

THE BLACK SASH - CAPE WESTERN REGION.

10 yrs

ATHLONE ADVICE OFFICE.

(Under the auspices of the Institute of Race Relations and the Black Sash)

ANNUAL REPORT FROM 1st OCTOBER 1967 to 30th SEPTEMBER 1968.

	<u>1967-1968</u>	<u>1966-1967</u>
Number of interviews	1,733	2,138
Endorsed out: Men	184	282
Women	159	223
Miscellaneous	496	450
Old cases returned	894	1,183
	<u>1,733</u>	<u>2,138</u>
Average per month: approx.	144	178

We have nearly 12,000 cases on our files.

1. WORKERS.

- 1 Organiser
- 2 Full-time interpreters.
- 1 Interpreter once a week from Institute of Race Relations
- 22 Voluntary helpers

2. VISITORS.

- 17 South Africans
- 24 Others.

We find it very distressing that people from overseas are so much more interested in our work than those who are permanently resident in South Africa. The average South African is totally ignorant of the hardships suffered by Africans under Influx Control legislation. We appeal to other organisations to ask their members to visit this office with a view to learning first hand what it means to be subject to the restrictions which control every aspect of an African's life.

3. TENTH BIRTHDAY OF ATHLONE ADVICE OFFICE.

April 11 1958

On April 11th past and present workers - about 40 in all - gathered in the office to celebrate our tenth birthday and Mrs. Malindi's tenth year of service as our invaluable interpreter. One of our present workers has been with us since the office opened and many joined us several years ago.

4. RESIGNATION OF MRS. S. PARKS.

We were very sorry to lose Mrs. Parks at the end of 1967. She had been with us for more than five years and was responsible for building up the system under which the office operates today. Her valuable work will benefit the office for many years to come and we are most grateful to her for all that she did. Her place has been taken by Mrs. Barbara Versfeld who has been a voluntary worker for many years and is no newcomer to the Advice Office. We are delighted that she is able to take on the job of organiser which she performs with great charm and efficiency.

Id
organiser
Noel: director.

5. FUNCTIONS OF THE ADVICE OFFICE.

After more than ten years of existence the Athlone Advice Office continues to offer useful guidance to Africans enmeshed in the inhuman technicalities of Influx Control legislation. Each client receives sympathetic attention and it is rewarding to note that, despite the inflexible fabric of the law, some real assistance...

assistance is still given. Although major achievements, such as exemption permits, are rare, the majority of applicants benefit, at least in that they are referred to the most suitable officials and advised about their various documents and the best course of action in their individual circumstances.

A growing feature of the work is the number of employers who seek advice in such matters as the correct procedure for registering African employees, the likely result of discharging an employee, what to do when an African employee goes on leave. As reported before, every employer has to obtain a clearance certificate from the Department of Labour before permission is given to employ an African in any capacity. This clearance certificate is only given if there is no suitable Coloured applicant for the job. This does not yet apply to the employment of casual daily labour for less than three days a week. The office is sometimes able to resolve misunderstandings and communication problems between employer and employee.

With individual case-work as the background the Advice Office has a second important function namely the observation of trends in the application of official policy. Often the first evidence of new regulations is a sudden increase in the number of cases, all of the same new type.

Records are moreover made available to experts for University and other research projects.

6. CURRENT TRENDS.

Although no new legislation of any importance has been passed during the last year, there has been a steady increase in the technical rigidity with which the law is applied. The chief victims of this rigidity are African women who are almost all in a very insecure position. The failure of the Mary Xala appeal in March 1968 put an end to the general belief that women who could prove that they had lived continuously in one area for over fifteen years qualified in terms of section 10(1)(b) of the Urban Areas Act to remain here permanently. The loss of this appeal confirmed the Cape Supreme Court decision that legal residence dates from the time specific permission is given to reside in any area.

No African women anywhere in South Africa can qualify on these grounds because nowhere were women required to register until about 1954 in the Western Cape and very much later in all other parts of the country.

After June 24th 1952 all Africans, who did not already qualify (by virtue of having been born in the area and lived there ever since, or by having already lived continuously in the area for 15 years or worked for 10 years for one employer) had to obtain permission to remain in the area within 72 hours. Failure to do this meant that their continued presence in the area was illegal. Legal residence therefore dates from the date when they first obtained permission and were registered as so doing. Since no women in Cape Town registered before late 1953 or early 1954, no women qualify under Section 10(1)(b) of the Urban Areas Act unless they have worked legally for 10 years for one employer. Exemptions on these grounds are being cancelled and the women endorsed out of the area after, in many cases, well over 20 years continuous residence - residence which they and the officials believed to be legal.

