

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 1973 TO SEPTEMBER 30 1974

ATTENDANCE RECORDS

<u>1973</u>	<u>Permits (Men)</u>	<u>Permits (Women)</u>	<u>Contract Workers</u>	<u>Miscell- aneous</u>	<u>Old Cases Returned</u>	<u>Total</u>
October	13	19	17	63	59	171
November	4	7	23	48	58	140
December 1-15	6	7	14	14	16	57
<u>1974</u>						
January 15-31	8	5	10	30	55	108
February	2	18	20	43	73	156
March	12	15	28	54	76	185
April	13	20	25	54	77	189
May	3	9	18	50	70	150
June	15	6	16	45	61	143
July	5	9	32	53	64	163
August	10	11	17	30	73	141
September	13	15	22	51	65	166
<b>Totals:</b>	<u>104</u>	<u>141</u>	<u>242</u>	<u>535</u>	<u>747</u>	<u>1769</u>

The total number of interviews is about 450 less than last year or the year before. Our new address is presumably not yet as familiar as the old.

VISITORS: Forty-two South Africans, thirty-three from other countries. The shift in the proportion of South African to foreign visitors, South Africans having been outweighed in previous years, could be a small sign of raised local awareness. *But it is very small.*

INCOME AND EXPENDITURE FOR PERIOD OCTOBER 1ST 1973 TO SEPTEMBER 30TH 1974

<u>INCOME</u>	<u>EXPENDITURE</u>
Institute of Race Relations	<u>1973</u>
R750 00	October R291 53
Sundry refunds (telephone & Electricity)	November 293 33
27 96	December 307 27
Black Sash Cape Western Region	<u>1974</u>
3326-41	January 283 25
<del>3380-22</del>	February 271 87
<del>3317-72</del>	March 563 95
(The grant from the Bantu Welfare Trust of R700 has not yet been received from Johannesburg)	April 358 72
	May 327 77
	June 362 75
	July 264 34
	August 357 46
	September 413 44
<u>R4095 68</u>	<u>R4095 68</u>

## INTRODUCTION

The year under review coincides with the first year of operation of the Western Cape Bantu Administration Board, for whom Municipal and Divisional Council authorities were obliged to bow out in September 1973. Through the representative segment of problems brought in, the Athlone Advice Office has been in a position to observe administrative practice since 1958. In days gone by, officials employed by local authorities to administer the affairs of Africans in accordance with the law applied the statute book with noticeably increasing rigidity as it became more and more impossible for them to consider individual circumstances. Some officials showed great human understanding and compassion, others seemed to take on the contours of their own rubber stamps. Anger in the manner of an official could sometimes be recognised as in fact being pain over his unpleasant duty, disguised as annoyance with the person concerned.

### A NEW ERA

By the dawn of the era of Bantu Administration Boards, so little room was left for personal considerations that the only remaining question was, could the law possibly be applied more rigidly? The answer which has become apparent during the year is yes, and now it is. Centralisation was hailed by its designers as a streamlining process which would make life easier for Africans and their employers alike, by enlarging the areas within which free movement was to be permissible and by smoothing paths in general. But it is ~~the~~ <sup>Govt.</sup> Policy which streams the line, directing it straight into a tramline. From the Western Cape it heads East, to the Transkei and Ciskei.

It may well transpire, through legal case-work which is still incomplete (see below), that the application is sometimes outstripping the law itself in rigidity. Certainly the authorities are abstaining from using discretionary powers which the law accords them, in favour of technical conformity with the strictest interpretation of laws which based on "Policy".

*are themselves based on "Policy"*

Behind "Policy" is of course the cherished ideology of "Separateness", a word now preferred to the internationally unpopular "apartheid". Separateness is seen as the first prerequisite for "dialogue". The Athlone Advice Office has rare facilities for hearing both sides and cannot fail to be aware of the fact that any so-called dialogue is on separate (indeed) planes which do not meet at any point. While Africans want to get on with living decent human lives, the dispensers of laws are concerned about what they experience as a threat to their white identity. So, very politely, they say "Go away and stay away, except that you may come back to work for us as unskilled labourers. Do your developing in your own areas and keep your families and any skills you may care to acquire there".

