A T H L O N E A D V I C E O F F I C E

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

ANNUAL REPORT FOR YEAR OCTOBER 1ST 1972 TO SEPTEMBER 30TH 1973.

ATTENDANCE RECORDS:

1972.	Permits: (Men)	Permits: (Women)	Contract Workers:	Miscell-aneous:	Old Case Returned:	Total:
October	14	22	14	74	61	185
November	11	29	24	75	109	248
December 1-15.	1	3	10	33	38	85
1973						
January 15-31.	10	14	10	50	71	155
February	10	19	15	89	108	241
March	9	27	23	56	106	221
April	10	14	16	51	77	168
May	14	22	16	73	116	241
June	11	14	27	43	92	187
July	9	11	35	36	69	160
August	11	18	31	49	77	186
September	11	13	8	58	67	157
TOTALS:	121	206	229	687	991	2234

VISITORS: Thirty-one South Africans, thirty six from other countries.

INCOME AND EXPENDITURE FOR PERIOD OCTOBER 1st 1972 to SEPTEMBER 30th 1973.

INCOME:		EXPENDITURE:	
Institute of Race Relations:	R600. 00.	1972 October	281. 14.
		November	397. 66.
Bantu Welfare Trust 1972	800. 00.	December	205. 69.
		1973 January	238. 58.
Bantu Welfare Trust 1973	800. 00.	February	382. 34.
		March	454. 44.
Donations	805. 00.	April	452. 28.
		May	316. 01.
Black Sash Cape Western Region	968. 35.	June	356. 99.
		July	319. 21.
		August	295. 06.
		September	273. 95.
TOTAL:	R3973 35.		R3973. 35.

I N T R O D U C T I O N:

A total of over two hundred interviews in a month represents a fully-occupied office. It will be noticed that there have been more quiet than busy months during the past year. It is nevertheless felt that the usefulness of the office is undiminished. Two volunteer workers a morning are usually enough for the volume of work done; fifteen volunteers are on the current roster, and we have welcomed some new trainees. There are two interpreters in daily attendance, supplemented one morning a week by a third from the Institute of Race Relations, who also assists on the clerical side. Their work and the insight they bring to it are indispensable.

The Advice Office has now been in operation for sixteen and a half years, and has notched up another thousand index cards. It is time to explain that the name, "Athlone Advice Office", is something of a misnomer. Situated not in Athlone but in Sybrand Park, the office gives advice largely in the sense of information. It does not "advise" people in the sense of counselling them, but aims to clarify individual problems, explain the legal position and direct inquirers to the most suitable official or professional agency for further action. The aim of the work is to set people on their own feet, avoiding patronising approaches in favour of discussion with a view to self-help and starting off with an understanding of the problem.

In the South African context, each and every African needs to understand his or her position vis à vis the provisions of Section 10 of the Bantu (Urban Areas) Act.No.25. of 1945 as amended. Information in this connection remains central to the work of the Advice Office, although there are at least as many cases involving other problems such as wage and labour disputes, and claims on the Unemployment or the Workmen's Compensation Fund.

Our Government policy and the system of apartheid may be infamous, but the detailed legislation and its application, especially in matters of "influx control", are little known among the white section of the population. White people are generally only affected by these laws, and therefore only inquire, when they have labour problems. For many years it was thought and hoped that white public opinion would be sufficiently swayed by the effect on the white man's pocket for changes in policy to be achieved through pressure on the part of employers. This report will indicate that the Advice Office is observing an even more significant development from the other end of the spectrum, in the form of healthy, peaceable but urgent black awareness.

Africans are generally better informed than their white would-be helpers. "How are they to understand all these laws?" is a question often asked with the best intentions but with little insight into actual attitudes. "They" know a good deal about the law and about its two faces, black and white. Certain refinements and technicalities do indeed perplex. A man is incredulous at being told that his wife is totally barred from joining him except as his "visitor" for occasional short periods, when he knows that he has amply complied with the conditions laid down for residential qualifications and that Section 10 of the Act speaks of the wife and minor children of such men as himself who "after lawful entry into such area, ordinarily reside with the Bantu in such area".

2/.....

He has not foreseen the crucial hitch in the housing regulations. These are stiffened by the housing shortage, which in turn is aggravated by the Group Areas Act. There are too few houses on too small an allotment of land to house even those who are already legally there. Section 10. does not mention the housing position which makes "ordinary residence" together the most difficult thing in the world for an African couple when only one of the partners has residential qualifications in a prescribed area. The cases below will illustrate the problem. As for the quality of the housing allocated to the lucky few, which of us would be prepared to test it by exchanging homes ?

