short letter in reply to one from a friend :-

"Yours I received on the 7th March, 1960. I decided there and then to reply to the letter: In short, the Government took me away from the Transvaal on ....., 1958. Since then through 1959 till now, 1960, I have never received a letter of this kind, after reading the letter I felt that I was spiritually free, and that freedom was here in our lifetime. I can see that you remember me."

---

AND TO WHAT SORT OF PLACES ARE THEY SENT ?

This is one place :-

Semi-desert, on the edge of the Kalahari, scrub country, dry, barren and scorchingly hot in summer. There is no shade except that given by the overhang of the roof of the huts - the men sit close up to the wall. The nearest inhabitants are about half a mile away, the nearest store 13 to 15 miles away, the nearest bus stop 30 miles away and the nearest town 60 miles off. There is no school, no post office, no medical facilities, no opportunity for work.

And another :-

Twelve round stone huts with thatched roofs, 104 miles from the nearest town. The men are dumped here and told to stay. The huts are empty. There is no furniture, no utensils. They must acquire these out of the £2 allowance which is sometimes offered, not always, and not always taken, or out of wages amounting to about £2 - £4 a month. Three of the occupants here given their ages as 63, 65 and 72.

Others are scattered throughout the Union, often living in isolation, often among people, total strangers, whose very language is entirely different from their own.

The Minister has stated that the men can have their families with them: but if they leave it what would happen to the little plot of land that is their only security against loss of employment, sickness and old age ? Who will plough the fields if the wife does not stay to do so ? And where will the children go to school if they join the fathers ? The places to which the men are sent are not fit for families.

---

WHAT DOES THE EXILE OF THE MEN MEAN TO THE WOMEN  
LEFT BEHIND ?

Who can estimate the suffering in terms of disrupted family life when a man is banished, without trial, for an indefinite period ? When the husband has been banished his wife needs help, solace and comfort. Even where the exiles have obtained employment, or where the Government allowance of £2 is received - or accepted - this cannot be sufficient to maintain a family, particularly a divided family. In the rural areas there is no possibility of employment for the wives and mothers and many are living at destitution level.

One of them writes :

"My husband was taken away by the Magistrate on the orders of the Government. The Government does not provide - when I go to the office of the Magistrate I do not see him. I do not work and I don't earn money. I was helped by my husband when he was here, because we sold our crop. There has been a famine. Rain is scarce, the ploughing has not been successful. We are starving and the people suffer many hardships. The children are well although they find things difficult. They are looking after the sheep and the cattle."

A teenage daughter, whose mother died while her father was in exile, writes:

"Tell me in the name of God who was it who banished my father and sentenced me to a living death."

She lives with an Uncle and works in his fields. She does not go to school. She is lonely. She weeps often.

Just over 100 African men and one woman are known to have been banished under Act 38 of 1927, since 1960. About one-third of these are said to have been released, either for indefinite periods, or for specific periods of six months or a year. Or they are "on parole". Their release is conditional on observance of prohibitions, such as not taking part in politics. The whereabouts of approximately 24 are unknown. Two died.

The periods of exile have ranged from a few months to six, eight, ten years. Many are being exiled now. Some from Pondoland. And the end is not in sight. There will be more opposition to unwanted government



measures, and more deportations, leaving broken homes, lonely wives and fatherless children.

For it is always the children who suffer when the men are taken away; this is from one of the fathers :-

"The case of my children is a very pathetic one indeed because I hear that they are scattered all over the country like a bird's chickens. The boy is in ..... as far as my information goes, and what he wants there, young as he is, I cannot tell, except assuming that it must be hunger and poverty that must be moving him about. He has no one to finance his education. This is the heaviest blow that the deportation has meant to me."

---

THEY HAVE NOT TAKEN THEIR BANISHMENTS LYING DOWN.

Every legal possibility of having the removal orders set aside has been explored. But where a case has been won, the Government has brought in legislation to close up the loophole. The men are banished without a trial; they do not even have to be notified personally that their deportation is pending.

"It shall be sufficient to leave a copy of the order with some inmate of his place of residence or to affix a copy thereof in a conspicuous place to his last known place of residence and it shall be deemed that the order has been brought to his notice."

He can ask to be furnished with the reasons for banishment, but the Minister, who must reply, need give only such information as "in the Minister's opinion can be disclosed without detriment to public interest".

With no legal rights left, the men are entirely and absolutely at the mercy of the Minister who acts, presumably, on recommendations from officials of the Bantu Affairs Department. Nevertheless, the men have not been defeated by the injustices and hardships inflicted on them. In a fine statement, one of them concludes :-

"WE ARE NOT DISCOURAGED BY LOSING OUR CASE, AND WHAT HAS PLEASED US MOST IS THAT OUR BEING TAKEN AWAY HAS NOT FRIGHTENED THOSE FROM WHOM WE HAVE BEEN TAKEN, BUT MADE THEM BOLDER THAN THEY HAD BEEN."

Indeed, this is the lesson of history that no tyrant ever learns.

-----oOo-----

**Collection Number: AD1646**

**SOUTH AFRICAN INSTITUTE OF RACE RELATIONS, Unrests, banishments, removals, 1948-1969**

**PUBLISHER:**

*Publisher:- Historical Papers Research Archive*

*Location:- Johannesburg*

©2013

**LEGAL NOTICES:**

**Copyright Notice:** All materials on the Historical Papers website are protected by South African copyright law and may not be reproduced, distributed, transmitted, displayed, or otherwise published in any format, without the prior written permission of the copyright owner.

**Disclaimer and Terms of Use:** Provided that you maintain all copyright and other notices contained therein, you may download material (one machine readable copy and one print copy per page) for your personal and/or educational non-commercial use only.

People using these records relating to the archives of Historical Papers, The Library, University of the Witwatersrand, Johannesburg, are reminded that such records sometimes contain material which is uncorroborated, inaccurate, distorted or untrue. While these digital records are true facsimiles of paper documents and the information contained herein is obtained from sources believed to be accurate and reliable, Historical Papers, University of the Witwatersrand has not independently verified their content. Consequently, the University is not responsible for any errors or omissions and excludes any and all liability for any errors in or omissions from the information on the website or any related information on third party websites accessible from this website.

This document is part of a collection held at the Historical Papers Research Archive at The University of the Witwatersrand, Johannesburg, South Africa.