

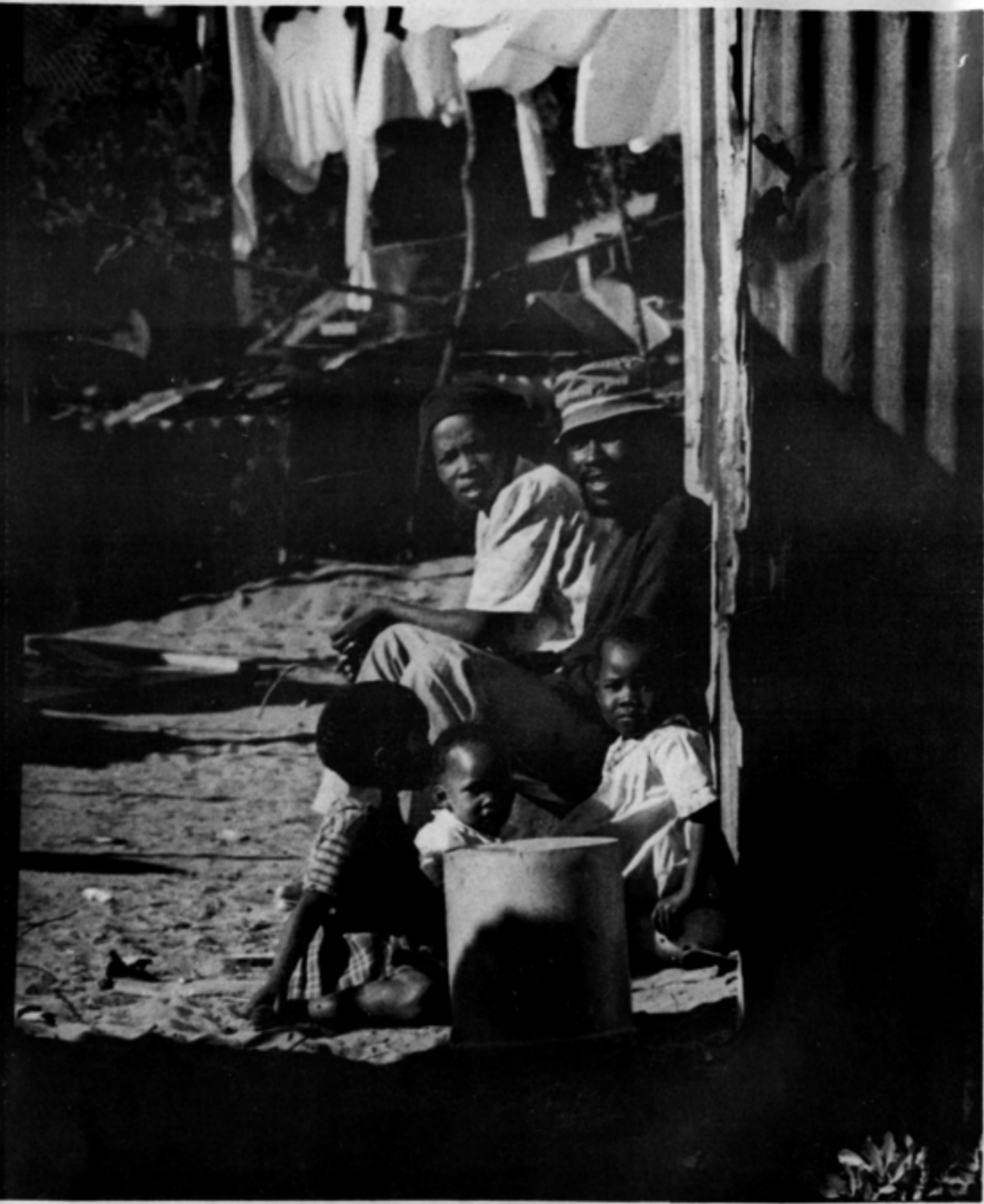


ATHLONE ADVICE OFFICE

ANNUAL REPORT — OCT. '78-SEPT. '79

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

Price 50c



A crossroads family.

Courtesy Cape Times

Front cover

Mr. & Mrs. Mpondo. Mr. Mpondo's court appearance helped Mrs. Mpondo to obtain her resident permit.