1) "B R I D E S":

While the policy of excluding Africans from "white" areas, except as labour units, has been implemented with steadily increasing rigidity, concessions officially promised have turned out to be sounding brass and tinkling cymbals..... Such has been a Cape Peninsula scheme for allowing women bread-winners to work in the area, providing that their children are cared for elsewhere, and Dr.Koornhof's offer of February 1972 to the "brides" of qualified residents of prescribed areas, which gave the happy impression that they would be welcome to join their husbands. The rider in that offer was "subject to the availability of suitable housing", which reduced the concession to almost nil. It is hoped that Deputy Minister Janson may have more tangible goodies up his sleeve.

CASE. O.S. wanted to join her young husband, N.M. "borner" of Paarl. They had met at boarding school and there had been an infant as a result of which both were expelled. The baby died two years later. They had married and made plans for their future together in Paarl. O's magistrate at Cala gave her a letter stating that he had "no objection" to her taking up residence with her husband and down she came, only to be told that she had not got the correct permission to proceed to Paarl on a visit or to reside, as the authorities there had not agreed that suitable accommodation was ready for her. She was allowed a short visit, and returned to Cala. Papers went to and fro with requests and applications for her to enter Paarl and visit or reside there, but she returned ahead of final arrangements and only got off a charge of entering the area illegally when it was found in court that she had been arrested within 72 hours of arrival. After every hurdle in the way of lawful suitable lodgings for the couple together had been cleared, they were finally given lodging permission under the same roof and the Paarl authorities accepted this bride, now the mother of another child, as a resident. Luckily no single quarters rent had added an extra impediment.

2) One or both partners in one hundred and twenty marriages have approached us over the past year with the specific problem of how to establish their right to reside together in the Cape Peninsula, or, in half-a-dozen cases, in Paarl. In each case, the husband's awareness of his residential rights prompted the inquiry. In the vast majority his compulsory "single quarters" accommodation wrecked his hopes because when a man pays rent for a bunk in the barracks, zones or flats, or when he has sleeping arrangements at his place of work, regardless of whether he uses them or not, his wife is held to have a home elsewhere and not to need to be with him.

Couples without any residential qualifications between them do not ask or expect to live together in the area, knowing that this would be hopeless, however a reasonable a desire. But there have been a number of cases in which it was the wife who qualified as a resident in terms of Section 10.1.a. of the Act, the husband being a contract worker. The suggestion for them is always that they should lodge

3/.....

together while the husband works on annual contracts, which should always (hopefully) be in the area where the wife qualifies. There is no hope under the present dispensation of their ever qualifying for occupation of township housing as tenants, since these men can never change their status which is that of "migrants", and only "qualified" male residents can be tenants.

CASE: N.P.K. lost an appeal for recognition of residential rights in 1969. Born in the Peninsula, he was away for several years of schooling and had taken his reference book at Cala. He accepted the inevitable and has been returning to Cape Town since on annual contracts. Now he is married to a local girl and stays with her at her home, but they feel that they should have a house of their own. This they can never achieve as the regulations now stand, because his status as a "migrant" cannot be altered and contract workers just do not become tenants of houses. He "belongs" in Cala, where he takes an annual trip for the renewal of his contract.

3) T H E B O A R D S A C T:

A major change which has taken place during the year is in the actual structure of officialdom responsible for the administration of the law to Africans in urban areas. It has so far been a change without a change in the Cape Peninsula. The identical laws and regulations are administered by almost all the same people, but since September 1st in the Western Cape (the dates have varied in different areas) these officials have been responsible to the central instead of to their local authority. The implementation of the Boards Act of 1972 is thus under way, after prolonged birth-pangs. It is expected to facilitate the mobility of labour within any given area, and as the Municipal and Divisional Council portions of the Cape Peninsula are fused under one Board and the rest of the Western Cape under another, it should ease employment problems for the employers and also for residents who already qualify in terms of Section 10. of the Act, but it will do little to help the rest. The effect of the centralisation of responsibility may only gradually become evident, but increasing impersonalisation and rigidity, where this is possible, seems likely.

