

ATHLONE ABVICE OFFICE

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

ANNUAL REPORT FOR THE YEAR 1ST OCTOBER 1969 TO 30TH SEPTEMBER 1970

1 <u>Records of interviews:</u>	<u>1969-70</u>	<u>1968-69</u>
Men endorsed out	124	138
Women endorsed out	144	185
Miscellaneous	592	469
Old cases returned	<u>1080</u>	<u>985</u>
	<u>1940</u>	<u>1777</u>
Average per month, approx:	164	148

11. VISITORS 22 South Africans, plus two large parties of senior boys from a local High school
49 from abroad

We do not seem to meet visitors who support and approve of South African Influx Control Legislation. If any such people would care to come and see the work of the Office, fruitful dialogue should result.

111. WORKERS: Director, Organiser, two Interpreters daily with a third once a week from the Institute of Race Relations, and a team of 20 volunteers who work one morning a week each or who are on call for emergencies.

IV. CATEGORIES DEALT WITH: This list will give an idea of the scope of our work. The order in which types of cases have been placed is no indication of actual numbers seen.

1. MEN ENDORSED OUT of the area after being discharged from jobs. These are usually men who have held jobs since before the rigid implementation of Sec.10.Act 25, 1945, as amended. They are instructed to leave the area and register as contract workers in their "home" districts and cannot get legal employment in this area again except on contract from these districts, unless proof can be produced that they do in fact qualify as permanent residents under Sec.10.1.a or b of the Act.
2. WOMEN WHO HAVE BEEN RESIDENTS of the area and who are endorsed out following some change or marital status or because their records have been scrutinised and found not to fulfil the qualifications for residents.
3. WOMEN VISITING THE AREA
 - a) to see something of their qualified husbands who are in permanent employment here. Men whose wives do not already "ordinarily reside" with them can never bring their wives from the country to join them permanently, but can arrange temporary visiting permits from time to time. Many such couples express their wish to reside together permanently in the area.
 - b) for medical purposes. Visiting permits for medical treatment will only be extended when patients can produce a certificate countersigned by the Superintendent of the Hospital concerned, certifying a grave complaint for which no adequate treatment would be available in a rural hospital.
 - c) Wives in search of defaulting husbands who are not sending them maintenance allowances. These women have usually entered the area without permits.
 - d) Women recently widowed, whose husbands have died while employed in the area and who have come to fetch belongings and attend to the estate.

4. HOUSING PROBLEMS

a) Registered tenants of township housing experiencing difficulties which may be comparatively minor, such as requiring rent remission during illness (referred to Welfare Officials) or very serious. Eviction is apt to be linked with offers of resettlement in rural areas.

b) Individuals and families experiencing difficulties in finding lawful accommodation in the form of lodgings. Very little assistance can be given with housing problems

5. DISPLACED PERSONS These are people who appear to have no residential rights anywhere in the country.

6. Individuals and families offered, or ordered to accept, housing in Resettlement Areas. This category concerns all Africans whose urban foothold is in any way jeopardised and who have no rural roots in the form of relatives or land or housing, however meagre. It overlaps with all the previous categories and is one of our most important.

7. The Supplementary Settlement Scheme for women with dependants. This important special arrangement seems to be peculiar to the Cape Peninsula.

8. YOUTHS with parents qualified in the area, themselves often born in the area but experiencing difficulties in getting reference books and permission to work here, usually due to a period of schooling up-country.

9. Problems caused by the division of the Cape Peninsula into two areas with separate departments of Bantu Administration, viz. Municipal and Divisional Council. Due to this division, people may find that they have unwittingly forfeited rights of permanent residence in either portion.

10. Wage and Labour disputes.

11. Contract Labour problems.

12. Workmens' Compensation Claims.

13. Unemployment Insurance problems, Pension and Insurance generally.

14. Third Party claims under the Motor Vehicles Insurance Act.

15. Cases referred to legal advisers. A small but very significant group.

16. Miscellaneous, including a wide range of personal anxieties such as family disputes, debts and insecurity about the future. Welfare problems are immediately referred to welfare officials and organisations qualified to deal with them and no attempt is made to give counselling of a type requiring specialised training.