Courtesy Argus

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ATHLONE ADVICE OFFICE

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

5 LONG STREET, MOWBRAY, CAPE.

ANNUAL REPORT

FOR THE YEAR OCTOBER 1st 1978 TO SEPTEMBER 30th 1979

INDEX

	Page
1. Attendance Records	1
2. Income and Expenditure	2
3. Legal — Langa Commissioner Court	3
— Appeals for Section 10 Rights	
— Supreme Court Appeals	
— Other Appeals	
— State Legal Aid	
— The Court and the Press	
— Court Visit	
4. Squatters	5
5. Permit Problems — Domestic Workers	6
— Wives wishing to live with their husbands	
6. Contract Labour	8
7. Miscellaneous — Unemployment	8
— U.I.F.	
— Domestic Workers	
— Housing	
8. Conclusion	9

ATTENDANCE RECORDS OCTOBER 1st 1978 — SEPTEMBER 30th 1979

	Oct.	Nov.	Dec. 1-15	Jan. 15-31	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.	Totals	COMMENTS
Squatters Extension Office	46	91	8	9	7	16	19	16	12	51	54	39	368	Squatter problems seen in the office and at Crossroads.
Permit Problems	23	19	5	11	20	26	27	26	50	72	78	47	404	People who felt they had some claim to Section 10 rights. Also many women desperately hoping to stay.
Contract Workers	21	22	8	14	31	32	21	32	29	39	55	29	334	Problems related mainly to broken contracts, attempts to obtain contracts, problems within the contract.
Miscellaneous	92	112	47	86	81	84	70	84	73	66	94	68	964	Unemployment, though this cuts through all sections, U.I.F., W.C.A., housing, maintenance, domestic workers, etc.
Old Cases Returned	120	113	56	62	103	96	80	96	109	102	120	111	1 179	Includes those who came from 10 years, or more, ago — often with new problems.
TOTALS	302	357	124	182	242	254	217	254	273	330	401	294	3 480	1977/1978 total 3 279.

INCOME AND EXPENDITURE
1st OCTOBER 1978 — 30th SEPTEMBER 1979

Income

	1979	1978
S.A. Institute of Race Relations	R 750,00	R 750,00
Bantu Welfare Trust	R 695,00	R 695,00
Black Sash Cape Western Region	R 9 356,72	R8 014,12
	R10 801,72	R9 459,12

Expenditure

Rent	R 720,00	R 690,00
Salaries and U.I.F.	R 4 868,73	R4 600,50
Pension Fund	R 67,50	R 68,65
Insurance	R 496,51	— —
Registration Fees	R 135,00	R 113,40
Stationery and Office Expenditure	R 278,77	R 273,24
Secretarial Expenditure	R 180,00	R 180,00
Legal Expenditure	R 3 197,50	R2 520,41
Fares	R 228,55	R 168,34
Telephone	R 185,69	R 232,53
Postage	R 64,50	— —
Sundries	R 41,38	R 18,55
Annual Report	R 337,59	R 234,50
Research	— —	R 359,00
	R10 801,72	R9 459,12

LEGAL WORK

Our roster of legal firms provide an invaluable service. The bulk of their work, this year, has been in the Langa Commissioner Court, but they write letters of demand, work on appeals for Section 10 rights and appeals against sentences, occasionally they appear in Magistrate Courts. Their moral as well as practical support is essential to the running of the office We thank them.

The Langa Commissioner Court

This year our lawyers have appeared 117 times on behalf of blacks appearing in this court. On some occasions the case has been remanded, one case being remanded four times. Fortunately on this occasion the defendant was not imprisoned. Recently a Crossroads resident's case was remanded, he was taken to Pollsmoor and disappeared. His wife searched frantically for him, even believing him dead. He was found thirteen days later, bail was requisitioned and the case was withdrawn! His crime had been to lose his travel document with his 10 (1) (d) Crossroads stamp. He also lost eight days pay!

The bulk of the cases deal with influx control and charges fall under Section 10(4) of the *Urban Areas Consolidation Act 25 of 1945 as amended* - being unlawfully in the area. Section 11 (2) charges are not uncommon, introducing into and harbouring a person unlawfully in the area. Charges under Section 15 of the *Natives Abolition of passes and Co-Ordination of Documents Act 25 1952* are common when the defendant has no document on his person when interrogated (he should be permitted to fetch it within a radius of 5 km.)

Our legal representation is a drop in the ocean of the two court rooms at Langa. The vast majority plead guilty, the case is whisked through, and the standard sentence, with little regard to livelihood of the defendant, is R50 or 50 days. Our lawyers usually plead guilty leading mitigating circumstances which often result in the sentence being suspended, or reduced and even, occasionally having the charge withdrawn, or their being cautioned and discharged. This is a considerable saving but in addition, we believe the presence of our lawyers has improved, what had become, a dehumanised routine churning out of sentences to people who have been hounded by inspectors or police, often jailed, made to appear in court in a strange language, for the crime of seeking work and shelter as a means to live.

