ATHLONE ADVICE OFFICE

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

REPORT FOR THE YEAR 1ST OCTOBER 1968 [1968] TO 30TH SEPTEMBER 1969

| 1. RECORDS: | 1968-69 | 1967-68 |
|---|---|---|
| Number of interviews | 1,777 | 1,733 |
| Endorsed out: Men | 138 | 184 |
| Women | 185 | 159 |
| Miscellaneous | 469 | 496 |
| Old cases returned | 985 | 894 |
| | 1,777 | 1,733 |
| Average per month, approx: | 148 | 144 |

Attendance records fluctuate from day to day, but there is no significant change in the totals, which show a very slight rise accounted for by more old cases returned. There are now about 12,500 cases on our files.

2. WORKERS: 1 Organiser
2 Full-time interpreters
1 Part-time interpreter from the Institute of Race Relations, occasionally.
17 Voluntary helpers

3. VISITORS: 12 South Africans
24 Others.

4. THE WORK OF THE ADVICE OFFICE has continued much as usual, with just enough success to make it worth while. There is less and less we can do in the face of revised regulations tightening up the management of African townships. These regulations were gazetted on June 14 1968 and came into effect on August 1st 1968. The results have become very noticeable in the prescribed area of the Cape Peninsula during the past year.

5. NEW REGULATIONS:

(a) Housing permits may be allocated only to males who are South African citizens and over 21 years of age who qualify under Section 10 1 (a) or (b) of Act 25, 1945 as amended to live in the prescribed area concerned (i.e. by virtue of birth or long residence), and are employed there and have dependants who normally live with them there. Other families or individuals who qualify to remain in the prescribed area may be accommodated as lodgers with a householder if they can find such accommodation. There are in all 9 conditions which have to be satisfied before housing permits are issued to such people.

(b) Housing permits may be cancelled with 30 days notice, among other reasons, if the holder is for a continuous period of 30 days unemployed or not following some lawful trade or occupation (except in cases of illness). The permit may also be cancelled if the holder ceases to be, in the superindent's opinion, a fit and proper person to reside in the township, or if a holder is convicted of an offence and is sentenced to imprisonment without the option of a fine for a period exceeding 6 months. There are in all 15 ways in which a householder may have his housing permit cancelled.

(c) Special permits for family housing are issued to employees or representatives of a church, school, the State, or a provincial or local authority, who may be transferred to the area.

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5. NEW REGULATIONS (cont'd)

(d) There are certain concessions concerning widows and divorced women, but in Cape Town we know of few cases where a woman has been allowed to remain as a householder for long after the death of or divorce from, her qualified husband, even if she qualifies to remain in the area in her own right. She is expected to find lodgings if she does qualify or to be resettled if she does not. Such people, both qualified and unqualified, have great pressure put on them to agree to be resettled.

(e) Lodger's permits. No-one may accept lodgers or take lodgings without permits, concerning the granting of which there are a great many conditions. Care in the issue of these permits should indeed help to control overcrowding, with all its attendant social ills including the spread of disease, in particular T.B. But difficulty in finding officially suitable lodgings, especially for family groups with children, also increases the pressure brought to bear on people to agree to resettlement.

6. PRESSURE UPON FAMILIES TO BE RESETTLED. On March 11th this year, the Deputy Minister of Bantu Administration and Education, in answer to a question in the House as to how many Bantu were removed from the Western Cape to Mdantsane during 1968, said that "None were removed compulsorily. During 1968, 537 moved to Mdantsane voluntarily." Cases seen at the Advice Office indicate that those who are resettled do sign their agreement to resettlement, although often unwillingly or uncomprehendingly.