17. Employers' problems and inquiries answered per telephone. No written record is kept of these.

...../ V.

V. Athlon^o Advice Office case-histories clearly expose the strains imposed by the law and its administration on our African people. The work of the Office in sorting out, explaining and channelling the problems of puzzled and distressed Africans reveals one of the ugliest sides of our national scene. As the object of the work is to get the fairest and squarest deal for every individual applicant, every effort is made to bring the best out of the law and every positive straw is grasped. A heartening measure of success is achieved in case-work, but this is in spite, and not because of, the structure of the system, which pays close attention to the details of the individual past records on the one hand and neglects long-term arrangements for the same individuals' future welfare on the other. The separation of family units and deprivation of employment are major features.

A rail-warrant supplied at the expense of the tax-payer, together with the name of a relative in the Transkei or Ciskei, is given to the man or woman, young or old, who cannot pay to leave when so instructed. There may be food-parcels for the journey, too. What happens to these people afterwards? Many case-histories during the past year have indicated that out of sight and out of mind does not mean out of trouble. They are drifting back to the Cape Peninsula, usually illegally and with sad accounts of hunger and lack of work.

The Advice Office is not advertised. Our applicants for advice come of their own accord, presumably telling one another that such a place exists and tries to help.

VI. Resettlement

A feature of the work this year has been the return of women who have been resettled or re-patriated during the last year or two and who have come to Cape Town without permission to report that they have been unable to get work in their home area and are in a desperate plight. Women who have for years supported themselves and their families find themselves idle and with little or no money for food, cleaning materials and clothing, and feel humiliated and deeply unhappy.

EXAMPLES OF CASES

Bessie Mgidlana was living with her husband in a house in Guguletu when she was endorsed out of the area during 1966. The couple did not want to separate and fought long and hard to establish their residential rights. But the official written records showed a gap in her husband's record during part of 1953 and '54 when he was said to have worked in Stellenbosch, and he was unable to prove his claim to have been here all along. So her own rights under Section 10.1.c. of the Act, as the wife of a qualified man, fell away; a relative said he had accommodation for her and the children at Nqamakwe, and off she went. Money soon stopped coming and she found herself and five children sharing her brother-in-law's hut with his equally large family. Her husband by now has another woman and child to support and she has returned to the Peninsula in desperation. If she cannot stay and work here (and of course she cannot), she would prefer to be sent to a resettlement township where at least she is independent. But no one can be transferred from one Territorial Authority to another, unless they have forfeited their rights in the first. In other words, Mrs. B.M. is going to remain stuck with her in-laws at Nqamakwe, support or no support, work or no work, unless she divorces the man whom she lived happily with until she was sent away by the authorities. This maixed up and unlucky husband's first name is "Government"!

.../After

After Press publicity and subsequent further investigation by officials at Langa and the Department of Bantu Administration and Development, Bessie was sent back to Nqamakwe armed with letters to her local magistrate, from the Department of Bantu Administration and Development and ourselves, together with a promise that her husband would be made to support her properly. The following letter was written on 3/10/70 - the original in Xhosa is available for inspection:

"I left Cape Town in July this year, I took the two letters to the magistrate one of yours and another of Bantu Affairs, the clerks at the Magistrates Office told me that they have got nothing to do about finding me accommodation, what they are going to do is to get support for me from my husband. My husband must look for a place for me to live with my children. Another thing is the clerks here they don't take anybody to the Magistrate they tell you what to do verbally. I wrote three letters to my husband telling him what I was told at the Magistrates office but there was no reply. I don't know what he is up to he only sent me money once for the last three months and the children are sick. I even went to see the magistrate at Nqamakwe but he did not help me, he told me to go. I told him my whole problem that my husband does not support me but he did not take no notice about that, this is the second month I had nothing from him. I am not eating with the children. I am lost I don't know what to do and where to go because the magistrate up there did not want to help me with anything. I have nowhere to stay I am living with friends. Will you please call my husband and ask him does he write or send money to me."