7. CHIEF VICTIMS OF RIGID APPLICATION OF INFLUX CONTROL REGULATIONS.

A. WIDOWS.

Many women who qualified under Section 10(1)(c) of the Urban Areas Act while their husbands were alive, and who lost this qualification when the husband died, have been endorsed out on the grounds that they no longer qualify. Their own long residence - well over 15 years - does not count because it is not yet quite 15 years since they first "registered" - i.e. obtained official permission to be in the area.

EXAMPLE.

- (i) FLORENCE MAKHELE has been in the area since 1948 but first registered in 1954. She was widowed in 1948 and lived with her mother until the old lady died in June 1967. Since then Florence has kept up the rent herself but in spite of that had her 10(1)(b) exemption, which was stamped in her Reference Book, cancelled and was given notice to leave her house and endorsed out to Mount Fletcher. She has a 16 year-old son who was born in Cape Town and works here. She appealed unsuccessfully against her endorsement out and was given a rail warrant to leave on November 19th 1967, and arrangements were made to transport her furniture and sheets of corrugated iron to Mount Fletcher, free of cost to herself. She was unwilling to leave but we have not seen her since, so we imagine she has done so.
- (ii) LENA TSHOTSHOLO was born in Lady Frere in 1921 but came to Cape Town in 1940. She was married by Civil Rites to Jackson Tshotsholo in 1947 and lived with him until he died in 1961. She was allowed to continue to live in Nyanga until 5th December 1967 when her 10(1)(b) exemption was cancelled and she was told that she did not qualify since, although she had lived in the area for 27 years and her 20 year-old son was born here, she did not register until 1955. She was endorsed out to Lady Frere, but was given permission to remain here until February of this year. As we have not seen her since we imagine she has left the area although she may be living here illegally as so many of these women do.
- (iii) JOSTINA SIZANI registered for accommodation in Nyanga Location on the 8th May 1956, together with her late husband and two children. The family was allocated a house in the Nyanga Transit Camp as they were from the Goodwood squatters area.

On 12th June 1962, Jostina reported that her husband, Spolden Sizani, had died in a fishing boat accident during 1961.

On 1st July 1962, the house was transferred into the name of Jostina, being the person responsible for payment of the rent.

On 2nd June 1965, Jostina was interviewed in regard to the date of her arrival in the prescribed area and she then said that she had arrived in the area during 1945. On the strength of this statement, she was granted permission to remain in the area in terms of Section 10(1)(b) of Act No. 25 of 1945.

On 23rd August, 1967, however, the authorities at Langa notified the office of the Divisional Council of the Cape that Jostina only registered for a permit to be in the prescribed area on 9th February 1955, and thus does not qualify in terms of Section 10(1) of Act No. 25 of 1945 for permanent residence in the area.

Her permission to remain in terms of Section 10(1)(b) of Act No. 25 of 1945 was then cancelled and proceedings instituted to resettle her.

At this stage her case was referred to Mr. Blaar Coetzee then Deputy Minister of Bantu Affairs Department, who confirmed the above and said in a letter received on 3rd October 1968 in answer to ours of 24th June 1968:-

"On account of other more urgent cases and the fact that only a limited number of houses are available, it is unlikely that this woman will be settled in the near future. In the meantime, she is allowed to work."

When last we saw her in September she had been told that she would be given a rail warrant to Mngheshe Resettlement Camp, but we now hear that she has been given a short extension and permitted to work temporarily.

*Breadwinners
"winner"*

B. WOMEN BREADWINNERS.

Many women who have worked in Cape Town for well over 15 years are being endorsed out when they leave their present employment. These women are often breadwinners supporting many children, either in Cape Town or up country. They are endorsed out to areas where there is no hope whatever of obtaining work.

A slight concession has been granted where such women agree to send their children upcountry. If they can produce written proof that the children are upcountry, they may be permitted to work in this area, preferably as living-in domestic servants. These children having been born in Cape Town and having lived here ever since qualify under Section 10(1)(a) of the Urban Areas Act and cannot be endorsed out. By sending them away in order to be allowed to remain here to work in order to support them, the mother is trading in their inalienable right to live and work in Cape Town in exchange for permission to accept work offered.

EXAMPLES.

(i) TRIPHENA KWAAIMAN was born in Willowvale but came to Cape Town in 1939. Like everyone else she first registered in 1955. She has seven children all born in Cape Town but because her husband left her in 1964 and refuses to return to her, she has been endorsed out to Willowvale where, it is said, an uncle will receive her. The four eldest children are working in Cape Town and the three youngest are all at school. When told she must leave she said if she had to go she would leave the seven children behind to be looked after by the authorities! After endless interviews she has been given permission to work for three months for an employer who has been indofatiguable in her efforts to help Tryphena by employing her.