Many of the cases we have seen have been those of women sent for and told that they no longer qualify to remain in their houses, where they have often lived for many years. This may be because their qualified husbands have died, or deserted them, or because, although they have lived in the Cape Peninsula area for more than fifteen years, it is not quite fifteen years since they registered. Few women registered until towards the end of 1954 and most only early in 1955. The trouble often starts with an application for registered employment or for a change of job on the part of a woman who had for many years considered herself qualified to remain in the area. Many, indeed, had exemptions under Section 10. 1. (a), (b) or (c) of the Urban Areas Act stamped in their books. Section "10.1.b" exemptions were given until about five years ago to women who could prove that they had lived over fifteen years in the area but these are now commonly cancelled, because only official registration for over fifteen years is accepted, in accordance with the strict interpretation of the words "has lawfully resided" in the 1952 amendment to Act 25/1945. Section "10.(1).(c)" exemptions cease to be valid when a qualified husband dies or ceases to reside with his wife, or when the daughter of a qualified man marries, or a son turns 18.

Such women often only agree to be resettled after so much persuasion that it amounts to coercion. To repeat our quotation of last year from General Circular No.25 1967 (Head Office File No. V. 164/1), "It must be stressed that no stone is to be left unturned to achieve the resettlement in the homelands of unproductive Bantu at present residing in the European areas....If a person or family does qualify, they can only be settled in the homelands if they agree to it. Permission must be continuously be exercised by the district officials in collaboration with the responsible official 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 on ethnical grounds."

In our experience, great pressure has been put on families who are well established in the townships, with their children attending local schools, to tear up their roots and be resettled in rural areas.

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6. EXAMPLES OF CASES:

Mary Seekoei has been a widow since 1940, the year she came to Cape Town. She is now seventy years old, and a full-time grand-mother, an office of which she has not been deprived by resettlement because the grandchildren, two Cape Town "borners", have been sent with her to Witzieshoek. Her exemption permit under Section 10.1.b. of the Act was cancelled when it was observed that she had registered in 1955, and did not qualify to be the tenant of a township house. Not being in gainful employment, she fitted the Deputy Minister's description of "Surplus appendage", although her own family here did not regard her in that light. Her daughter, mother of the children, was allowed to accompany them and see them settled in and then return to earn their livelihood. She has no husband, but is saved from the threat of destitution by the new scheme for women bread-winners (see below). The old lady has by now been left in her new home, where one hopes that younger neighbours may befriend her and help with the growing children

Vivian Ntloko is legally married to a qualified man, who has been employed for the past ten years by a garage in Cape Town. They had been lodging together in Guguletu, butthe family grew to six children and so did that of the official tenant of the house in which they were lodging. Quarrels became frequent and they were told to move out. Resettlement was immediately offered the family. As they have no rural connections, it was arranged that they were to be sent to Mdantsane, where Mr. Ntloko would be able to visit his wife and children during his annual leave. Train tickets were issued for February 16th 1969. But these were never used. The couple had not lost their right under Section 10 (1) C of the Urban Areas Act to remain residing together, and when it was found that their appeal was well-founded, the picture changed and instead of being resettled they were allocated the local housing for which they qualified.

Engelina Msizi was born in Cape Town in 1918, lived at Herschel from 1929 to 1946 and then returned to Cape Town after the death of her husband. She has lived here ever since, with a growing number of children and grandchildren. Not having been legally employed since 1959, and having allegedly supplemented the family income with illicit brewing, despite warnings, she forfeited her right to township housing and was given rail-warrants for the whole family except for two sons who were to remain working here, contributing what they could for the support of the rest. This would be a considerable assignment in view of the numbers of "unproductive" persons sent away. Mrs. Msizi was instructed to go to her aged mother, who has a kraal at Herschel, taking her eight children, aged 27, 24, 18, 16, 14, 11, 9, 7, and her five grandchildren aged 11, 9, 5, 4 and 3 years, together with her household effects. No inquiries were made in advance of these arrangements because it was felt that her family would accept her. She had not argued the point but was in fact doubtful. We have not heard from her since.