### MARRIED COUPLES

Under the new system of Bantu Administration Boards, all officials are responsible to the central authority, whether their offices are in Langa, Nyanga, Observatory, Goodwood or anywhere else. When an individual has a problem and wants special consideration of his circumstances, he will be passed from office to office and in each the responsibility for the refusal of his request will be laid at the door of another. The request may be from a residentially qualified man who wants his wife to join him on a permanent basis from a rural or from another prescribed area, having been under the impression that this was the object of marriage: one hundred and twenty-two couples with this situation consulted the Advice Office during the past twelve months. Two hundred and forty-four people who knew about Section 10 of the relevant Act, and that it appears to make provision for normal married life when the husband is a "Qualified" resident of the area. The Advice Office sees a mere fringe of the real total. Some aspects of the refusals will be described in brief summaries below. None of these couples has as yet been accepted as



"ordinarily residing" together, but our attorneys are working on about twelve claims.

When a man is refused occupancy of a township house, the housing official will often explain that he takes orders from higher up. The "higher up" authorities then pass the ~~back~~ <sup>very abruptly</sup> straight back by insisting that only the housing officials are in a position to allocate houses. These are in truth too few and too small for the people already in them and there are apparently ~~no~~ <sup>very few</sup> plans for more to be built, ~~and~~ <sup>and</sup> for enlargement of the Group Areas in which such building is possible. The man with a special plea may turn to a member of the Bantu Administration Board. Short of the Minister, this would seem to be going to the top. But Bantu Administration Board members themselves are powerless even to recommend leniency or compassion or to point out special circumstances which entitle some individual to consideration within the strictest letter of the law. It would seem that Board members have the least power of all within the set-up. There are no black people on the Boards and there are not going to be any, according to Deputy Minister Janson, because the Boards operate within white areas and separateness comes first. If there were black members appointed, they would find themselves in the most unhappy position of having to seem to accept a totally unacceptable framework and ratify decisions which they would be powerless to veto. It is the township officials whose word is incontrovertible, and their word is spoken under orders from the Chief Bantu Affairs Commissioner, whose only consideration is Policy.

#### LACK OF FAMILY ACCOMMODATION

Some of the couples struggling to establish homes together have come to the Athlone Advice Office from Paarl, Bonnievale, Elandsbaai or Stellenbosch. In Kayamandi township at Stellenbosch there are only sixty-one family houses since the demolition of temporary structures in 1971 and the rescinding of plans for their replacement with brick houses. It was the Stellenbosch Municipality which both made and cancelled the plans, falling backwards in its eagerness to please the Government. Many qualified families were displaced as a result. There is ample accommodation for "single" working men. In some country districts, such as Bonnievale and Elandsbaai, there is no family housing for Africans at all. This deliberately ~~undercuts~~ Section 10 of the Bantu (Urban Areas) Act, as it is no use having a right to live in an area when there is no place in it where one can in fact live. "Resettlement" is offered to people dislodged in this "voluntary" fashion, and removals to rural areas, which were halted during 1973, are getting under way again. *resettlement*

Nobody likes adverse criticism, and officials employed by Bantu Administration Boards want praise and approval like other people. But it is the policy they have to apply which the Advice Office is criticising. It is simply not acceptable to the people concerned. This makes favourable comment hard to devise. Certainly the officials are usually very civil. In the old days, under local authorities, some were civil and some were not. Rough words do damage and the gentler approach is to be welcomed. It is a pity that the velvet glove does not enclose a human hand which can be grasped in fellowship.

#### WAGES

Wages have improved. Most Africans are earning much more than they did five years ago. The cost of living is also very much higher and the rise in real terms is not in proportion to that of the rest of the community, nor to the amount of effort, such as sacrifices for education, made to achieve it. The authorities merit appreciation for encouraging employers to pay proper wages and to allow workers reasonable time off. Officials of the Labour Department, in Cape Town, conscientiously investigate all wage complaints brought to them and take trouble to help workers get money due to them.



It is interesting to note that the Bantu Administration Board itself employs labourers on contract in the Peninsula, nine hours a day for a five-day week. The man who came to the Advice Office with a problem (for which he was himself to blame) was earning R12.23 in cash per week, after normal deductions. Presumably that is the Board's minimum wage. It is better than the standard terms which agricultural workers accept when signing contracts to work on e.g. poultry or dairy farms. It seems that the normal working week is seven days, eleven hours a day, often worked in three shifts. Free accommodation is given and some contribution towards rations such as skim milk and mealie-meal. Wages range between R22 and ~~R50 per month for unskilled labour~~ <sup>replace</sup>. These conditions should be prohibited by law, especially the inhuman hours! (Contract workers are still not issued with copies of their contracts.) <sup>itahused</sup>

#### WELFARE

Welfare officials give dedicated service but are seriously hampered and surely frustrated by only being able to do their welfare work among people who are legally in the area. No pass, no aid.