Widows

(ii) FLORENCE MASHABA, who came from Herschel in 1947 aged 10, is the second wife of a man from Mount Fletcher who has deserted her. She has four children, the youngest aged eight having lost a leg as a result of a fire. This child requires regular hospital adjustment to her callipers. The father pays no maintenance and Florence is the sole support of her family, and wants to remain in Cape Town with her uncle who has a house in Guguletu. However, the authorities suggested that she should take her children to live with her ex-husband's first wife in Mount Fletcher, or alternatively take them to Herschel where she has no one with whom to leave them. She was told if she did this she would be allowed to return to Cape Town to work to support her family. The authorities are doing their best to help her but although she had lived here for 21 years she does not qualify, because she only registered in 1955.

(iii) L.N. was a resident of a Guguletu brick house - until the end of April 1968. Her husband died just a year ago, and now her house is wanted for another, still "complete", family. She has been regular with her rent and is charring twice a week (unregistered but legally) to eke out a merciful pension. There are four young children, three in a local primary school and the youngest still at home. She is liable to be posted off to a relative in the country, if he can have her (which had not yet been established at the time of our last interview). There is a saving clause in this case - a pension, which the firm that employed her husband for over fifteen years until his death has generously agreed to pay her until the eldest child is eighteen years old. This excellent example should be held up to all employers.

C. WIVES OF QUALIFIED MEN.

Many wives of qualified men who entered the area as visitors some years ago but wish to remain to live with their husbands are being endorsed out on the grounds that there is no accommodation and that they have not "ordinarily resided" with their husbands since the latter have been paying rent in the bachelor quarters. In fact they have been lodging together for years but not with permission.

EXAMPLES...

QUAL WIVES/RESIDE

EXAMPLES:

- (i) REBECCA MQANAME was born in Grahamstown in 1925 and came to Cape Town with her mother in 1950 and has lived with her ever since - at present in Nyanga. In 1957 she married, by Civil Rites, a man who has worked for one firm for more than 10 years, and therefore qualifies under Section 10(1)(b) of the Urban Areas Act. Unfortunately he lives in a compound in Hout Bay where she cannot live with him. She has now been told to go to Willowvale from where her husband came, but where he has no house, no parents, only a brother suffering from T.B. who lodges with a family in the location there.
- (ii) ELSIE SINELI married Samuel Sineli by Christian rites in 1959 by whom she had five children. She was not allowed to live with him so returned to Seymour, but early this year was evicted from her house there and told by the Magistrate at Stockenstrom to go to her husband in Cape Town, which she did. Although her legal husband has worked for 18 years for one firm and therefore qualifies under Section 10(1)(b) of the Urban Areas Act, she is not allowed to live with him, and now that she has convinced the authorities that she has nowhere else to live, she is to be resettled as there is no accommodation in Cape Town for such families.
- (iii) EVELYN WEXU is married by Civil Rites to Jackson Wexu who has been employed by the same firm for 34 years but as he is still paying rent in the Zones (Bachelor quarters) is not allowed to cancel it, she is not allowed to live with him. They have five children and since marriage she has lived in Cape Town but they have never been able to live together, and throughout this time she has been repeatedly endorsed out and subsequently allowed to remain on an extended permit. Since 1962 when this couple first came to our office, Jackson has been trying to get a permanent permit for his wife to remain in Cape Town and permission to live in the same house with her.

contract

D. UNQUALIFIED MEN AND WOMEN WHO ATTEMPT TO CHANGE REGISTERED EMPLOYMENT.

All African men and women are endorsed out upon giving up employment unless they are qualified under Section 10(1)(a), (b) or (c) of the Urban Areas Act to remain in the area. Unfortunately few will believe this until it happens to them, in spite of the fact that for over a year we have been circulating pamphlets warning Africans not to change their employment until they have made quite sure that they qualify and will be allowed to take up a new job.

CONTRACT

EXAMPLES:

- (i) JACKSON MINI came to work in Cape Town 24 years ago and has a very good record. He was very surprised when, after leaving Capetex Engineering in February 1968 he was endorsed out to report to the District Employment officer at Tsomo, where he was born. He queried this instruction and it was explained to him by the official that a job taken with the Cape Town P.W.D. constituted a break of four years in his record. Although he had signed on for this job in Cape Town, the actual work was on Robben Island, which at the time was not part of the Cape Peninsula area. Robben Island has been part of the area since August 1967, but the incorporation does not work in retrospect, so Mini must now become a contract worker and can never be a "qualified" man, able to seek his own job and remain in the area.
- (ii) GILFORD NGWANE has worked in the area for the last 14 years, and was in Stellenbosch for six years before that. He is almost fifty years old, and was born at Cofimvaba. He had been employed by a big Wine and Spirits Company in Woodstock for about three years when in May of this year he received a wire from Cofimvaba: "Come at once, your mother very ill". He showed this to his employer who signed him off. He returned three-and-a-half months later, his mother having died in the interval, and the firm gave him a slip of paper for Langa asking permission to re-employ him "as he has been on leave". This was refused, as the man had in fact been technically discharged. The firm were not prepared to make further efforts to assist him and he has had to return to Cofimvaba to register as a work-seeker, like a young man starting out in life, with no prospects of future security.

