

ATHLONE ADVICE OFFICE

(Under the auspices of the Institute of Race Relations & the Black Sash)
ANNUAL REPORT FOR THE YEAR 1ST OCTOBER 1970 to 30TH SEPTEMBER 1971)

<u>1. Records of interviews</u>	<u>1970-71</u>	<u>1969-70</u>
Men with Permit Problems	143	124
Women with Permit Problems	150	144
Contract workers	83 (since March '71)	
Housing and Miscellaneous	653	592
Old cases returned	1114	1080
<u>Total</u>	<u>2143</u>	<u>1940</u>
Monthly average, approx:	195	164

Note Cases listed in columns previously headed Men/Women Endorsed Out, have this year been grouped as Men/Women with Permit Problems, which include all difficulties connected with their permission to remain in the area, involving the loss, threatened loss, and or impossibility of obtaining a permit. Six months ago we regrouped Contract workers into a separate column. Their problems are usually concerned with wage disputes, disagreement over their duties, broken contracts and Workmens' Compensation, and would formerly have been listed as "Men with permit problems" or "Miscellaneous". At least 80 of the 653 "Miscellaneous" cases are housing problems, always serious and often linked with offers of resettlement in the rural areas.

RECORDS Total number of interviews: 2143

Although the office has some quiet days, the total is the highest it has been since 1966 (2880). There was a steep decline in attendance records after the peak years of 1963, 64 and 65, when we were seeing around 5000 cases annually. In those days, about thirty volunteers assisted with interviewing. There are now 15 volunteers who come regularly, one day a week each, and an effort is made to give closer attention to complicated cases than was possible when our benches were full of waiting people with problems, all needing channelling to officials, employers, other organisations, social workers or lawyers.

VISITORS to the Office total 104 of whom 57 were South Africans.

(71) (22)

Figures in parenthesis are for last year.

- Cases referred to lawyers during the year number 49. These form a most important minority, and the Office prides itself on the high proportion of successes achieved viz. 23! Only 10 of the 49 cases were actually heard in Court, the rest being either withdrawn by the Prosecutor or otherwise settled out of Court. Legal expenses for the year have totalled R775.00.

Of the 23 legal cases which can be counted as complete successes, 14 were women who succeeded in establishing their rights of residence with their husbands in the Cape Peninsula, in terms of Sec.10.1.c. of the Bantu Urban Areas Act. 25, 1945, as amended.

6 young people, further "Successes", were accepted as qualifying in terms of Sec.10.1.(a). of the Act, and 3 individuals won appeals (out of Court) establishing their qualifications in terms of Sec.10.1.(b). of the Act. 3 women claiming 10.1.(c) rights lost their cases, 2 of them being found guilty in Court of being illegally in the area because of snags in the accommodation permits. 14 cases in all were lost, and 3 were partial successes only, the clients being given temporary permits but permanent rights not accepted.

The remaining 9 cases, completing the total number of 49 referred to lawyers, are still "pending". 4 of them are individuals whose rights of residence in the Stellenbosch Municipal area are not disputed but who have been told that they will have to accept resettlement when their lawful but temporary houses are demolished, because the scheme to build more brick houses for qualified families is in abeyance.

Legal Cases: Mrs. Veronica Tshongoti, has established her claim to be allowed to remain in the area as the lawful wife of a divorced man who is the tenant of a house in the Divisional Council area. Custody of the children by his first marriage was awarded to him in 1964, and he at last found a good step-mother for them. She came to join him, with visiting permission, in 1969, and was allowed to stay in his house. They married in church and were much put out when she was ordered to go away again after a few months. She stayed, and was finally arrested and charged with being illegally in the area. At the request of our attorney, the prosecutor studied the Supreme Court judgement in the case of Christine Nqwandi. He then withdrew the State case against her, and she is now accepted as a resident, although her book is stamped with a long extension and not with the coveted "Permitted to reside in terms of Sec.10.1.(c). of the Act."

(b) Eric Mhlongo, born at Windermere in 1950, was initially refused permission to register as an ordinary worker in the area, last year, because his mother had been resettled at Dimbaza during 1969 and he went with her in order to help her, but returned six months later and was allowed to take a job. Then he had another short break, taking a sick brother up to his mother, and when he returned he was told he could only work on a contract basis from Kingwilliamstown. Our attorney appealed on his behalf, on the grounds that he qualifies under Sec.10.1.(a) of the Act, and the Bantu Affairs Commissioner ruled after four months that he should "get the benefit of the doubt". He was to report at Langa, seeking employment.

