



ATHLONE ADVICE OFFICE
ANNUAL REPORT
OCT '75-SEP'76

UNDER THE AUSPICES OF THE
S.A. INSTITUTE OF RACE RELATIONS
AND THE BLACK SASH

ATTENDANCE RECORDS

	<u>Oct.</u>	<u>Nov.</u>	<u>Dec.</u>	<u>Jan.</u>	<u>Feb.</u>	<u>Mar.</u>	<u>Apr.</u>	<u>May</u>	<u>Jun.</u>	<u>Jul.</u>	<u>Aug.</u>	<u>Sept.</u>	<u>Totals</u>
Squatters													
SQ. (new)	61	35	5	1	3	151	21	322	23	44	9	5	680
SQ. (returned)	51	43	11	16	19	15	24		61	45	5	5	295
Permits	18	13	5	14	29	25	21	25	21	16	10	8	205
Contract	14	22	2	21	27	44	58	15	17	24	26	24	294
Misc.	58	79	30	61	66	80	47	57	57	55	46	64	700
Old cases returned	73	53	33	51	105	119	109	76	90	96	79	78	962
Totals:	275	245	86	164	249	434	280	495	269	280	175	184	3136

Total 1975 2496
1974 1769

VISITORS: Fifteen South Africans, forty from other countries.

INCOME AND EXPENDITURE

FOR PERIOD OCTOBER 1, 1975 TO SEPTEMBER 30, 1976

INCOME

	<u>1976</u>	<u>1975</u>
S. A. Institute of Race Relations	750,00	750,00
Sundries	80,90	
Black Sash Cape Western Region	8201,81	3578,02
Bantu Welfare Trust (2 Years)		1600,00
	<u>R9032,71</u>	<u>5928,02</u>

EXPENDITURE

	<u>1976</u>	<u>1975</u>
Rent	600,00	440,00
Salaries and U.I.F.	4159,41	3159,17
Pension Fund Contributions	57,60	53,40
Registration Fees	88,10	49,50
Stationery & Office Expenditure	141,16	268,43
Secretarial Expenses	165,00	170,00
Legal Expenses	3233,91	1264,26
Fares	92,10	79,20
Telephone	248,98	169,81
Annual Report	192,00	174,25
Sundries	50,15	100,00
	<u>R9032,71</u>	<u>5928,02</u>

(building)

INTRODUCTION

The Athlone Advice Office continues to act as a general referral centre for problems of any kind, particularly but by no means only "pass" problems, experienced by Africans in and around the Cape Peninsula. These problems tend to reflect crucial facets of the state of the country. The spectrum is a fair gauge of what is going on.

Does this spectrum show change? As in 1975, it shows growth, in that a still larger number of people have availed themselves of the services offered than in any year for over a decade. It has been necessary to engage an extra interpreter, and she has been busy. There has moreover been unprecedented expansion in the work done for us by attorneys. This is made possible by the outstanding generosity of a number of firms which have offered 'pro deo' advice and defence in the courts. A representative of one of these firms is always available when help is needed.

The major trends of the year — the economic recession and the outbreaks of violence in the wake of demonstrations demanding change — have been keenly felt at the Advice Office. From the side of the authorities, however, there has as yet been no sign of yielding in the brick wall of Policy, shored up as it is with the whole rigid framework of influx control legislation. On the contrary, the theory of Separation is honoured more tenaciously than ever. Development is not for Africans in this "Coloured Preferential" Western Cape, let alone "home ownership", promised elsewhere.

The intricate network of bureaucratic restrictions governing the lives of Africans cannot be allowed to depersonalise the work of the Advice Office, although it makes a somewhat bureaucratic system of interviewing unavoidable. Individual particulars have to be asked and entered on a fairly complex form, and a small oversight can damage results. But the relaxed and friendly atmosphere makes good contact and communication possible. The function of the Advice Office is to answer questions and furnish information in such a way that people can understand their own circumstances vis-a-vis the existing laws, in order to make and act upon their own decisions. Employers or officials are contacted when this is deemed useful, and legal backing is made available when required.

This report will consider the activities of the past year in four sections, bearing in mind that these in fact overlap and are to a considerable extent interwoven:

1. Town and township problems.
2. Squatter community problems.
3. Legal work.
4. Problems arising from the current unrest.