(iii),,,

1915

1967
52
1915

(iii) STANFORD VAMVA who came to Cape Town at the age of twenty has been endorsed out of the area after a period of three months' leave from which he returned to find that his firm had sent in his employment card. The firm had not intended to discharge him, but were already employing more than their quota of African labour and permission for him to return to the job was refused. He has worked in the area since 1936 but there was evidently a break during 1953 and 1954, although he declares that he was never away for over a year.

At the age of fifty-two, he must become a contract worker, returning to his home at Kentani to register as a work-seeker. He supports a wife and seven children there. Firms must understand that employment cards must not be returned until discharge. The card is proof of continued employment. "Proceeding on leave" in the reference book is correct but insufficient.

(iv) GOODMAN DADLANA came to Cape Town from Butterworth in 1951, but is not a "qualified" man, because he lived in the Divisional Council area until 1962 and then moved to the City Council area. The firm he was working for changed hands, and the new owners did not require Goodman, so he was discharged. He must now return to Butterworth and become a contract worker. The only assistance for such men is a rail-warrant home.

E. THE PRACTISE OF DEMANDING THE DISCHARGE OF WORKERS ON VARIOUS GROUNDS.

The practise of demanding the discharge of workers on various grounds such as:-

- (a) Shortage of accommodation;
- (b) An alleged offence against township regulations or the common law for which the African has not been charged, let alone convicted;
- (c) That the employee is not qualified to remain in the area;

should be carefully watched and employers should not accede to such a request without taking legal advice as to their rights in the individual circumstances.

Once discharged the worker can be, and is, endorsed out and permission to re-employ her/him is always refused.

EXAMPLES.

(i) JESSIE PATANZI is the breadwinner for seven out of her nine children. She was on unpaid leave for the birth of her youngest child when her employer received a visit from a labour inspector who demanded that she discharge Jessie by handing him her employment card. His reason for the demand was that she had committed an offence against township regulations concerned with the illicit brewing of beer. She had not been charged with his offence, let alone convicted of it. The housewife employer was most unwilling to surrender the card so dismissing the maid, but the inspector insisted and she finally complied. She immediately set about trying to get permission to re-employ Jessie but this was refused. Jessie appealed to the Chief Bantu Affairs Commissioner against this refusal to allow her to return to her previous employer, but her appeal failed. She had been here since 1952 but first registered in 1954, so does not qualify under Section 10(1)(b) of the Urban Areas Act and has been told to leave the area. If only the employer had refused to discharge the maid the latter could not have been endorsed out.

(ii) ELSIE AND WASHINGTON YOYO have been living together in Cape Town since their tribal marriage in 1948, first at Elsie's River then Kensington, then a pondok in Nyanga West, and finally a brick house in Guguletu. Both are legally employed, she as a daily maid in Parow and he in the Docks. Suddenly she received a notice to report to Langa from where she was sent to Department of Bantu Affairs. There on the back of an envelope addressed to Mr. Tennant of Langa was written "Furniture to be ready 29.3.68 at 7.40 a.m. They will leave 31.3.68". (We have a photostatic copy of this envelope.)

The...

Elsie and Washington Yoyo (cont.)

The trouble would appear to be the fact that Washington was first registered as a permanent worker in 1954, although he worked on contract before that. This means that he does not qualify under Section 10(1)(b) of the Urban Areas Act to be housed with his family, until next year. His wife has, therefore, been told to leave the area together with her two children, in spite of the fact that she is legally employed here. Her family, who have lived together for 20 years, will now be split up unless her appeal succeeds. We have begged her employer not to discharge her because while she is legally employed she cannot be endorsed out. That is why she was told to leave verbally and no endorsing out stamp was put in her book.

(iii) Case of dismissal by order, grounds unproved.

M.A. entered the Divisional Council area of the Cape Peninsula in 1963 from Lady Frere. Since October 1964 he has been employed by a local factory. At that time, 1964, there was an epidemic of bribery in Nyanga East and many persons who obtained permits illegally by paying for them have been traced and sent away.