The Director of Bantu Administration at Langa explained that a man who had worked in the area for fourteen years would still not be allowed to accept new employment in either area. He would be endorsed out if he left his job. However, if his present employer moved him in the course of his work from one side of the Peninsula to the other, it would not affect him. A worker who is already qualified in terms of Section 10. of the Urban Areas Act may now accept work in either the Municipal or the Divisional Council section without losing his or her qualifications.

CASES:

a) Will a couple like the MLKS. be helped by the new Board system ? Mrs.Mlk. was born and bred in Koffiefontein, O.F.S. a prescribed area. In October 1972 she married a Cape Town man who claims Section 10.1.(a) rights, i.e. he was born here and has lived here all his life. A "bride", Dr.Koornhof, how about that ? May she join her husband, "subject to the availability of suitable housing"? They evidently thought so at Koffiefontein, as the authorities there issued her with a document stating that if she was accepted in her husband's area she would forfeit her Koffiefontein rights of residence. Housing is available with her sister in Nyanga, formerly the Divisional Council Township, whereas her husband pays his single quarters rent in Langa, ex-Municipal Township. Now that these areas have been amalgamated, will she get the green light if she applies again for residence permission? She has been refused until now.

4/.....

b) Miss F.T.J., a young woman without papers of any kind, came to Cape Town from Richmond, Cape, in June. She found a would-be employer who promptly brought her to the Advice Office, where she related that an official from Pretoria, a "very important man" she assured us, had visited Richmond and explained to the sizeable group of Africans suffering from the employment scarcity there that they should move away and find jobs in other towns round about, then return to their Richmond magistrate to have the jobs authorised. He forgot to warn them that the Cape Peninsula would be out of bounds (or else F.T.J. failed to understand). He must have meant that they could work anywhere else in the Western Cape without forfeiting their rights in Richmond. This was explained to her at the Advice Office. This case was of particular interest to us because the problem of work for the many African residents of small urban areas, such as Richmond, was raised in our 1972 Annual Report (p.4.) when we noted that they were not allowed to take even contract work in the Cape Peninsula.

4) "D I S P L A C E D" P E R S O N S:

The establishment of the new Bantu Boards should provide some relief for work-seekers from towns like Richmond. Will this fusing of small areas, formerly under local authorities, into considerably extended areas under Administration Boards directly responsible to the Department of Bantu Affairs, reduce the number of people who find themselves technically "displaced" and therefore non-persons in that they have no right to be anywhere ? An undiminished trickle of "displaced" individuals have come to the Advice Office, wanting to live in Cape Town and in fact no allowed to live anywhere at all lawfully. It is for the official Aid Centre to clarify the position of such people, who cannot claim residential rights in any prescribed area and who have no foothold in any rural area.

5) T H E A I D C E N T R E:

The Aid Centre is not a popular refuge among Africans, who know that they will receive directions there in accordance with Government policy and not with their wishes. That is the case wherever they may officially turn, but it has been noticed that the people concerned prefer to go directly to the Department of Bantu Affairs rather than to the Aid Centre, because they find that they get a better hearing there. The Aid Centre officials will however investigate cases and tell people to what districts they should go when they have been unable to get permission to remain in Cape Town. Rail warrants to enable them to obey instructions are issued strictly only to the destitute.

CASE: G.S.K. was residentially qualified in the Cape Peninsula when his firm transferred him to Tsolo, where they have a branch. That was in 1969, and he had been here since 1954. His record was broken by the period in Tsolo, but his family are established residents here, his mother being a hawker. He returned when he left his job, tried to get reinstated at Langa and was endorsed out to Tsolo in November 1972. Off he went, but the magistrate at Tsolo took one look at his reference book and posted him back, at his own expense, with a note stating that "it was noted that he is a tax-payer of Cape Town". No luck here, to his dismay and that of his mother. The Aid Centre agreed to give him a letter to take to the magistrate at Tsolo, explaining that he must indeed register there for contract employment. But his family's standing in the Cape Peninsula renders him ineligible for a rail-warrant, and he must pay his own way again. Fortunately he has found an employer who is prepared to get him back yet again on a contract basis.

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6) R E S E T T L E M E N T:

The allocation of accommodation in an official "resettlement" township or district in the Ciskei is the solution hitherto offered by the authorities to "displaced" people. The Advice Office has had many cases in past years, but, curiously, none in 1973. This does not of course mean that there have been none, but it does suggest that there has been considerably less pressurising of families in the Cape Peninsula to accept homes in places like Dimbaza. Perhaps public comment is bearing fruit, or perhaps these raw communities are being given time to learn to breathe and establish themselves ?