1. Problems brought to the Advice Office by people who live in the proclaimed townships (whether legally or illegally), or who have living-in jobs, are divided roughly equally between permit perplexities and wage or other work-situation queries, disputes or disappointments.

(a) Permit Problems.

Attendance records quote a low figure (205). This only refers to people claiming some unacknowledged right of residence in terms of Section 10 of the Urban Areas Act, such as young people born here but experiencing difficulties in applying for reference books. It does not include men permanently and lawfully resident in the area who are trying to get permits for their wives to join them (over 100 seen and more than twice as many from squatter camps). Nor does it include contract workers, who lose their permits along with their jobs. Some dozen contract workers seen this year were hoping (vainly) that their annual returns to the same firms were building up towards Section 10.(1)(b) rights in due reward for long service. The yearly obligatory break in contract service however makes ten years no nearer than one to such recognition.

The battle for **married couples** to get permission to live together, when the wife is not already a recognised resident of the same area as her husband, is one of the most frustrating of all. The technicalities involved in fulfilling the obligations required defeat all but a very few of the most tenacious and fortunate applicants (six this year) who have usually spent years working themselves into an impeccable lawful position. Even then, the majority lose their appeals, on such grounds as the accommodation being inadequate. A man cannot become the lawful occupier of a house unless he is already married to a local woman. If he is a "lodger" with his own parents and chooses a country girl as his bride, she is given a different address for any "visit" they may succeed in arranging, and is obliged to produce a return ticket to some destination outside the area before her permit is granted, lest the couple should try to claim that they "ordinarily" reside together. As one woe-begone young husband commented, "We tried everything, and in the end they gave us Policy!" Another man was refused a visiting permit for his wife, he reported, on the grounds that she "had a bad record of trying to stay in the area"! Most men are stuck with unwanted bunks in the single quarters, which they may not stop renting lest they establish themselves with their wives in family accommodation, of which there is, it seems deliberately, far too little.

Day after day, year after year, this situation passes both description and comprehension. Most of the highest authorities themselves are not fully conversant with the technical details of the administration of their regulations. When told about the degree of hardship entailed, they have difficulty in hearing and are at embarrassed pains to reconcile policy with Scripture. During March this year, a deputation from the Advice Office saw Deputy Minister Cruywagen, together with the Chief Bantu Affairs Commissioner, Mr F.H. Botha and another senior Department official Mr Lötter. A memorandum was presented, concerning these and other problems in this area. The meeting was amicable and although no substantial headway was made, the Government representatives did agree that some extra family housing in the Peninsula was desirable and it was noted that the local Bantu Affairs Administration Board is in fact planning to build a very limited number of new houses, chiefly to accommodate some of the natural and overflowing growth within the area.

New buildings now completed in Section III of Guguletu include comfortable hostel-type accommodation for "visiting" wives, where their husbands are to be allowed to stay with them during pre-arranged and of course temporary visits.

(b) Wage and work problems.

During this year these have been more numerous because of retrenchments. Of the contract workers seen, about three quarters come to the Office aggrieved over the early termination of their contracts. Often these have been scrapped within weeks of commencement, and there is little protection for either party against the breaking of the agreed Contract. The labourer suffers most. Often he wants to claim full payment for the year he signed on for. He will have great difficulty in claiming benefits from the Unemployment Insurance Fund and will not qualify for any if his job lasted less than thirteen weeks. Employers often fail to procure the blue UF74 cards which their employees must have. Many cancelled contracts are the result of the men having been engaged unseen from their rural districts, and not surprisingly found unsuitable. In other cases the pay packet has fallen far short of expectations, deductions not being understood, and the worker has been sacked after complaining. But a new feature of the year is the high proportion of sheer retrenchments. Many firms contracted for more labour than they were able to employ during this year, especially, but not only, in the building industry. The Advice Office has never seen so many workers put off for slender reasons or none other than "no work". While many employers have been commendably long-suffering and have sacrificed profits before labourers, others have not and the mid-September "stay-away" was used by some firms as a handy opportunity to "prune dead wood".

Domestic workers are still on the lowest rung of the employment ladder in many Peninsula suburbs, but an upgrading is noticeable as awareness grows among domestics themselves. Alongside it we note some appreciation of their toil and skills on the part of their employers. There is virtually no other avenue of employment open to African women here, and the law offers them almost no protection when they are summarily dismissed. Written agreements at the time of engagement on wages, hours, notice and holiday money would be a simple alleviation.