During September of this year, A. was fetched by a constable and taken to the Registration Office. There he was told that he had bribed an official for his permit, solely on the grounds of the date that it was granted. He was endorsed out but not immediately signed off by his employers, whom we contacted when he came to the Advice Office. They had been instructed to discharge A. but were anxious not to lose a particularly good worker and agreed not to send in his card without legal advice. A. stated that he had lost his reference book a year after arriving in Cape Town, and that he was given a pink Temporary Identity Certificate when a friend from his home area took him to the office. He was adamant that he had not bought his pass. We sent him to our legal adviser who found his account reasonable and who wrote on his behalf to the Divisional Council authorities. A's firm also made contact with the lawyer, and vouched for his reliability. However, when the lawyer's letter had been received by the Divisional Council and before it had been answered, a Registration official went straight to the firm, complained that a lawyer should not have been consulted and said that unless the firm discharged this man in accordance with instructions, they would be refused new workers. The Director of the firm then decided that A. would have to be discharged, and his yellow card was regretfully sent in. The firm immediately found itself reinstated in good favour with the officials, who now said that of course it was in order to consult a lawyer about any problem.

Now A may well be guilty of the offence of which he was accused but has lost his job and been endorsed out on a charge which was never even brought before the court. He has not even been charged with having obtained his permit illegally.- let alone been found guilty. His employers moreover have found that it is absolutely necessary to comply with the instructions of registering officials in order to obtain even their legitimate quota of African labour. Other factories have had similar experiences.

B. YOUNG PEOPLE APPLYING FOR REFERENCE BOOKS.

Young people applying for reference books are finding it increasingly difficult to obtain reference books when they reach the age of sixteen. The family background is screened at this stage, causing delays which not infrequently result in the arrest and conviction of the teenager on a charge of being without a reference book. Then a temporary certificate of identification is issued, and permission to be in the area is apt to be temporary only, depending not only on the young person's own record of continuous residence since birth but also on the status of the parents.

EXAMPLES...

EXAMPLES:

- (i) CASSIEM SIYADUBWA claims to have been born in the area and always to have lived here. His father evidently came from Botswana, and he was told to go there when he applied for a reference book. He was referred to the Institute of Race Relations with his mother, since they deal with such cases. If he was really born in South Africa he is a South African and cannot be forced to go to Botswana. But will he be able to prove it?
- (ii) SIDNEY ARIES is the eighteen-year-old son of a Coloured mother and an African father. The father disappeared, and he lived with his mother until she took up with another man in 1963, since when she has lived at Elsie's River and refused to have anything to do with Sidney. He was looked after by friends and did odd jobs after reaching the age of sixteen but had no reference book. Twice he was arrested, found guilty of being without a reference book and gaoled for six weeks. He traced his mother but she would not help him. The Advice Office made an appointment for him at Langa and from there he was sent to Elsie's River to get his mother's address. He returned to Langa with the address and was told that arrangements would be made for his mother to meet him at the Registration office, but he was not given any temporary certificate of Identification. He was arrested again the same day, charged with the same offence, found guilty and sentenced to a month's imprisonment at Pollsmoor. He returned to the Advice Office as soon as he was released and a fresh appointment was made for him at Langa. This time he was given a letter to take to Nyanga East, from where an inspector was to accompany him to trace his mother. It is hoped that this letter will have protected him until a proper document could be provided, and that by now he has a Temporary Identification Certificate.
- (iii) BEAUTY MTIKI was born in Nqamakwe in 1952, and adopted by an aunt who brought her to Cape Town as a baby in arms but did not change her surname to her own. Beauty has lived here ever since, regarding herself as her aunt's child. She passed the crucial age of sixteen while in Standard 8 in High School, and her aunt had taken her to apply for a reference book, and had been told that she could finish her schooling here and must then go to Nqamakwe. (Her own mother is still there, but shows no wish to have Beauty back. She does not know the girl!) She was given a paper stating her position, and this protected her in lieu of a book while she was a scholar, but not when the schools reopened without her in July. She is a decent girl from a good home, but like so many in the townships she became pregnant (by a school-mate) and had to leave school in June of this year.

One day she was out on a shopping errand for her aunt when she was picked up by the police, and charged with being without a reference book. Inevitably she pleaded guilty, was sentenced to R30 or thirty days, and as her adoptive mother could not pay the fine, was gaoled at Roeland Street until rescued by a sympathetic private individual.

With the assistance of Advice Office workers, certificates were then collected from all the schools attended by this girl since 1956, her Sub. A year. She has been on her aunt's rent-card since 1954. Armed with all this evidence, Beauty was taken to see the Superintendent of Langa, who sent her on to the Section office at Guguletu where she was given a pink slip of paper entitling her to apply for a reference book with a permit in terms of Section 10(1)(d) of the Bantu (Urban Areas) Consolidation Act, as amended. This is not a permanent exemption, but should protect her until she has had her baby and her future has been settled.