Pressure on families to be resettled in their Homelands continues to be exerted, often on people who have contravened the housing regulations and been threatened with eviction from their houses. In many cases all our efforts have been in vain and the families have left the area. However in some cases we have been able to delay their departure while further investigation was made - sometimes with the result that their right to remain in Cape Town was established.

(b) Rachel Moko is a quaint little woman with a face as full of humour as of pale-coloured blotches. Like the Cheshire Cat she has a grin which seems to precede and follow her, even when she is in big trouble. Township officials have frowned on her personal conduct but we hope that she has turned whatever leaf needed turning and have duly admonished her on the subject as she is now a recognised resident in her own right under Section 10.1.b. of the Act. A month ago she was officially "awaiting resettlement".

In the Divisional Council area of the Cape Peninsula since 1948, Mrs. Moko and her husband were allocated a house at Nyanga in March 1954. Some time after his death in 1963 this was transferred to her name and she and her children live there still and have kept the rent paid up. But as she only took out her reference book, so say official records, in 1956, it was decided that she could not claim lawful residence for over fifteen years and that she therefore did not qualify and should be rehoused in a resettlement area. Anxiety and resentment lurked behind her smile for a while, with sufficient disbelief to keep her fighting for her rights. The case was referred to our legal adviser, who held out little hope of success until Mrs. Moko produced a sheaf of rent-receipts in her late husband's name. Stamped by the Divisional Council, these dated back to March 2nd 1954! She had been arrested once and the case withdrawn for lack of evidence. Her request for extension had been turned down and she was arrested all over again. This time the case was remanded to February 12th before which date the attorney was able to call attention of the authorities to the rent receipts. The rent card was then consulted and it was found that her name had indeed been on it in 1954. Lawful residence of over fifteen years had been demonstrated. Mrs. Moko qualifies as a resident and the smile is no longer a mask.

(c) Olympia Sobetwa a widow since 1966, entered the area in 1947 and is convinced that she registered early in 1954. Her file at Langa has an entry stating that she returned "ex Caledon" in 1956, only 14 years ago. She had actually been away for two weeks only, as witnesses can testify, but she has been endorsed out on the grounds that her original permit was for three months visit only and that her unbroken record is valid only since 1956.

Her 10.1.b. qualification is thus not admitted and the death of her husband eliminated the 10.1.c. claim, but "visiting" permits of limited duration were, we believe, not issued in those early days. Once lawfully registered, one could stay on and this she did in good faith. Legal defence of her claim to qualify is thus hoped for. As she is supporting nine of her twelve children (all born here), her continued employment as a char is of the utmost importance to many people. Although her rent card is immaculate she has been told that she cannot keep her house, where the whole family lives, and the eldest son has been refused permission to become the registered tenant with the rest, including his mother, as lodgers.

Three sons are working and can keep themselves and pay the rent but feel unable to fill all those mouths. The suggestion that she settle the younger children at Tsomo and return to work here for their keep is totally unacceptable. She has a hut and field there, tended by a neighbour, but no family. The children would forfeit their 10.1.a. rights in this area, as well as their mother's upbringing. She wants to keep her home and family here.

(d) MRS. I.B. aged 23, born in Bloemfontein, lived here with her brother and was on his rent-card until her marriage a year ago to W.B. She moved into his lodgings and they reported together to Langa Registration Office, hoping to be put on the housing list. But when his record was scrutinised, a break from 1954 to 1956 was uncovered and so (yes, it follows, "theirs not to reason why") she was told to go to his family at Tsomo. This indeed will be her married destiny unless her own rights under Section 10.1.b. can be established, which will depend on her having registered correctly at the age of sixteen years. The result is "pending" as far as the Advice Office is concerned, but her permit has already expired.

(e) Mr. W.Q. Resettlement after application for housing.

Mr. W.Q. was living with his wife-to-be in his mother's house in Guguletu, when there was family trouble and they had to move out. He was given single quarters accommodation and only subsequently legalised his marriage with a church ceremony. Then the couple applied for housing. He was told that he did not qualify in the area although born here, because he was schooled at Aliwal North between 1953 and 1959. They were refused housing and allotted accommodation at Mdantsane, East London, a resettlement township to which many people displaced from the Western Cape are sent. They had no alternative but to accept.