The "Coloured Preferential Area" policy continues to block people from using skills in their own home city and makes a mockery of a higher education. A highly intelligent young man came to Cape Town at the instigation of a correspondence college, which offered him work here as their tutor. It was not allowed. There are not provisions for such skills on annual contracts in the Western Cape. He was then appointed minister of a small new church congregation, this too was denied him. When last seen at the Advice Office, still looking hopeful, he was trying to arrange to be brought into the area on contract in domestic service, most unusual for a male here and probably also unsuccessful.

2. SQUATTER COMMUNITY PROBLEMS

This section seems best recorded in chronological form. The history of squatter communities has become part of the history of the Advice Office. When last year's report was compiled, Crossroads was experiencing harassment from B.A.A.B. inspectors who were arresting men mainly on charges of trespassing or of harbouring their wives and families, and women mainly on charges of being illegally in the area (Section 10.4 charges). When a person was convicted in terms of Section 10.4 of the Act, a removal order under Section 14 would be made by the court, empowering inspectors to put that person physically onto a train after two weeks. This happened to a number of women, some of whom crept back to the Peninsula while others reached their allocated destinations. Whichever procedure they adopted, fresh sagas of complications ensued in their efforts to retrieve their belongings. Shacks emptied in this way were then demolished by the B.A.A.B. That was early this year.

Meanwhile, an appeal had been lodged with the Supreme Court in the case of Lilian Peter, a woman legally in the area but charged with living illegally in an area which did not form part of a "proclaimed Bantu township". All other trespass charges were postponed pending the outcome of this appeal, which was upheld in February, the B.A.A.B. having failed to establish its ownership of the land on which the squatter village had sprung up. The many other similar charges were subsequently dropped and comparative but uneasy calm settled over Crossroads.

The uneasiness stemmed from the stiff new draft legislation, now law as the Prevention of Illegal Squatting Amendment Act. During the interval, the B.A.A.B. turned their attention upon a small community squatting with their knowledge, and indeed initially agreement, within Nyanga township. This group had come from the demolished settlement of Werkgenot, Bellville and had been there over a year. Green cards had been issued to the women-folk, permitting them to occupy shacks erected by the community with help in cash and kind from neighbourly church and private welfare bodies. During the first months of 1975, certain inspectors of the Bellville Municipality had faced court charges of wilfully burning huts in Werkgenot on 24th October 1974. They were found Not Guilty. The wrong officials had been charged due to confusion in identifying the culprits. The victims of the extremely unpleasant episode had lingered on, convinced that redress and compensation were still to come (nor have their hopes been dropped). In March of this year, B.A.A.B. inspectors began a campaign for their removal from K.T.C., as that portion of Nyanga is called. They were dismayed and began to stream in to the Advice Office. Statements and affidavits concerning belongings destroyed in the fire of 1974 were taken, and two civil actions for damages were instituted. Effective court defence was given to individuals charged with being illegally in the area, our attorneys pleading in mitigation. When the magistrate learnt the background to the prosecutions, he cautioned and discharged people instead of fining them heavily. By May of 1976, the K.T.C. camp had been cleared, the men resuming

their bachelor lives or in some cases taking their wives over to Crossroads for another try.

Then a fresh cloud blew up over Crossroads, with the Divisional Council's application for that area to be cleared on account of the health hazard. On May 20th, the all-time record of 260 people came to the Advice Office to ask for legal backing in their appeal for the declaration of Crossroads as an emergency camp. This was subsequently successful, and a measure of peace returned. Inspectors of the Divisional Council assumed control of "structures" there on June 3rd, demolishing only shacks deemed new or unoccupied and embarking on a project to improve toilet, road and refuse facilities. As the B.A.A.B. has jurisdiction over the persons of Africans outside as well as inside townships, Board inspectors continued to arrest and remove people illegally in the area up to the middle of August (when they became too harassed themselves to pay attention to peaceful neighbourhoods). Shacks were thus emptied and demolished as unoccupied. Some two dozen complaints were received from women who said that their huts had been demolished while they were out, or that Board inspectors had turned them out and then pointed the shacks out to Divisional Council officials as vacant for demolition. These women made statements which the Divisional Council attended to in due course on their merits. The owners were allowed to reclaim the "zincs" but only the first few applicants were allowed to put their shacks up again.

As this report is prepared, Crossroads is a comparatively peaceful corner of the Peninsula. May its people stay well.