8. LEGAL CASES.

(a) Since the appeal of Mary Xala to the Appeal court was turned down, we have been unable to offer defence to women on the grounds that they qualify under Section 10(1)(b) of the Urban Areas Act unless they can prove that they have been in registered employment for over 10 years. Continuous residence of 15, 20 or even 30 years is no longer a ground for qualification. They must have registered over 15 years ago when women were not required to register anywhere in South Africa.

(b) If a man pays rent in bachelor quarters, however long he may have lived and worked in the area, he cannot claim ordinary residence with his wife, but once he is the registered tenant or a legal lodger in a house in which his wife is also staying, they can claim "ordinary residence" and even if his wife does not remotely "qualify" in her own right she may well have legal grounds for protesting against endorsement out.

As a result of the success of the appeal of Christine Nqwandi in 1967, cases against five women who were charged with being illegally in the area were withdrawn by the Prosecutor during the year. Three of these women were married to men who qualified under Section 10(1)(b) of the Urban Areas Act and two to men who qualified under Section 10(1)(a). All were legally married and living with their husbands in lawful accommodation. We still cannot persuade the officials that it is quite wrong to refuse to acknowledge that these women qualify under Section 10(1)(c) of the Urban Areas Act and to force them to undergo arrest and often an appearance in court before they can prove their right to be given permits to reside with their husbands.

EXAMPLES:

(i) ORIPPA NTLEKO is the legal wife of Julius Ntleko who has worked for Simon's Town Dockyard since 1952. They were given a brick house at Gugulotu after their removal from Luyolo location, although she had twice been away from the area for over a year since she first entered Simon's Town in 1959. She was, and is, "ordinarily residing" with her legal husband and appealed against her endorsement out in September 1966 to Department of Bantu Affairs but her appeal failed. She did not leave, however, but remained obtaining extensions to her permit for medical reasons and had another baby in February 1967.

The last of her extensions expired on December 17th 1967 and in January 1968 the Advice Office telephoned the Assistant Chief Bantu Affairs Commissioner who confirmed that the legal wife of a qualified man who lived with him in a house in which he was legally permitted to live would "in terms of recent judgments" be allowed to remain. She was subsequently arrested, appeared in court. We arranged for her case to be defended and it was remanded and subsequently withdrawn by the prosecutor. Only then was she permitted to live with her husband.

(ii) BRACELET MATSHOBA, the wife of a man born in the area who qualifies under Section 10(1)(a) of the Urban Areas Act was residing in the same house as her husband where he was legally resident i.e. his parents' house. She was arrested and charged with being in the area illegally. She had made a number of unsuccessful attempts to have her permit, which was originally a visiting permit, extended, and as the office considered her case merited defence, this was arranged. As before the case was withdrawn by the prosecutor, and she was subsequently given an extension of a full year.

This is yet another example of the fact that officials still do not accept that the legal wife of a qualified man who is living with him in a house where he is legally permitted to live, is herself qualified under Section 10(1)(c) of the Urban Areas Act and should have her reference book endorsed to this effect and is entitled to permanent accommodation with her husband.

(iii)...

(iii) CECILIA MLENGANA, the wife of Jack Mlengana, who has worked in Simon's Town Dockyard since 1952 and who was given a house in Guguletu in April 1966 after removal from Luyolo township, was told towards the end of 1967 that she was only a visitor and must return home. Jack was told to move into bachelor quarters. Her permit expired on 30th January 1968, she was arrested on February 28th when her case was remanded as she was to be defended. It was later withdrawn by the Prosecutor and she was given a permit until November 1968.

Government Policy has been to endorse out of Cape Town all those who do not qualify under Section 10(1)(a), (b) or (c) to remain here, to refuse to allow the wives of those who do qualify to join their husbands or even to remain with them, and to try to persuade those who do qualify to go away taking their children with them. There is ample evidence that next Session will see the end of Section 1 of the Urban Areas Act and we are very uneasy as to what will take its place.

(iv) LEGINA SODLADLA arrived in Cape Town in 1964 and subsequently married Almond Madzibe by Christian rites. He had been here since 1945 and worked for the Simon's Town Naval Dockyard for over ten years. They lived together legally in Luyolo Location, Simon's Town, and were removed to Guguletu when the location was cleared in December 1965. They were allocated a brick house but her right of permanent residence with her husband was not acknowledged. In January 1968 she was refused a further extension of her permit and told that she was a "visitor". She remained nevertheless, and was arrested during February. Our legal adviser arranged a remand, she having pleaded "not guilty" on our instructions to the charge of being in the area illegally. The case was withdrawn by the prosecutor at this stage, and the couple were given permission to remain in the house which they had been told to leave by the end of the first week in March. Mrs. Madzibe was given a "temporary residence" permit, valid until November 20th 1968. She has lived with her doubly qualified husband (over fifteen years in the area and over ten years with one employer) ever since her marriage and can hardly be regarded as a visitor!