7. BREADWINNERS' CONCESSION. Provision is now made for women with dependants, who need not necessarily be qualified, to remain in the area in terms of Section 10 (1) (d) of the Urban Areas Act, providing they have a long record within the area. A special concession, carefully arranged at Bantu Affairs and applied under supervision in each individual case, enables such women to take their children away to rural relatives or to foster parents and then to return to work in the Cape Peninsula, preferably in living-in jobs. They are supposed to bring a written certificate from the magistrate of the district where the children have been left, stating that the children are now there, and may then either return to former employers or even take new jobs. Assistance is given with rail-warrants and with food-parcels for the journey, and mothers are encouraged to welcome the positive benefits of country life where their children can absorb traditional ways of life away from urban influences. Above all, they are not destitute and can send support money regularly to their families. The children will be placed in rural schools (whether these

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BREADWINNERS' CONCESSION (cont'd)

are usually of a standard comparable to that of the township schools which they are leaving, is not clear).

This scheme is said by the officials to be working well, and bread-winning mothers certainly do accept its positive aspects with relief. It is not fully recognised by the authorities that, like all mothers everywhere, they experience acute distress and anxiety over the separation, especially where there is no grandmother up-country to take charge. Precisely these worries bring them to the Advice Office. But the pattern of coercive persuasion applies, and indeed as a realistic solution to a basic economic problem it most welcome. Apart from the further disruption of family life entailed, it is disturbing to note that children born in the area and sent awey under this scheme will lose their residential rights here and will never be able to return, except, in the case of men, as contract workers. The authorities are enthusiastic about the arrangement, which relieves some of the overcrowding in township houses, but they do not seem to consider the serious deprivation of rights

Girlsie Nyembezi has lived in the area since 1947 and registered in 1954. She has been visiting the Advice Office since 1962, first about her defaulting husband (from whom she separated), difficulty in paying the rent and from 1966, when her 10.1.b. exemption was cancelled, about the looming threat of resettlement. It may by now be fifteen years since she registered, but she has agreed to the resettlement of the children under the breadwinners' scheme and is only waiting to be satisfied about the details. She must work to support her four children, whose health and behaviour tend to cause her alarm. (One daughter has abandoned an infant and disappeared). She wants to take the family to her relatives but as they are all living in the prescribed area of Port Elizabeth it seems that unknown foster parents are to be allocated at Mnxesha. She is unhappy about taking them to strangers and although she is supposed to have left by the middle of September and has already been arrested and fined once, she is still smiling and hoping for a further extension and a more acceptable ultimate arrangement.

Elsie Atolo has not seen her husband since they separated in 1950, the year of her arrival in Cape Town. Half of her family of eight are living at Burgersdorp, but the others were living here with her, two of them with rights under Section 10 (1) (a) of the Urban Areas Act. She herself is in full-time employment and rented a brick house registered in hername. She apparently forfeited her right to this house by being late with the rent or by committing some other offence. On May 15 she saw a City Council official, who persuaded her to agree to the resettlement of her family at Mnxesha. Had she been happy about the arrangement, she would presumably not have come to our Office for advice. But the eviction order had been served and the Train tickets were waiting for her at the Registration Office. She could not find lodging accommodation for the family and felt obliged to take them away. She was to return to her registered job in Cape Town.

All children sent away from Cape Town in this manner will have lost all rights to live and work in CapeTown in the future

8. SEPARATION OF HUSBANDS AND WIVES. While fewer cases have been noted of couples being separated who have resided together for many years, a very high proportion of all cases seen concerns couples who must expect to be unable to reside together, except on holiday visits, until they reach the age of retirement. The hardening pattern of migrancy is now keeping husbands and wives apart, rather than separating them. The wives of contract workers may not even visit their husbands in the urban areas, and visiting permits are carefully controlled for the wives of qualified men who must find suitable lodgings and obtain permission before their wives come. We have seen many wives of qualified men during the past year, who would reside with their husbands here for choice. But although their husbands have residential rights under Section 10.1.(a) (or more often b),

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of the Urban Areas Act, they cannot make homes with them here because they do not already "ordinarily reside" with them. Men whose wives are given permission to visit them are allowed to lodge with them temporarily but may not cancel their rent in bachelor quarters, which remains as proof that the couple do not "ordinarily reside" together. Such couples are not eligible for housing and the wife must leave when her permission to visit expires.