3. LEGAL WORK

Legal work has been most rewarding and the many people helped by our now many attorneys have asked that their thanks and appreciation be expressed. There were court appearances on behalf of about 350 people from Crossroads and K.T.C. Other appearances in courts were few but attorneys interceded with the authorities in many instances, which can be tabulated as follows:

10.(1)(a) claims: "Borners"

26 cases, of which two failed, four were successful and twenty are still pending.

10.(1)(b) claims: Rights of residence acquired by 15 years' lawful presence in area or 10 years with one employer.

One success and one serious failure emerging from a 10(1)(c) claim. In the appeal of Gideon Mtima that his wife qualified in terms of Sec. 10(1)(c) of the Act, the court held that Mr. Mtima himself does not qualify in terms of Sec. 10(1)(b) in that he did not so qualify when the legislation was enacted on June 24 of 1952. The wording of the section was interpreted as retrospective. An appeal against this decision has been noted at Bloemfontein.

Sec. 10(1)(c) claims:

Wives, daughters and minor children of residentially qualified men.

26 cases with six successes, 2 failures and the rest pending. They will not readily be relinquished. In those cases where the husband claims Sec. 10(1)(b) rights, the outcome hinges to a large extent on the Mtima appeal. Where he is 10(1)(a) qualified, each rests on its own intricate merits.

In general, it can fairly be said that people are being tricked out of their chances of conforming with the provisions of Sec. 10(1)(c) when the wife is from a rural area. Only a large-scale building programme can give effect to what the law seems to promise.

Miscellaneous cases

have been about thirty and include two important successful appeals against wrongful race classification in terms of the Population Registration Act (Monica Jacobs and Victor Jafta). Others were several M.V.A. "Third Party" claims and a number of letters written to employers of domestic workers who appeared to have withheld wages for work done.

4. PROBLEMS ARISING FROM THE CURRENT UNREST

Tensions have reached breaking-point right across the country in recent weeks, not least in the Cape Peninsula. Distress, anxiety and fear continue to be daily features of black township life, while residents of neighbouring white suburbs seem to be forgetting their momentary awakening. When trouble first erupted in the Peninsula, in mid-August, there was an immediate, almost total, drop in attendance at the Advice Office. The telephone rang incessantly and the atmosphere was deeply anxious. After a few days, a stunned and weary trickle of people began to return, bringing the same old problems and some new ones resulting directly from experiences with riot police. Now the initial sense of shock recedes into habitual numbness as people confront the familiar blocks preventing wives from living with their husbands, children with their parents and intelligent young adults from using the skills of which they know themselves capable. All this while schools stand empty and firms retrench labour, leaving more and more active young people without any constructive or gainful occupation. The Athlone Advice Office is now seeing distressed mothers, brothers, neighbours, not many, but a few who seem to have dragged themselves towards any possible help in their search for children missing through injury, death or arrest. Others come to lodge complaints about their treatment at the hands of riot police. They insist that many others in their same predicament, and many victims of baton beatings, are too frightened or too angry to

approach any helping agency. Two of the mothers interviewed found their son's bodies in the Salt River Mortuary two weeks after their deaths from bullet wounds. These mothers, like others, had been making daily inquiries at hospitals, gaols and mortuaries including Salt River. For a third, it was six weeks of searching with the same conclusion. Reginald Mshudulu's dead body must presumably have been separated from his jacket at some stage before being labelled with his identification. While the mother continued with her daily quest, the Mortuary sent finger-prints to Pretoria for tracing, a mammoth undertaking but effective as the parents were finally notified and their son's remains were returned for burial, together with the jacket. Reginald's reference book was still in the pocket.

Young black men and women have been losing their dignity, their freedom and many of them their very lives at the hands of young white riot police. Frightened children have been pursued into private houses and very many totally uninvolved individuals have been caught up in the punishment inflicted.

The protests thus violently dealt with have been against the everyday frustrations so long endured by black people at every turn. They have set aside their personal safety in their determination to achieve ordinary human freedoms. Generations of custom have blunted white society's perception of the enormity of the suffering involved in inescapable patterns of inferior living. Athlone Advice office workers (and also visitors), confronting the true state of affairs in situations such as those brought in daily, realise that it is both a privilege and an almost intolerable responsibility to have their eyes thus opened. Active and total commitment to peaceful change is required from every South African today.

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