9. OTHER SUCCESSES.

(i) GOODMAN AND GLADYS NTULI.

Goodman Ntuli first came to this area in 1943 and has worked here ever since with short breaks when he visited his mother in Maclear where he was born. He was given accommodation on May 1st 1956 at 1243 Nyanga with his then legal wife Lydia and two children of four and two. He has been employed by S.A. Mutual Insurance Co. for 13 years, and so qualifies under Section 10(1)(b) of Urban Areas Act. He divorced his first wife on July 6th 1967 and applied on December 18th 1967 for the rent reduction of his present wife Gladys to whom he was married on December 17th 1967. Gladys had come here in July 1964 but had been endorsed out in January 1966. However she did not leave and instead married Goodman. It took us from March until May this year and eight interviews to investigate the case fully and to persuade the authorities to give her permission to remain with her legal husband in the temporary house where he legally lived pending transfer to Guguletu. I should like to pay tribute to the Secretary of the Divisional Council who personally attended to this matter at our request and brought it to this happy conclusion.

(ii) GIRLIE MBANYWA first came to Cape Town in 1928 and married in 1931. She had three children, two of whom died in infancy and one son who is still alive. Her husband died in 1943 and since 1947 she has worked to support her son. All went well until, when applying for a new reference book in 1968, she was screened and after investigation was told that she did not qualify as she had only registered in 1955. We tried to persuade the officials that she did indeed qualify because on June 24th 1952 she had already lived continuously in the area for 15 years. She was allowed to remain and the house was registered in her son's name, he having been born in 1942 and lived here ever since, but it was not agreed that she qualified under Section 10(1)(b) of the Urban Areas Act.

10. CONTRACT WORKERS.

Contract workers suffer many disadvantages for which there is virtually no redress. In theory, both the employer and employee must agree if the contract is to terminate before due date. But what in practise is a labourer to do about a dispute? If his employer is not prepared to remedy his grievance he is obliged to "agree to terminate his contract", or he will be accused of having broken it, which is a punishable offence.

EXAMPLE:-

D.T., a man of about 40 who comes from Alice and in May this year accepted a contract for one year with a dairy. There was an argument in which the employer's wife was involved. Our client maintained that he was only trying to help by interpreting for another, less articulate, labourer, but by so doing he gave the impression of cheekiness. There were angry words on both sides, the police were called in and D.T. was dismissed. The employer explained in a telephone conversation that D.T. had "willingly agreed" to terminate his contract and had in fact received four days pay out of sheer kindness because it was realised that, by the time the fares down and back had been deducted from his wages he was due to receive just 11 cents. In fact he left the job with a ticket home and R1.68 to show for two months work. (His cash wage was R16 per month and quarters and basic rations). So home he went with nothing but disappointment to show for two months work, and then begins the wait for a fresh contract.

Although four copies of a contract exist the contract worker has no copy himself and this causes many problems.

EXAMPLE:-

Such a problem caused heavy losses to both firm and workers at a cement pipe factory recently. 23 men who were dissatisfied with their overtime pay would not believe explanations intended to convince them that it was correct. For three days they refused to work overtime. In terms of the contract signed by each the men were obliged to work 10 hours overtime per week. Finally the police were called and the men were charged with striking, which is the legal interpretation of refusing to obey a legitimate order.

These men were defended by their own privately engaged lawyer, who instructed them to plead guilty in order to mitigate punishment which might have been severe. He ably defended them on grounds of insufficient understanding of the terms of the contract. Thanks to his defence the men were not fined, but they were dismissed. All were given rail warrants by the firm concerned, and sent home and will have to start again as workseekers with a most unfortunate slur on their records.

11. CHARS.

Chars in the City Council area must now have permission to do casual work. This new regulation has been in force since January 1968.

EXAMPLE:-

G.B. is a widow who went to Langa with a written offer of employment for two days a week. She was given an official form on which her employer's name and address had to be entered. This form entitles the bearer to work for two days a week. Employers of such women do not require a clearance certificate from the Department of Labour, but this would be essential if the char were to work for three or more days.