#### CASES

*couple seeking lawful residence together*

1974 goes down as the first year on record in which only one couple seeking lawful residence together has succeeded after bringing their problem to the Advice Office. It is to be hoped that the authorities will not regard this woeful news as proof of the success of the new Administration. May the closing months of the year bring relief. It is deeply deserved.

Registration in single quarters is unavoidable for men who are not already established as lodgers or occupants in family housing. This applies as much to men who are qualified residents of the area in terms of Section 10(1)(a) or 10(1)(b) of the Act (i.e. by being able to prove both birth and unbroken residence, or long lawful residence and employment in the area) as it does to men working on an annual contract basis. Rent paid in "single" quarters is then accepted as proof that a man's wife lives out of the area and his privilege as a "qualified" resident extends no further than being allowed periodic "visits" from her. He must find suitable lodging accommodation for the "visit" together, but will not be allowed to stop paying his single quarters rent. Before the "visiting" permit is ratified at Langa or Nyanga, the couple must produce proof that the wife will leave again in the form of her return ticket. If the husband explains that he wants his wife to remain permanently with him, he is told that first he must send her away and then apply for her return on a residential basis. This procedure hangs fire for many months while letters pass between different departments. Finally, in our experience, it is turned down by the Chief Bantu Affairs Commissioner.

1) Mr. W.Mkju. is sixty years old. He came to Cape Town in 1937 and has been with the same employer since 1958. Twenty years ago he contracted a Christian marriage. He and his wife have been "visiting" each other ever since, both in Cape Town and Kentani in the Transkei, and six children have been born to them. He pays rent in "single" quarters. His wife left the Peninsula after her last "visit" in April 1974 when he was given to understand at Langa, that providing she did so, he would at long last be able to get her back once and for all on a residential permit. He applied for this and was told that his wife could not come here to live with him because he has "single" quarters accommodation. He found lodgings and went to Langa with the householder to apply for a lodger's permit and cancellation of his "single" quarters. He was then told, he says, that if he once took this step, he would never again be allowed a "visit" from his wife. Moreover, his "single" quarters would only be cancelled if he signed a promise that his wife would never join him. He did not sign and so has not been registered in the lodgings. He still has the "single" millstone round his neck.

2) Mr. E. Guwa has lived in the Peninsula since his birth thirty-four years ago. For the past eighteen years, he has been in a family house in Langa with his widowed mother, for whom he paid the rent until her death in January 1973. Since then, he has been trying by every means at his honest disposal to have the occupancy of the house transferred from his mother's name to his own. He supports and is guardian to a younger brother at Fort Hare and a school-going sister. They both come home for holidays. He was told that he could not become the official householder unless he was married. He got married in May 1973. His wife was legally in the area, but on a "visiting" permit. After some months and the birth of their infant, he was told that she must leave and re-enter on a "residence" permit, for which he should apply. He could then reasonably expect to have the house registered in his name. He sent her away and duly applied for her return on a residential basis. Some more months went by while letters passed between Observatory and Langa. He was then told that his request had been refused. The Chief Bantu Affairs Commissioner said that he could not have his wife here because he did not have a house registered in his name. Langa would not register the house in his name because his wife was not a resident. Observatory (i.e. the C.B.A.C.) does not allow township housing officials to allocate houses to men whose wives are not already here, on the grounds that "it would not be fair to other couples". Mr. Guwa was served with an eviction notice to quit the old family home where, technically, he was still only a lodger. He was told he should move into "single" quarters. At this point he appealed through the Advice Office to a member of the Bantu Administration Board who saw that he had a strong case and thought that he had persuaded the Langa officials to use their discretionary powers in his favour. However, in the event, he was given permission to remain in the house for just one more month, by a different official, but his lodger's permit had lapsed. Another sympathetic Board member will help if he can. Meanwhile his wife has returned with fresh "visiting" permission. She should not have to leave again, but as for the house-permit, it is the authorities alone who can decide. Will they use common sense instead of Policy? X P.S.

#### LEGAL WORK

We have never needed our lawyers more than now. They are working on about sixteen cases at present, ten of which involve married couples trying to establish that they reside together lawfully.

Cases concluded during the year include six on which legal work had already begun when the last Annual Report was presented. Two of these were unsuccessful 10(1)(a) claims and four were successful. A further three young people have satisfied the Chief Bantu Affairs Commissioner, through the representations of our attorneys, that they were born and have continuously resided in the Cape Peninsula and therefore qualify as residents under Section 10(1)(a) of the Act. Four more similar claims are pending.