(f) MRS A.J. was born in the Divisional Council portion of the Cape Peninsula, grew up there and in 1967 married, by Christian rites, a man with residential rights in the City Council area. They were refused housing together and she was not allowed to return to her parent's house. Finally her appeal to the Chief Bantu Affairs Commissioner was turned down and she agreed to be resettled in Umtata where her husband had come from as a babe in arms. When her husband left her there to return to his job in Cape Town and later her baby died, she came back to her parents. There have been three arrests and three fines since and her Reference Book has now been confiscated and she has been told to take out another at Umtata. It is hoped that she may be able to produce certificates and affidavits to prove her claim that she was born here and qualifies under Section 10.1.a. of the Urban Area Act to remain in Cape Town, in which case her situation might yet be retrieved.

VII. THE SUPPLEMENTARY SETTLEMENT SCHEME was evolved at the Department of Bantu Affairs, Observatory, during 1969. It was the brain-child of an official who had assessed the predicament of women with dependants when endorsed out to areas where they would not be able to find employment, or virtually none. Within the limitations of the official policy of reducing the numbers of Africans in the Western Cape, it is a compassionate and realistic arrangement. But the conditions which must be met before it can be applied are stiff, and the "side-effects" are serious.

The scheme is in the form of a concession, allowing women who have a record of having resided and worked lawfully in the area and who have not been sent away, or only within recent months, to be permitted to resume work in their former or new jobs, generally living-in and on a temporary basis renewable from time to time. First however, they must take their minor children to up-country relatives or foster parents and bring back a note from the rural district magistrate or other definite evidence that the children .. / are

are properly settled there. These children may indeed benefit from more wholesome surroundings than city streets but they are deprived of their mother's company and she of theirs. Already they are fatherless. In extended family relationships, foster parents are more readily acceptable than in established urban families, but many of the affected families have known only the city family unit pattern. Most appalling is the realisation that children sent away from the proclaimed area in this fashion lose their rights to return. Most of them have been born here and are entitled to grow up and work and reside permanently, but this they must forfeit after living elsewhere for any length of time. When they grow up, they will have to take out Reference books in rural areas and will not get back to Cape Town except, if they are lucky, on annual contracts.

The scheme is said to be operating smoothly and on quite a large scale. Return train-tickets are given to mothers accompanying their children to the Transkei and Ciskei, and food for the journey. The mothers make reliable breadwinners, as they never fail their children. The Advice Office notes however that many women are not accepted for the scheme, usually because they have only returned to the area some years after endorsement out, when circumstances became intolerable. They are posted back to rural district magistrates with letters requesting assistance in the form of rations or maintenance grants which we gather are exceedingly slow to materialise. For some mothers, the scheme offers the ideal solution to their problems. For others, the suggestion is totally unacceptable. But there may be no choice.

CASES: (a) Mrs. E.M. was escorted out of the area in 1968. Her father-in-law at Cala refused to be responsible for her keep and that of the five children when no money came. Her husband had deserted her in 1965. She followed the correct procedure in getting her headman to take her to the magistrate at Cala, and he advised her to seek help for the children from her own relatives at Queenstown. They are now in schools, two in Standard 6, and money is what is needed. Mrs. E.M. arrived in Cape Town in April, in an emaciated condition. Officials found her story true in all respects, the magistrate at Cala had recommended her to leave her father-in-law and her husband could not be traced. Despite her absence from the area over a period longer than is usually admissible, she was allowed to find a living-in job. The case is to be reviewed every six months (this makes the employment similar to a man's contract job, without the full documentary rigmarole) and she was instructed to report at Langa whenever she leaves on a short visit to her children, who will not be allowed to visit her here.