Appeals for Section 10 rights, under the Urban Areas Act

We continue to have claims for Section 10 rights. Presently there are a number in the hands of lawyers, they often drag on for years, occasionally resulting in successfully obtaining a Section 10 (1) (a) (b) or (c) right. On the whole, the Administration Board of the Western Cape firmly contests these appeals. One real achievement this year, and we hope an indication of changing attitudes within the Department of Co-operation and Development, was an appeal on compassionate grounds for 10 (1) (b) rights, which was granted. The case has been dragging on for years and finally, at ministerial level, his appeal was turned down. In desperation, for this man and his wife have lived all their adult life, over 20 years, in the Western Cape, we asked them to reconsider his 10(1) (b) claim and in granting of this, his wife's 10 (1) (c). They did. Letters to authorities from the



A new home at Langa, converted from single quarters. The Peninsula Administration Board encourages employers to become involved in the provision of family homes.

Courtesy Cape Times

office occasionally assist in getting rights established, particularly if our investigations have turned up new information or shown a new slant on the problem. But why should people fight for the right to live, often, where they were born?

Supreme Court Appeals

Last year we reported the supreme court decision in favour of Mrs. Mtima's 10 (1) (c) claim - to live with her husband, which followed on his claim to qualify as a permanent resident - 10 (1) (b). Both cases were crucial to our work. However this success was somewhat upset by the Cape Supreme Court's decision in the Komani case. It was found, that although Mrs. Komani had entered the area legally and lived legally with her qualified husband for over a year she did not qualify under Section 10 (1) (c) once her permit to remain was cancelled. This means a woman's legal rights can be lost through administrative action. We take this case, with assistance, to the Appellate Division.

One tragic side in the Mtima story - Mr. & Mrs. Mtima have not been able to get a house and for some time have had to take lodgings separately, resulting in their separation. Marriage is precarious enough without the difficulties that the law makes these people face.

The position of married women is closely linked to the availability of housing which will be discussed later.

Other Appeals

We had two successes in the Supreme Court in appealing against sentences. In the first case a 13 year old Crossroads boy had been convicted in the Langa Court of being in the area illegally. The judge deplored the lack of elementary justice in the trial, set aside the conviction and sentence and ordered the R30 fine to be repaid. In the second case, a young woman was attending a Maintenance Court and was convicted for contempt of court for allowing her baby to cry! This judgement, too, was set aside and a fine of R10 is to be repaid.

An appeal against sentence is pending in a case which received much press publicity. Work was done on two other appeals but they were withdrawn as the court records were too scanty.

An appeal against sentence under Section 29 (being found idle and undesirable) had the conviction confirmed but sentence of one year imprisonment was suspended provided he found work within 30 days - shades of the 19th C vagrancy laws!

State Legal Aid

We send quite a number of people directly to Legal Aid. These involve Motor Vehicle Assurance, assault and other criminal and civil cases. Our lawyers, too,

apply for legal aid in the lengthy process of appealing for Section 10 rights. We are grateful for the co-operation and assistance from the Legal Aid office and the care and concern they show.

The Court and the Press

So distressing are many of the cases at the Langa Court that we felt that the public should be aware of the effect on the lives of people of the laws governing influx control. We asked the Press to visit the Court and report on some of our cases. The response has been tremendous, their stories have caught the attention of the public and sparked off public debate and public display of conscience, such as the Kohlakala case. It is essential that we are all aware of the daily disruption of many lives under influx laws on people, not ciphers, or numbers, or files, people who have the same aspirations as ourselves, middle class aspirations, the basis of a stable society.

Court Visits

We have appealed to the public and do so again, to visit the Langa Court. It is ironic that many overseas visitors go there but few South Africans. We must know the inhumanity of our laws and see them in operation, ultimately, we will be responsible. Black Sash members have visited the court for years, their presence has had some effect. The men who execute these laws need commiseration, it is a dehumanising process.

SQUATTERS

This year squatter and Crossroads are almost synonymous! However there are squatter camps in the Cape which have not been given a new lease on life, we must not forget them. The end of last year saw extreme harassment of Crossroads residents preparatory to demolition. With the appointment of a new minister with a new policy, Crossroads, and the world, relaxed.

In October 1978 the Crossroads Extension Office opened. The residents were too hardup to risk further fines and too short of money to pay busfares into Mowbray. The extension office has proved valuable and the service has continued throughout the year. Contact with Crossroads with its vitality has been a rewarding experience and it is significant that there has been the happy development of relationships between people which is impossible in the other black townships where permits have to be obtained to enter, if you are not black.

We appeal to the authorities to allow us to live together in practice as well as in fact. If we are prescribed and controlled we erect barriers and cannot develop normally. We must smash barriers, not erect them between people in this country.

In April came the Crossroads reprieve. It has been a bold solution and if the promises are kept, will succeed, despite the inevitable difficulties and problems

that arise in sorting out and transferring some 25,000 people. The work done and the statistics collected by the Office and the Black Sash prior to the Administration Board survey, have proved valuable and may be even more so if used by the Administration Board.