Most of our legal cases are about residential rights under Section 10 of the Act. The procedure usually followed by our attorney ~~has three stages:~~ This is

- 1) Firstly, the administrative authorities in the townships are asked to accept the claim of the person concerned. If they refuse without apparent good reason in law,
- 2) the Chief Bantu Affairs Commissioner is then called upon to do so. He will state reasons for his refusal. Occasionally he may accede the claim, as he did for the two Yani sisters early this year and for Ernest Jabavu more recently.
- 3) In a number of cases however the Chief Bantu Affairs Commissioner has rejected the claim. It is then considered again very carefully by our lawyers and if they are still satisfied with the strength



of the claim an advocate may be briefed to prepare an order in which the Supreme Court will call upon the Chief Director of the Bantu Administration Board to recognise the right claimed for the person concerned. This is at present being done in one 10.1. (a) claim and for one couple who are trying to stay together by showing that the wife has fulfilled all the requirements for a 10.1.(c) claim.

An alternative procedure is followed when the person concerned is arrested and has legitimate hope of establishing a right to be in the area. The Advice Office advances bail money for such cases. He or she must then plead "Not Guilty" and our attorneys will appear in the lower court to defend the client. There have been only two court appearances this year.

Miss Elizabetha Pikashe claims unbroken residence in the Cape Peninsula since her birth. On February 26th, 1974 the magistrate rejected her claim in the court at Observatory and she was found guilty of being illegally in the area. An appeal to the Supreme Court was noted and an Advocate briefed to plead on her behalf. The case has already been started and is expected to continue and hopefully be finalised within a matter of weeks.

Between the various steps lie long waits, lasting weeks, when a reply is wanted from the Chief Bantu Affairs Commissioner and months when the Supreme Court is involved. Most of our current cases seem to be stuck somewhere in the pipeline. Next year, surely, it will be possible to report more results.

#### MOVE TO MOWBRAY

An unpleasant episode in the form of an unsuccessful but messy petrol bomb, placed at the door of the office in Sybrand Park in the small hours of the morning on November 7th, 1973, led to notice to quit. The premises, which the Advice Office had occupied since 1958, were adjoining a petrol station and the danger to life and property from criminal lunatics could not be ignored. The Christian Institute, however, hospitably turned disaster into progress by offering far superior premises in their building near Mowbray station. Here we enjoy comfort and convenience for workers and clients alike. All we need is that our situation be more generally known. ~~Although the Office seems to be quite as busy as it has been since our peak years (1962-1965), attendance records are rather lower and two volunteer interviewers each morning instead of three are usually able to manage all the cases.~~ A team of fifteen interviewers take it in turns to assist the two indispensable interpreters and the Organising Secretary. One interpreter, Mrs. Malindi, has been with the Advice Office since its inception in 1958, and the other, Mr. Vithi, since 1962. Their knowledge and skill is one of the most important factors in the work of the Office. But while the country's laws are based on white ideological policy, they cannot be asked to discharge the saddest and commonest function of the Office except in the role of interpreters. This function consists of explaining the painful fact that "the law says you will have to leave".

Like Alexander Solzhenitsy we cry out to our leaders "Cast off this cracked ideology!" ("Letter to Soviet Leaders", written in September 1973, published in English by Index on Censorship in April 1974).

R. N. Robb

R. N. ROBB.  
Director

B. D. Versfeld

B. VERSFELD  
Secretary

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ATTENDANCE RECORDS

Totals for the year under review

Permits (Men)	Permits (Women)	Contract Workers	Miscellaneous	Old Cases Returned	Total
104	141	242	535	747	1769

The total number of interviews is about 450 less than last year or the year before. Our new address is presumably not yet as familiar as the old. Ten years ago, when officials could still take special circumstances into account, it was possible although difficult for the Advice Office to help more effectively. The total number of interviews in 1964 was 4769.

VISITORS: Forty-two South Africans, thirty-three from other countries. The shift in the proportion of South African to foreign visitors, South Africans having been outweighed in previous years, could be a small sign of raised local awareness. But it is very small.

INCOME AND EXPENDITURE FOR PERIOD OCTOBER 1ST 1973 TO SEPTEMBER 30TH  
1974

<u>INCOME</u>		<u>EXPENDITURE</u>	
Institute of Race Relations	R750 00	Salaries	R2585 70
Sundry refunds	27 96	Registration Fees	41 55
Black Sash Cape Western Region	3326 41	Rent	357 00
(The grant from the Bantu Welfare Trust of R700 has not yet been received from Johannesburg)		Electricity	8 98
		Telephone	156 41
		Postages	3 16
		Stationery & Office Sundries	153 68
		Bus Fares	46 65
		Legal Fees	637 70
		Pension Fund	23 54
		Secretarial Expenses	90 00
	<u>R4104 37</u>		<u>R4104 37</u>