(b) Mrs. E.A. was endorsed out of the Cape Peninsula in July 1969, with her three children. The family was "resettled" at Dimbaza, near Kingwilliams-town. In July of this year she returned, getting a lift by car, and brought a harrowing account of misery which her thin face and hollow eyes bore out. She described the free rations issued monthly, mealie-meal and samp almost sufficient but very little of anything else, no protein foods and no soap. She emphasised her distress at not being able to work and earn, at having to "sit and do nothing", at not even being able to keep her children clean. Scrub-clearing at R4.00 per month is the only work available, and women doing this forfeit their free rations.

Senior officials were concerned about this woman's grave plight, which did not conform with the expectations of the policy-makers. Temporary permission was given her to be in the area while arrangements for the Supplementary Settlement Scheme were investigated on her behalf.

(c) Mrs. E.N. now a widow supporting three children at school at Tsolo spent some years in Cape Town with her husband. She left after his death and now needs to earn, but as she was technically only a "visitor" here and never worked in the area she is not allowed to come back for this purpose now. The Aid Centre offered her assistance in the form of a rail-warrant back to Tsolo, food for her journey and a letter to take to the district magistrate, asking for help in the form of rations for the family. This much was

..... / arranged

An employer with a vacancy for a domestic servant and a clearance certificate to employ an African contacted the Advice Office, and subsequently tried to get permission for a certain woman, who suited her admirably, to work under the Supplementary Settlement Scheme; this woman met at least most of the known requirements. Not all, apparently, as the application was firmly turned down by D.B.A. The employer telephoned us again to inform us of the failure and added that she had since applied to Langa for a maid, but there were "none to hand". She was considerably put out by the absurdity of the situation.

(d) Doris Kona is a particularly wholesome-looking young woman of 23, born in Grahamstown and in Cape Town only the last three years. She has one child living with an aunt in Port Elizabeth, an arrangement about which she is perfectly happy. She is unmarried and her father is dead. Her mother is in the Cape Peninsula, remarried to a qualified resident of the area. During 1969 she was sent back to Grahamstown for permission to come to Cape Town to work under the Supplementary Settlement Scheme, but the magistrate returned her hitherwards to fetch the instruction in writing. She makes such an outstandingly good impression and fits the scheme so well, that when her delighted prospective employer took her personally to D.B.A., Observatory, she was given temporary permission to take up the living-in employment offered and it is hoped that this will be renewed.

VIII. LEGAL REPRESENTATIONS

An interesting feature this year has been the fact that out of 22 cases referred to our attorneys, 14 have been satisfactorily settled without a court appearance. This means that the Africans concerned who had been endorsed out, had a legal claim to permanent residence which was acknowledged by the officials concerned once the attorney had made representations on their behalf. These representations often involved a great deal of work, persistence and time but were very well worth while.

(a) Eunice Gqeba was born in Queenstown in 1950. Her parents came to Cape Town in 1953 and are now qualified residents and City Council Householders. Her father has been with one firm ever since his arrival. But Eunice was left in the charge of her grandmother in Queenstown and had her schooling there. Granny died some ten years later and Eunice went to an uncle in the same location, but his own family already filled his house to capacity and he pointed out that her own parents were by now in a better position than he to give her a home. Her parents agreed and she arrived, still under age for registration. But her school papers showed that she had grown up in Queenstown. This was in 1964. Three years and one arrest and fine later she was sent back to Queenstown to get her reference book there. She tried again to live with her uncle, but it seemed absurd to add to his difficulties and be uncomfortable herself while her parents in Cape Town had a home for her. So she went to the magistrate for permission to come to Cape Town to live with her parents, but he assured her that as she was the unmarried daughter of a Cape Town qualified man, with accommodation, she could and should proceed whither she belonged and that permission was not required. Cape Town officials thought otherwise and she went straight back to Queenstown for a visiting permit. At this stage the Advice Office could only recommend her to obey instructions. She was back within a month, duly authorised to "visit" her parents with whom she intended to live permanently. She was given permission to "visit" for three months and extension was refused when the time was up in September 1969. Legal advice was sought at this point and when she was arrested the case was remanded and later withdrawn, because the prosecutor had evidently not collected much evidence and preferred not to accept her right of residence but to wait until the case became more clear-cut. After an extension to her permit of one week the whole weary business started again. Arrested on November 7th 1969 and charged with being in the area illegally (as usual) the case was remanded to November 20 then to

..../December 4th

December 4th then to January 27th 1970 when the case was again withdrawn Her right to reside in the area with her own father was now accepted and after fresh confusion at Langa, where the first stamp given her was permission to reside with her as yet non-existent husband, she brought a big smile to the Advice Office and showed a correct 10.1.c. "exemption" stamp acknowledging her right of continued residence as an unmarried daughter with her qualified father.