12. CASES SENT TO MRS. SUZMAN AND MR. BLAAR COETZEE.

During June, shortly before the end of the Parliamentary session, Mrs. Helen Suzman was criticised in the House of Assembly by the Deputy Minister of Bantu Affairs for her statement that a very large number of African couples were being separated under the current application of Influx Control regulations. Mr. Blaar Coetzee complained that Mrs. Suzman had not cited any actual cases and undertook to attend to any individual instances of illegal separation or of excessive hardship brought to his attention. The Advice Office sent off a dozen cases to Mrs. Suzman and a letter was written to Mr. Blaar Coetzee stressing that, while Bantu husbands and wives were rarely separated illegally, the law as now applied makes normal residence together impossible except for a small minority of couples. The story of a widow, Jostina Sizani was appended and, as earlier reported, an answer has just been received.

13. INSURANCE POLICY PROBLEM.

H.R. is a widow who was endorsed out of the area, like many other women in her position, at the beginning of this year. She had been in the area since 1942 but registered in 1954, so was not "qualified" (in terms of Section 10(1)(b) of the Bantu Urban Areas Consolidated Act as amended). Her story would be ordinary - she even had a "home" of sorts at Nqamakwe - but an insurance problem should be highlighted. She had paid her savings into Life and Endowment policies. The latter would only mature in 1976. She would not be able to continue payments in the Transkei, and would moreover need her money to live on. She asked to be allowed to reclaim the premiums which she had paid into the policies. But the Insurance Company said that nothing could be paid out until her death when her dependents would receive "pro rata" shares of the Life Policy, and in the case of the Endowment Policy, the amount would be paid out "pro rata" in 1976; under no circumstances sooner.

Surely Insurance Companies should take note of the special circumstances affecting the lives of their African clients, and adjust the regulations governing their policies accordingly?

14. THE FUTURE?

What lies ahead for all the Republic's African citizens is a matter for anxious conjecture. The only realistic approach is to handle present problems in terms of present legislation and its current application. There have been repeated murmurs from high official sources about pending changes and further drastic erosion of the few remaining rights which residents of urban areas can claim. The Contract labour system must be expected to dominate the industrial and agricultural scene increasingly in the Western Cape, as the "Removal of Africans" means a shift from a community which was beginning to put down roots, to a rotational system of interchangeable labour-units, whose family life is confined to a few weeks a year for the whole of their span of physical usefulness.

The great and seemingly irrefutable argument (but, I maintain, not the real reason) for sending men, women and children away from Cape Town, and for refusing to allow the wives and families of even the most highly qualified men to join their husbands here is, of course, the acute shortage of accommodation. This shortage is the most striking feature of life in our townships. Four-roomed houses often accommodate two families and twelve or more individuals. Officials remind us daily that they cannot allow people to remain on extended visits, let alone grant permanent residential rights, because of this shortage. Where there is a country home, the wife must be sent to it. Where there is not, a resettlement area is selected. The officials do undertake not to send women away until they have evidence that there is a place for them to go to, but they do not undertake to allocate housing to couples unless their claims to be local residents are beyond reproach.

I should...

I should like to end by quoting from Page 10 of the General Circular No. 25/1967 (Head Office File No. V 164/1) issued by the Secretary for Bantu Administration and Development to all offices of the Department and all magistrates and assistant magistrates employed by the South African and Transkeian governments (Argus July 6th 1968).

"It must be stressed here that no stone is to be left unturned to achieve the resettlement in the homelands of non-productive Bantu at present residing in the European areas."

"The human factor must however never be lost sight of in the problem of resettlement. The people must be treated with due respect and sympathy towards their problems and the impression must not be created that they are no longer welcome in the European areas." "I would like to stress here that the Honourable the Minister has given instructions that the resettlement in the homelands of thousands of superfluous Bantu families at present residing in the European areas of the Republic must enjoy the highest priority."

Those classified as "unproductive" are classified as "the aged, the unfit, widows, women with dependent children", "Bantu on European farms who become superfluous as a result of age, disability." Now these people can be removed whether they like it or not but what is to happen to those who qualify to remain in European areas? The circular goes on to deal with these as follows:-

"If a person or family does qualify they can only be settled in the homelands if they agree to it."

and later

"Persuasion must continuously be exercised by the district officials in collaboration with the responsible officials of local authorities to persuade persons who qualify and are not prepared to accept settlement in towns in their homelands, to be settled in towns in their homelands or ethnical grounds."

And this is exactly what is happening; people who qualify and those in legal employment are verbally told to leave the area & if they have nowhere to go, offered a house in a resettlement camp. In many cases they qualify to remain, or are entitled to do so while legally employed, but so much pressure is put on them that they often leave only to return later in great distress. It is then much too late to do anything for them. If they come to us when they are first verbally told to leave we can often help them to prove that they qualify to remain, or explain that while they remain in their present legal employment they cannot be endorsed out - that is unless their employer can be bullied into dismissing them.

R. N. Robb
R. N. ROBB
DIRECTOR.