2. HOUSING is the lever being used by the authorities for the implementation of the Government policy of reduction of numbers of Africans throughout the Western Cape. Africans are vital to the economy, supplying basic labour requirements, while the coloured people have advanced culturally and materially to such an extent that they are as a community unsuited to most unskilled labouring work. Many Africans have acquired skills and education, needed here, which they are not allowed to use except in their "Homelands".

The pattern of housing problems reveals ominous signs that the Government has found a way of depriving Africans of their foothold in urban areas despite qualifications in terms of

Sec.10 of the Urban Areas Act, without fresh legislation cancelling the rights afforded under Sec.10.1.(a), (b) and (c) of the Act. Throughout the Western Cape, building schemes for family housing in African townships have been reduced or dropped, while compounds comprising single quarters for "bachelors" are encouraged. When people lose their houses for any reason, they are not helped to find fresh accommodation and are pressed to accept repatriation to the home of their forebears, or "resettlement" if there is none, regardless of their background. Working men can always be put into single quarters, so long as the women and children fade out of the picture. There are no single quarters for working women.

In the Cape Peninsula townships, only men qualified under Sec.10.1.a. of the Act and with wives and children resident in the area can now apply successfully to be put on the waiting list for houses. A man may have been 17 years in one job, but if he was born in Aliwal North that is where his wife must keep house for him. Visits are all the family life they can hope to enjoy until retirement. This is causing great disappointment and bitterness among people who know that the law recognises the residential rights of a man who has been 15 years lawfully in the area, or 10 years with one employer, and who have been patiently accumulating a steady record in the hope of establishing family homes here. The frustration is keenly felt and painfully visible, despite resigned and good-humoured shrugs.

Mr. Everit Bakana, however, is made of unusually stern stuff and he simply refused to agree to send his wife away to the country, despite regular orders and even threats that he would lose his job. He worked in Paarl from 1946 to 1958; his wife lived there with him and all five of their children were born there. In 1958, his firm transferred him to Cape Town. He was told to send the family to Lady Frere but refused, and they were given temporary visiting permission in the Cape Peninsula. Every effort was made to get top attention for this case which clearly deserved sympathy, especially as one child is a polio victim, wearing boots and calipers in constant need of expert care and crippled without them. In February 1967, Mrs. Bakana was arrested, appeared in Court and was found guilty of being illegally in the area. Thanks to legal representations, mitigating circumstances were admitted and her penalty was lower than usual, viz: "R5.00 or 15 days, suspended for a period of 2 months providing she leaves the area during the period." She did not leave, her husband simply would not have it. In April 1967, the Secretary for the Dept., of Bantu Affairs wrote to Mrs. Helen Suzman, who had appealed on behalf of the family, stating that as Mr. Bakana did not qualify in Cape Town, "no exception could be made." It was further pointed out, plausibly at first impression, that the crippled child could receive the necessary treatment at a hospital nearer home than in Cape Town, the distance between Glen Grey Hospital and the relatives' home location in the Lady Frere District being only 8 miles. In fact, however, the only orthopaedic facilities needed for the special boots are in East London, a long and expensive journey. The medical aspect of the case however is not central. The point is that this husband

husband simply refused to send his wife away. Although she was arrested again in 1969, his tenacity has at last won through. He is now qualified in Cape Town under Sec,10,1,(b) of the Act, having been 10 years with one firm, and they have been allowed to remain living together, A man-made law can no longer put them asunder.

3. In the country districts, long-established communities are being uprooted by a tightening-up of housing regulations. Representatives of twenty separate family groups have consulted the Advice Office during 1971.

(a) At Kayamandi, the Municipal township outside Stellenbosch, temporary houses are being demolished without any replacement being offered to the qualified residents, except of course single quarters for the men in employment. The anxiety and frustration of the people concerned is extreme.

(b) At Elandsbaai African fishermen who have lived for many years on coastal farms with their families (most of their wives are coloured) have been told to move into a "compound" for single men or leave the district and become farm labourers. The life of a fisherman confers an independent attitude, and these men are resisting instructions which go completely against the grain.