"Resettlement" cases which have come to the Advice Office have been people who were sent away some time ago to settlements where they found life too hard, and who have since striven to return to urban areas.

CASE: Mrs.A.L. was resettled at Ilinge, from George, and there she had to subsist on Government rations which to her presented "starvation conditions", as indeed they well might. In her search for renewed permission in George, she came as far afield as the Advice Office, visiting a brother in Tulbagh en route. She was born in Calvinia in 1920. From there she moved to Ashton and Wellington and finally in 1950 with her husband to George. Three of their five children are registered tenants of a house there and would like to have their mother. But when their father deserted the home in 1970, she was allocated a house at Ilinge. It is her misfortune that she accepted it then. A lawyer in George has tried to persuade the authorities to allow her to return to her sons, but she is now a "prohibited person" there and has presumably gone sadly back to Ilinge. Or else ?

Frustration is not an experience of which one remains unconscious Mrs.A.L. took her trouble with the gentleness of age trained in patience (Africans are apt to be old at 50) but she knew that the treatment meted out to her was unjust and unreasonable. How do younger people react ?

7) E D U C A T I O N:

The urge for higher education is one of the strongest motivating forces among younger Africans. Education is seen as the ladder whose rungs they must scale to find a better life. Many of them are achieving skills and academic qualifications from Junior Certificate up to university degrees. Many want to become lawyers or social workers, as well as teachers, nurses and doctors. The children of labourers yearn to be artisans, mechanics, electricians. The official plan is that they should acquire and use these skills in the "homelands". But jobs are not available there, nor much in the way of technical training, and they are not allowed to work in the cities, especially in the Western Cape where many could usefully contribute.

What are young people to do with their lives, who leave Langa and Fezeka High Schools with Matriculation certificates ? They have struggled to get these certificates, they are capable and ambitious. Job reservation is the artificial lid preventing our young Africans from getting on, especially here in Cape Town, and they know it.

CASE: Miss G.C. was born in Cape Town twenty-one years ago. She has never left the area except for four years at boarding school, at the end of which she passed Junior Certificate and took her reference book in Cape Town. She then studied and passed senior typing and junior bookkeeping, through a secretarial college in Wynberg. She came to the Advice Office in difficulties over finding a job in her field, a field which is as extensive as it is allowed to be but which is pitifully limited by the ruling that secretarial jobs are for white and coloured people in the Peninsula.

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8) "M I G R A N T S":

While Africans are denied freehold rights to property in areas outside the "homelands", there are good grounds for suggesting that every African who works in a "white" area is a "migrant". This certainly applies to the man who qualifies as a resident of a prescribed area but who has to live in "single quarters" and "visit" his own wife in a rural area during his holidays, or get her to "visit" him. Abandonded wives and fatherless children fill in the scene. But the strict interpretation of the term "migrant" refers to the Contract Worker. The Advice Office has just on one thousand contract cases on record. The usual problem is either that the terms of the contract sounded much rosier to the hungry work-seeker in the Transkei than they turn out to be in practice (and often the discrepancy in conditions and even in basic pay is startling), or there has been a dispute with a foreman, who is much more likely to be right in the eyes of the employer and doubtless often in truth. The labourer then finds himself, as the less valuable and less convincing employee, "agreeing" to the termination of his contract by making a cross on a form at D.B.A. The agreement is of course supposed to protect both parties, but somehow the employee comes off worst when it comes to the crunch, although there must be plenty of employers who avoid the crunch at considerable inconvenience to themselves when they find that they have hired an incompetent man and do not feel justified in cutting him off with the price of his train ticket home, where he would rejoin his family without the money he set forth to earn.

It is hardest for a man getting on in years to lose his job, if this involves him in the contract labour system, because it is very difficult indeed for men over fifty years of age to get contracts. Migrants are supposed to be in their prime, and nobody wants to hire a flagging horse, although he may have skills and experience which the younger men lack.

CASE: Mr. E.S. was a "qualified" man in the Cape Peninsula, having been here for twenty years, when he overstayed a period of leave. Returning after eight months holiday instead of the maximum of six months allowed, he was sent back to his former firm but on an annual contract basis. Now the firm has changed hands and he is no longer needed. He was told to register for another job in Whittlesea. He wrote to the Advice Office at the end of August: "Would you please help me with a permit to come to Cape Town my children are here at home I cannot send them to School". Two weeks earlier, a man aged fifty-five years who had come to Cape Town illegally told us that he had no alternative as his magistrate had told him that he was "too old for contract work".