Examples of Cases:

1. Geslina and Jacob Ntuli are a fairly elderly couple from Natal. Their children are grown up and settled in homes of their own. He has been working in Cape Town since 1950, and she visits him whenever she can obtain both permission and her fare. His annual leave is too short for trips to Natal, where they have no home of their own anyway. They ratified their tribal marriage with a civil ceremony in 1967 at Observatory, hoping that this would secure their residential qualifications but it did nothing of the sort. She left when unable to remain lawfully and returned this year, hoping again to remain permanently. They had suitable lodgings and were emphatic about wanting to lodge a legal appeal against her instructions to leave after a vist of several months. This was impossible because he pays rent in the zones; they therefore do not "ordinarily reside" together and had no legal grounds on which to appeal. Mr. Ntuli is now sixty years old and retirement is presumably only a couple of visits ahead. Will they be able to have a home together? Not in Cape Town

2. Virginia and Rogers Jack have the same basic problem. She has been going backwards and forwards between Keiskammahoek and Cape Town, sometimes with, and sometimes without, permission to visit her husband, always wanting to reside here with him permanently and hoping for housing but always unable to establish the conditions of "ordinary residence" together because he is refused permission to cancel his rent in the zones. Her last visit, to the best of our knowledge, was from January to March of this year, with permission. They have three children.

3. The husband of Margaret Mkandwana is not a qualified man but has been with a firm of building contractors since 1963, and if he remains working there, can hope to qualify in 1971. As he does not pay rent at the bachelor quarters, but lodges legally with his in-laws, the conditions of "ordinary residence" are only blocked by the fact that he does not qualify under the Act. His wife had come to Cape Town with her parents at the age of five and had always lived with them, until her endorsement out at the end of last year. She was supposed to go to Mr. Mkandwana's home at Engcobo but stated that she would prefer divorce to such a fate. He has a tribal wife there, to whom she expected to be unacceptable, and with whom she did not fancy living. She said that it would be better to remain with her parents as their unmarried daughter. This step would in fact make legal residence with her husband possible again, while servering the legality of their marriage. It is not known to the Office what transpired.

9. LEGAL CASES.

A. The Appeal of Mrs. Caroline Mafeje was upheld in the Supreme Court, Cape Town on August 19th 1969. The Appeal had been noted at the time of her last appearance in the Magistrate's Court at Observatory when she was found guilty of being in the area illegally and given a suspended sentence. It was maintained by the Magistrate that as the written record at Langa gave her date of entry as 1938, this must be accepted as true and her own verbal testimony based on "fallible human memory", that she had been in the area since 1936, could not be accepted. Evidence led in the Supreme Court concentrated on the date of her civil marriage, which the Cape Town marriage certificate gave as January 31st, 1938. Mr. David Knight, the advocate presenting her case, showed that according to the laws governing marriages without special licence at that time, she must have been in the area at least five weeks before her marriage in order that the banns could be called. As this carried her record in the area back into 1937, the Langa records were thereby proved faulty, and the judges were consequently willing to accept her own testimony concerning her entry in 1936.

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9. LEGAL CASES - con'td.

It had been agreed in the lower court that an African who could show that he or she entered the area before June 24th 1937 and had remained in it since, was already qualified in terms of Section 10.1.b. of Act 25, 1945, at the time that the amendment to Section (10) was promulgated on 24.6.52. Further registration was not necessary, whereas persons not yet fully qualified should have registered within 72 hours of that date. This was not understood at the time, least of all by the people most concerned. The machinery for registration was moreover not yet organised, resulting in the disqualification of hundreds of women. Many subsequently had their exemption permits cancelled and many have been obliged to leave. As a result of the success of the Appeal, Mrs. Mafeje's unmarried daughters, Doris and Beaty, who had also been endorsed out, are allowed to continue residing with their mother in the brick house registered in her name and all are now working with permission as chars. Fortunately they have at no stage moved between the City Council and the Divisional Council portions of the Cape Peninsula. Few families can show such a long unbroken record. It is also significant that the total infallibility of official records has been disproved.