(c) At Bonnievale, the mixed township known as Happy Valley was proclaimed Coloured in 1963 and since 1967 a large number of the African population have been "removed" to rural areas. Some still linger in the privately-owned homes and it is hoped that greater care is being exercised by the authorities since questions have been raised. A public-spirited citizen has done his utmost to help the Africans of Bonnievale, and the spotlights turned on the Eastern Cape's resettlement areas of late can be hoped to bring constructive results.

Case: Mrs. F.N. has lived on a farm in the Divisional Council area of Stellenbosch since 1936. Her nine children were all born there, and she was widowed there ten years ago. She works seasonally with the fruit on the farm, or did so until last year, when the farm changed hands and the family were told that the new owner did not have permission to house them, except for one unmarried son in his permanent employ. The other sons, one of whom is married, have taken up single quarters accommodation in the municipal township, Kayamandi, and have jobs in the town, one of them on a contract basis. The daughters, all three married, have been told to go to their husbands' parents' homes in the Transkei. The old mother herself was offered a plot, by her own "choice" under the pressure of inevitability, and left for the district of Tsomo in the Transkei. She did not know the area but expected to be able to "make do" there. She was unable to start building a hut there for lack of means and materials and help, and has returned to Stellenbosch hoping for permission to work at least during the fruit season. It is earnestly hoped that this will be granted her. She experienced extreme deprivation at Tsomo.

"No water, except from the river which is a long way to walk; no food, no money" she said, adding that "my things are standing outside" and "Our children do not come right in the Transkei. They are used to Stellenbosch and they do not fit in with the people and life up there."

4. There is a feeling abroad that a turning point is no longer out of sight. Certain prominent firms have adopted a policy of raising unskilled wages above the bread-line and of subsidising educational projects. The move towards better pay-packets is being encouraged by a number of influential bodies and explicitly by some cabinet ministers. Earning power is surely of vital significance.

It is encouraging that widows are now sometimes not evicted from houses which they formerly occupied with their qualified husbands. If they qualify as residents in their own right and are capable of supporting their families and paying the rent, they may be given special permission by the Chief Bantu Affairs Commissioner to remain in their township houses. Each individual case has to be reviewed by the Department of Bantu Affairs, as local township officials cannot infringe the housing regulations by allowing a woman to be the householder. (G.N. R1036, Para 7 (2) of Chapter 2.)

Every official move towards realistic care is a sign of hope for the future.

Case (a) Mrs. R.Q. was widowed in September 1970. She had been living with her husband in a house in Guguletu, of which he was the registered tenant, and her reference book showed her permit to reside in terms of Sec.10.1.(c) of the Act. This was given to her during 1963, after a long series of extensions. She entered the area in 1951 and registered in the early days of female registration, in 1955, when this was done at the Woodstock office in Rutger Street. Thus by now she had been registered and lawfully resident in the area for over 15 years, qualifying in her own right in terms of Sec.10.1.(b) of the Act. Finding herself the breadwinner for herself and 2 adopted children, she took the elder girl away from High School where she was boarding during term time, and she is now back in the Peninsula, working, and has not broken her rights under Sec.10.1.(a) of the Act. The other girl is at a local Higher Primary school. Mrs.Q. has charring work but was still waiting for registration of the job when she received one month's notice to quit the house, to expire on September 4th. Officials did not dispute her right to remain in the area and to work for her support and that of her children, but insisted that she must leave the house, as women are not allowed to be tenants in terms of the housing regulations. She could not find lodgings which could give them any privacy at all, although one big-hearted family (relatives) were prepared to let her share a room with several of their own 6 children. Mrs.Q. explained that she valued her furniture, the modest accumulation of her married life-time. What would become of possessions which give her that small, vital reassurance that she is a person? She was prepared to take in lodgers herself, or to move from the 4 roomed house to one of 2 rooms. But eviction was more than she could face, unless she could find lodgings with space for her furniture as well as the 2 daughters. Such lodgings evidently do not exist. After 7 visits to the Advice Office and at least as many to Langa, the concession for widows was at

at last applied to her case, Mrs.Q. being a qualified woman and suitable as a householder, a decent working woman who should pay her rent regularly without causing trouble. Her eighth visit to the Advice Office was to say "Thank you."