(b) Angelina Mtshemla lived with her legal husband lawfully in the Divisional Council Area since 1958 but he was employed in the City Council area where he had worked since 1936. When they applied for a house in 1965 they were told that Mr.M. had a break in his record between 1953 and 1955 and that he was not therefore a qualified man. They were however finally given a temporary house in which they lived until February 1969 when Angelina was told to return to Mount Fletcher where she had lived after her Christian marriage in 1939 until she joined her husband in Cape Town in 1958. This was because the officials maintained that her husband was not a qualified man. From December 1969 until May 1970 the Athlone Advice Office struggled with this case but it was only when the attorney took it up that it was possible to prove that Mr.M. did qualify and that Mrs.M. could remain with him and that they would both be transferred to a house in the City Council township of Guguletu as soon as one became available.

(c) Norman Boqwana was born in Cape Town in July 1950, attended school at Nyanga from January 1959 until December 1961 after which he spent some time with his grandfather in the Transkei until the death of the latter in 1964. When he returned to Cape Town the trouble started. He was refused permission to rejoin his parents and has remained without permission ever since. All efforts to take out a Reference Book were fruitless and in 1964 and 1965 he was arrested for being illegally in the area and fined R20 and R15 respectively. He first came to the Athlone Advice Office in June 1966 but it was not until March 1970, that through the intervention of our attorney, he was accepted as qualified and allowed to remain in Cape Town. He had been arrested a third time in January 1970, sentenced to 60 days and told that on his release he would be sent to Nqamakwe under police escort. At this stage the attorney made representations to the Langa authorities and it was finally agreed that he did qualify. His record had become entangled with that of an elder brother, but with the production of a Baptismal Certificate and one from his school, the whole affair was cleared up and Norman, for the first time since 1964 is allowed to work legally and does not have to hide from the police.

(d) Kate Mlata who is a widow, first came to Paarl in 1952 and registered in 1954. Her five children were born there and she has never lived elsewhere since 1952. Her husband, whom she married in 1952 by Tribal custom and 1957 by Christian rites, died in 1965. She was endorsed out 5.11.63 on the grounds that as a widow she no longer qualified to remain. She consulted an attorney who appealed on her behalf on the grounds that she herself qualified as she had registered 15 years before. She won her appeal and was told to "get her pass fixed". However when she tried to do this her book was stamped "To leave Paarl immediately). She consulted us in July and we sent her to the attorney whom had helped her before. On her way there she was arrested for being illegally in the area and summoned to appear in court. The attorney agreed to defend her but the case was withdrawn on July 24th. Again the court told her to go to the Registration Office to get her permit to remain and gave her a letter to take with her. The Registration Officials still refuse to give her a permit to remain although the Court has stated that she will not be charged again. This means that she cannot get permission to work in order to support her children.

.../Court Cases.

COURT CASES

These both concerned young men, sons of permanent residents.

(a) Charlton Maya who was arrested for being illegally in the area appeared in court three times after which the case was withdrawn for lack of evidence. He was born in Cape Town and had lived here most of his life but had spent several years up-country and so lost his right to live in Cape Town.