B. In the Magistrated Court at the Department of Bantu Affairs, charges of being found in the area illegally were withdrawn against three wives who could show that they were the legal wives of qualified men with whom they "ordinarily reside". These couples are (1) Mr. and Mrs. Swartbooi Potye, (2), Mr & Mrs. Cecil Mdlankomo and (3) Mr & Mrs Joubert Coki. The last of these three husbands was not yet quite qualified at the time that his wife was refused a further extension, but by the time she was arrested his fifteen unbroken years in the area were complete and as they were "ordinarily residing" together in lawful township accommodation, their right to continue doing so was admitted and she now has a 10.1.c exemption stamp in her book. "It looks like a dream", she said in thanks.

(4) Another case withdrawn by the prosecutor before appearing in court was that of Nofezile Teka, who came to visit her husband without permission because they had applied for it but had got impatient over delays. She arrived in October 1968 and was on her way to the Registration Office to apply for a visiting permit when she was arrested. It was still within 72 hours of her arrival and she could not therefore be found guilty. She was subsequently allowed to visit her qualified husband for one month. This was a concession in view of the ruling that permission to visit a prescribed area must be obtained before leaving the home district.

Two women defended by our attorney in the Magistrate's Court were found guilty of having remained in the area without permission and were given suspended sentences, after which we assume that they left.

(5) Jostina Nkwandla had hoped to prove that she qualified because she was convinced that she registered early in 1954. This could not be substantiated. She was in the process of suing for divorce from her husband, but was instructed to leave the area and return for the case.

(6) Mirriam Sixishe is the unmarried daughter of a qualified man and hoped to establish her right to reside here in terms of Section 10.1.c of the Act. But as her father refused to speak on her behalf and had no intention of having her to live with him, she could not substantiate this claim. She had evidently gone away with a man whom she said had not in fact married her and she would have preferred to return to her parent, but was instructed to join a grandmother in the Transkei.

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10. RIGHT TO RETURN TO PREVIOUS EMPLOYER. The entrenchment of the migratory labour system shows clearly in the case of men who cannot establish their qualifications under Section 10.1.b. of the Act. Such men may not change their jobs locally, but once discharged are endorsed out and must register as work-seekers in their rural districts. But Africans who are offered re-employment by their previous employers within a year of discharge may not, in terms of Section 28.u. of the Labour Act No.67 of 1964 be refused permission to return to these jobs. If they have actually left the area in the interval however they can only return to their previous employers under contract, which is not always possible. There have been a number of cases (approx. 8) in which Africans have been initially refused permission to return to employers who had given them written offers of re-employment. This was rectified when the attention of the registering officials was drawn to the relevent Section of the Act.

(1) Case: Wuyisile Gwetyana is not a qualified man, having first entered Cape Town in 1957. He was discharged from his job (which was not a contract job) in March 1969 after getting into trouble for an offence which the employer was subsequently willing to overlook with a caution. He was offered fresh employment almost immediately, but was refused permission to resume work and endorsed out. Several interviews and a number of telephone conversations, of which the most effective were between our attorney and the registering officials, took place before he was finally reinstated in his old job.

11. WORKMEN'S COMPENSATION. The work of the Office in trying to trace missing claimants of unclaimed Compensation monies has practically come to a standstill during the year. This is not so much because claimants were seldom traced, although this is true, as because far fewer African names have appeared in recent Gazettes. There was only one listed for this area in the last gazette received. This is encouraging, and suggests that the system of paying injured workmen through the firms directly has become more general. Although no legislation concerning Workmen's Compensation was passed last session, the administration of the fund is evidently receiving added care. Two members of Parliament, Mr. Geoff Oldfield and Mrs. Catherine Taylor, replied to letters from the Advice Office expressing their interest in the tracing work attempted by the Office and in the suggestion put forward at the National Conference of the Black Sash in 1968, that legislation compelling employers to keep records of workmen's "home" addresses would reduce the number of lost claimants, especially in the case of migrants.

CONCLUSION. At this particular point of time, the main problems of Africans in this urban area as shown by the records of the Advice Office, are inability to resist the pressure brought to bear on family groups and on individuals to accept arrangements for resettlement, and disappointment over the impossibility of establishing normal residence together for ordinary married couples who desire ordinary married life.

Barbara Versfeld.

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