(b) Mrs.M.B., whose story is more typical, is unlikely to be so fortunate. Now aged 30 and left with five children, but she did not register her presence in the Peninsula until 1959, although she came from East London aged 4 and was here from 1945. Moreover, she was transferred from the Divisional Council to the Municipal area in 1970, shortly before her husband's death. He qualified in the Municipal area, but she does not qualify in either, and the housing regulations cannot be stretched to accommodate her. She has been told to choose between sending the children to her deceased husband's family, whom she has never met and who live in the Transkei, and going with them to live at Mdantsane, where they could be allocated housing. Could she earn enough there?

5. The Cape Peninsula, like many proclaimed areas, is divided into two separate (but indistinct) areas, Municipal and Divisional Council, for purposes of Bantu Administration. A move between them can result in loss of residential rights.

Owing to the housing shortage, which aggravates all local problems, a number of men who qualify and are employed in the Municipal area are lawfully housed on the Divisional Council side, pending the availability of Municipal housing. This does not destroy any residential rights, and it is possible for a man qualified on one side to marry a woman qualified on the other and arrange a transfer so that they can live together, if there is lawful accommodation for them. But should there be a flaw in the residential qualification of either, the wife will be told to go and live with her husband's rural relatives or she may be offered a house in a resettlement township, where she is expected to establish his "home".

Cases a) Mrs.V.F. had been living for 10 years in the Divisional Council area when she married a long-qualified resident of the Municipal area during 1970. They have striven ever since to establish "ordinary residence" together, but only serious ill-health has stalled her removal from the area. They are still hoping.

b) Mr.M.M. worked on a farm from 1960 to February 1971, when he wanted to better his cash earnings of R21.00 p.month (rations and accommodation provided) and resigned. This should have been in order, but the authorities explained that as the area in which the farm is situated had passed from Divisional Council to Municipal control his service record was "broken". He was told to become a Contract worker from Mount Frere. The Advice Office would have helped him to lodge an appeal against this instruction with the C.B.A.C., but he may have resumed the farm job as he did not return.

6. Contract Workers suffer under such severe disabilities, that the Advice Office is constantly at pains to help individuals retain or gain residential rights in terms of Sec. 10.1. of the Bantu Urban Areas Act, as amended. Without these rights they can only work in a Proclaimed Area on a contract basis.

Contract jobs are hard to come by, workers may wait for many months before their names reach the top of the list at their local labour bureau, and then they will have little or no choice in the matter. Nearly all contracts are for the lowest-paid types of labouring employment, and a hard-won education may prove a liability instead of a boost to a man's ability to realise his own potential. In connection with a deadlock experienced by an employer who was trying to arrange a factory contract for a young man from the O.F.S., with a Standard 7 education, an official from D.B.A. explained that by written agreement with the Territorial Authorities of the Transkei and Ciskei, the Western Cape will only accept contract labour from the Xhosa-speaking areas, i.e. the Transkei and Ciskei. This is a further infringement of the individual's right to choose where he will sell his labour, and is likely to compel many workers from other areas, including resettlement districts such as Witzieshoek, to accept mining jobs, despite a strong preference for industries above ground.

Cases: (a) Mr .B.Q. was a few days short of the 15 years which would have set him up as a qualified resident of the Cape Peninsula when he lost his job. He was endorsed out, to register as a contract worker, and D.B.A. refused to relent even when his firm asked for him back. "Don't you realise we don't want him to qualify? It is in his best interests to have to go home." were the words of an official there. The only ray of light for B.Q. was the sympathetic attitude of his firm, who agreed to get him back on contract with all speed. This could not regain the security of Sec. 10 rights. (b) Mr.M.M., a young man with a J.C. certificate, thought that contract work offered by the Post Office would be suitable. He found himself digging holes for telegraph poles. He was unhappy and resigned after a very few months. He had to return to the Transkei.

7. CONCLUSION Despite the optimism mentioned earlier, which should not be forgotten, frustration of the most ordinary human hopes and ambitions remains the central aspect of life for most Africans in the Republic. What is unreasonable about wanting to build up a home with one's family within reach of suitable work? Why should Africans have almost no choice of occupation nor hope of betterment? What about the future of their children, a major source of positive human motivation?

This treatment of people as things is destructive. It cannot fail to rebound on the destroyers.

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