(b) Patrick Skehle Patrick's mother asked for help in March 1970 as her 21 year-old son had been sentenced to detention in a work-colony for 18 months under Section 29 of the Urban Areas Act and was at present in Follsmoor Jail. Under this section he had been declared idle i.e. "between the age of 15 and 65, though capable of being employed is normally unemployed". His mother explained that he had remained in school until 1966 when he was in Standard 9 and left because of ill health. He had a job at Langa Bar from January 1967 to June 1968 when he again became ill with tonsillitis and left his job. After having his tonsils removed in July 1969 he went to circumcision school at Worcester for 3 months. On his return he was assaulted and suffered head injuries and a broken ankle. This history of illhealth is well backed by medical certificates, some of which his mother handed in when she appeared as the only defence witness at his trial. In view of this we asked our attorney to appeal against his conviction and the appeal was upheld in the Supreme Court in August. It was apparently the first appeal of this kind and was heard by Judge President, Mr. Justice Beyers and Mr. Justice Diemont. The following is an extract from the judgement "If this record had come before me for revision I would have set it aside on the grounds that I am not at all satisfied that right and justice was done. It now comes as a sort of appeal. The Law apparently gives this Court Appeal-jurisdiction. I am not certain that it is an appeal at all, but the proceedings have come to our attention. We are completely dissatisfied with this record and with the proceedings which have taken place, and completely uncertain whether justice indeed was done.

For this reason the proceedings are set aside and any order which was made as a result is declared nul and void".

Patrick is now employed and sack with his mother. If he had been sent to a work-colony for 18 months he would have lost his right to live and work in Cape Town which he holds under section 10.1.a. of the Urban Areas Act, having been born in Cape Town and lived here all his life.

IX. AID CENTRE

This has been operating most of this year. The office is at Langa but is manned by staff from the Department of Bantu Affairs at Observatory. It seems to us to be just another place where Africans are told to go "home" and where they can receive a rail-warrant to do so.

Case

R.F. typifies the deserted wife who came to Cape Town without the permission she could not get, to bring her defaulting husband to book. She was sent to the Aid Centre where it was explained to her that she must go back to Lady Frere and lay her complaint before the magistrate there. She found her husband eventually but he refused to go to any office with her.

The Aid Centre now deals with woman-bread-winners for whom the "supplementary Settlement Scheme" has been devised.

X Typical of the type of case we get concerning men is the following:

Case

J.M. The story of a young man, is typical. Endorsed out of the Divisional Council area of the Cape Peninsula two years ago because he did not qualify he eventually left for Tsolo to register as a workseeker. A would-be employer with a large property in Constantia had made strenuous efforts to engage him but not even any form of contractual arrangement was permitted. He had to go through the "normal channels". He went, and is now back in the area to find illegal employment. He waited months at Tsolo. No jobs were being offered there, or only to a favoured few, so he registered at Umtata

..../and

and hung around there many more months. He had no money, he was hungry, and now here he is. The cost of a lift to Cape Town can be repaid later, if his earnings are not swallowed in fines

XII. WORKMANS COMPENSATION

The application of Influx Control legislation is in the interests of Government policy, not of the welfare of the people directly affected. Where legislation makes definite provision for the welfare of all citizens, such as the Workmen's Compensation Act, Unemployment Act etc., many cases seen at the Advice Office show that the administration of these Acts is so grievously complicated precisely by Influx Control, which causes constant movement to and fro of labour, that the actual money to which needy claimants are entitled takes many months to reach them and sometimes never seems to arrive at all.

Cases: Mrs. N. Q. came to Cape Town to sort out her husband's affairs, concerning which she knew little beyond that he had had an accident and had been in hospital for over a year, since March 1969. He had in fact sustained brain damage and will never be able to be cared for outside an institution. The firm had lodged a claim correctly with the Workmen's Compensation Commissioner and it was natural that the final assessment of the extent of the damage should cause delay. The Department of Bantu Affairs, Observatory, disclaimed all responsibility for helping his wife with the Compensation Claim because he had been a contract worker, not a resident of the Peninsula, and, to quote an official "He comes from the Transkei and that is a separate country now". Everything had to go through Pretoria. The man's Unemployment Insurance card never came to light, so any money which could have been claimed by his dependants from that source was not traced. Mrs. N. Q. returned to Cofimvaba as instructed and the Hospital was informed during August 1970 that her husband's Compensation money, amounting to nearly R2,000, would be administered by the magistrate at Cofimvaba on her behalf and that of the five children. Mrs. N. Q. has however written to the Advice Office during September 1970 that the magistrate has told her that she must produce the Claim Number before he can give her any of the money. To date, she had not received this crucial fragment of proof of her rights to the claim.