9) UNEMPLOYMENT FUND BENEFITS:

The increase in the number of cases seeking Unemployment Fund Benefits is very significant of the upward trend in awareness and in wages. Many more workers now pay or ought to pay into the Fund, and where they do not it is usually the employer whose ignorance is at fault. All workers except those in agriculture and domestic service must by law contribute to the Fund when they earn over R10.50. per week, and the lowest wages are very seldom below this figure today whereas even a year ago the lower limit was hovering around R10.50. and eleven years ago we have a case on record of a contract worker at a dairy farm earning R4 per week. An employer sometimes claims that he does not have to deduct Unemployment Fund contributions for his contract labourers "because they only work for eleven months". But he is wrong, as the Labour Department will explain. Contract workers need protection as much as any, more in many cases, and can claim in their rural districts providing the employer remembers to apply for their blue UF74 cards and hands them to the workers when they leave.

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Some men cannot understand the difference between a savings and an insurance scheme, and want back every cent they have had deducted, but the importance of the Fund is gaining appreciation in the eyes of the humblest contributors and this is shown in the surge of inquiries about how to get cards and apply for benefits. There have been eighty such enquiries, not counting many other cases in which Unemployment Benefits were a side-issue, over the past year, as compared with one hundred over the three previous years.

It is likely that a number of queries about the Unemployment Fund, Workmen's Compensation Fund and wage problems in general, which might have been dealt with at the Advice Office, are now being taken to a new and completely separate office for labour problems. It is good that other groups should take an interest in these problems, and another sign of growth.

10) L E G A L C A S E - W O R K:

This has been of much the same quantity and degree of success (high) as during 1972. Our lawyers have worked with thirty-two cases altogether; six of these are still pending, there were eighteen successes and eight failures. In the unsuccessful cases, two of the clients left and the information given by the others had been incomplete or inaccurate, not necessarily through their fault. There were only two court appearances, both in Paarl and successful. Nine young people have been accorded recognition of their rights in terms of Section 10.1.(a) of the Act, seven wives may after all remain with their husbands, and one unmarried daughter with her father.

CASES: Patrick, William and Lillian Nofemele, brothers and sister, are all set up with Section 10.1.(a) ("borner") recognition in the Paarl-Wellington area after a long, expensive and thoroughly worthwhile tussle. Patrick's case was the most complicated and started ten years ago. Born like the others in Wellington, he alone spent two years away, when he was at Lovedale College, returning for holidays. In March 1963 he was involved in a student strike there and sent home. Later he was arrested, charged with belonging to an illegal organisation, found guilty and served three months of his sentence before his appeal was upheld and he was released and sent home. Wellington then turned him away, without telling him where to go. In February 1966 he enrolled as a day scholar at Langa High School but was soon visited by the Special Branch and told he must leave. Hopes of matric faded and died. He did not however give up the struggle for recognition in his home town, and these were finally conceded in the Paarl court in June 1973.

The mother of these young people was endorsed out of Wellington in 1969, and the authorities maintained that her children left with her. William and Lillian, assisted by our attorney, collected affidavits, including a testimonial of memorably quality for William, from the principal of the school he attended between 1961 and 1969. They succeeded in proving that they had never left the area and are now allowed to live and work there.

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C O N C L U S I O N:

The growth of awareness which has been so evident over the past year is not of the order of "black consciousness", let alone "power", but the ordinary understanding of ordinary citizens who know that the law is forcing them to live extra-ordinary lives. People do not need to be told that family life is a normal human perogative, that husbands, wives and children belong together, nor that a man who has worked until his body is almost worn out should not be cast back upon rural relatives without recompense.

This report could be written entirely from quotations. The woman spoke for many hundreds who said ... "The Government sent us away from our husbands, then our husbands took girl-friends. Later our marriage is spoiled". Likewise the man who wrote to us....."I want to know why my wife cannot get a permanent pass, because myself I have worked for the same lady same address from 1946 until now, I have long service in the Cape".

The crowning comment came from a man living in single quarters. "Yes", he said, "I am married, but the Government has divorced us".

R.N. Robb

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