MRS. I. G. was widowed when her husband was knocked down and killed by a motor vehicle in September 1968, in Nyanga East. She had recently left Cape Town after a visit and was just back home at Nqamakwe. Her brother here acted on her behalf and consulted a lawyer about a Third Party claim. Mrs. I. G. came down in connection with the estate in September 1969, but this claim was still hanging fire and when her visiting permit expired, she left. In July, 1970, her brother came to the Advice Office with a letter from the lawyer explaining that there was no Third Party case possible as none of the alleged witnesses of the accident would make any statement, and all denied all knowledge of the case. This letter was posted to Mrs. I. G. at Nqamakwe together with a covering explanation for her magistrate, to whom a letter was also sent from the Advice Office. She went to him as instructed by us and a month later the Office received a letter from his office, asking us to "supply all information about the accident to the Bantu Affairs Commissioner, Cape Town. Also instruct Mr. S. (her brother) to report to the B.A.C. with a copy of this letter". At the same time Mrs. I. G. wrote to us to say that her magistrate had said that D.B.A. Observatory must arrange for the Third Party Compensation. We duly sent Mr. S. and the letters to D.B.A., and a sympathetic and disturbed official then explained that "this problem can only be handled by the magistrate at Nqamakwe."

.../Mr. M. R.

Mr.M.R. has been waiting hopefully since an accident in July 1966 for Compensation money to which he is entitled. Information about the claim took an exceptionally long time to reach him and three letters to the Commissioner in Pretoria were not answered or the answers never found him. In August 1970, his firm sent him to D.B.A. Observatory and he was told that the claim had been paid out in July 1970. Whether the cheque was given to the wrong claimant, or whether there had been confusion between two claims for similar amounts (R188) is not yet known. Presumably he will eventually receive the money, although one official told him that he had already had it.

XII. WIDOWS.

The hopeless position of widows who, under the new housing regulations described in our last Annual Report are not allowed to remain as tenant in their houses when their husbands die, is causing us great concern. Even when the widow can prove that she and her children qualify in their own right under Section 10.1.a. or b. of the Urban Areas Act to remain in Cape Town, she is not allowed to rent a house - she must move to lodgings or agree to be resettled. There are no lodgings available for a woman with several children and a house full of furniture.

XIII. STRUGGLE TO PROVE S.A.CITIZENSHIP

Lucy Sitemela

Lucy was born in Aliwal North - we have an affidavit from her brother Mr Vani to that effect but since February 1968 we have been trying to help her to prove that she was not born in Lesotho as the authorities maintain. She was married to Julius Sitemela who comes from Cofimvaba, first by tribal rites and then by Civil rites in Worcester in 1945. They live together in a house in Guguletu registered in her husband's name. She is still carrying temporary papers giving her permission to remain here until 30.11.70 but if she fails to prove that she is a South African citizen she could be deported to Lesotho. This she was told in December 1967. Imagine the state of mind of this woman, legally married to a South African born man but who will not be allowed to remain with him unless she can prove she also was born in South Africa. Our attorney received a letter from the Chief Bantu Affairs Commissioner in September 1970 informing him that "the Director of the Bantu Reference Bureau has ruled that the evidence before him is insufficient to identify client as a South African citizen and that she will be regarded as a foreign African and subject to the laws and regulations applicable to them."

CONCLUSION

Man's inhumanity to man would appear to have passed all previous records this year. The tearing apart of husbands and wives, parents and children is not only quite incredibly cruel but it is leading to an unprecedented level of illegitimacy, promiscuity, malnutrition, deficiency diseases and of notified cases of Tuberculosis among Africans. To force men and women who want to work, and whose services are badly needed, to go to a place where there is no work and therefore no food is not only wicked but stupid. One wonders how much longer this appalling state of affairs will be allowed to continue.

Barbara Versfeld.

Barbara Versfeld
Organiser

R. N. Robb.

R.N.Robb.
Director.