The Crossroads residents are anxiously observing each fresh development. At present we await the issue of permanent endorsements and the first tenders to be called for the first of the new houses. The planning for the new township must be shared and to date there has been consultation between Crossroads residents, the Department of Co-operation and Development and the Administration Board. This must continue, the eyes of the world watch.

PERMIT PROBLEMS

The right to live and work in South Africa is dependent on the influx control laws if you are black. It is necessary to have a permit to reside, dependent on Section 10 of the Urban Areas Consolidation Act 25 of 1945 as amended. 10 (1) (a) - birth and continuous residence in the area; 10 (1) (b) - 15 years unbroken lawful residence or ten years lawful employment with one employer in one area; 10 (1) (c) - the wife and dependent children of a man qualifying under (a) and (b) with stringent requirements attached and 10 (1) (d) which depends on the discretion of the authorities and can only be requested not claimed. Without one of the above you can be in the Western Cape for 72 hours as a visitor, 14 days if you have a Trankei Travel Document. You cannot work if you are a visitor.

As the pressures to survive increase in the Ciskei and Transkei, people come to the Western Cape and some get jobs. Sometimes they have lived and worked illegally for many years and want desperately to establish a right - they come to us, particularly now, as a huge new fine, maximum for the first offence R500 minimum for second offence R500, has been introduced. Riekert's recommendation for hammering the employer - as if it doesn't affect the black employee! There is nothing we can do, except hope that the change in the air everywhere else comes to the Western Cape. The rest the country has been able to register their employees of one year or more, enabling them to live and work for that employer.

Here the coloured preference policy holds sway and despite coloured opposition it is rigorously applied. It is dangerous and unhealthy to protect one group at the expense of another for the benefit of a third. Scrutiny of the policy reveals that it is rationalisation or maintaining what might be called the last white homeland. It is economically, socially and morally harmful and enforced at the expense of unemployment, starvation, despair and misery of blacks who cannot live in the Eastern Cape to whence they are despatched, and bitterness to blacks who have lived in the Western Cape for generations with no right to free-hold or to ownership of houses or other landed property.

DOMESTIC WORKERS

We are inundated with requests, both white and black, to help legalise black domestics in jobs that coloured and legal blacks will not take. Coloured and legal blacks will not "live in", they have their families to attend to here, whereas black women who have left their homes and families to earn enough to support them, wish to "live in". It is economically, let alone morally, indefensible to take jobs away without refilling them in time of severe unemployment. What is being done is violent. It is violent to hunt a woman down, to have the right to search, sniff her out, to put her in a van, keep her in cells and put her in court, then fine her or keep her in jail - for working. This violence has far reaching effects, not only on the woman, but on their employers too, who often love and admire them. One senior government official told of the horror he felt at the treatment meted out to his maid. "I have learned so much from her and think so highly of her" he commented, "how can she be treated so"? What are we doing to the people who have established enduring relationships? What is happening to the people who must administer these laws? These questions are not fanciful, daily shock and horror are expressed in the office. From July when the new fines came into operation, our telephone has gone constantly and women, black and white, have streamed into the office. No society can tolerate such strains coming as they do onto the intolerable burden of laws and regulations which make it almost impossible to exist.

WIVES WISHING TO LIVE WITH THEIR HUSBANDS

This has been a perennial problem of the Advice Office. It would seem that if you are black and living in the Western Cape it is sinful to want to live with your husband.

This stems partly from the appalling lack of housing. There has been no significant building of homes for the black people in Western Cape since 1968. Not even natural increase of those legally resident has been catered for. Squatter camps are the "spontaneous solutions" to pressures of accommodation and the desire of often legal men to live with their wives and families.

Men legally resident come to ask how they can have their wives with them, which, if they are 10 (1) (a) or (b) is their right. It is almost impossible, as the authorities insist they have accommodation, and houses are only given to men with families already with them.

One man who visited the office had lived, and worked in Western Cape for 30 years and could not get permission for his wife to live permanently with him. He is one of many such men.

There is some hope for the better off. The Administration Board are converting into family homes some of the bachelor housing in the zones. The rent is high, R34 per month, and the conversion shabby, but a house enables a man to apply for his wife. In addition the Board is encouraging employers, to convert some of the zones for their employees, so if a man is able to get a house or find empty lodgings there is hope for a united life.

We hope that the new Crossroads will not be the only housing built in the near future. Housing is essential for stable society, ideally with the rights of home ownership.

CONTRACT LABOUR

Here too we have men living unnaturally separated from their wives and families and they have no hope whatsoever of being able to bring their wives legally to join them.

The contract labourer is a part of the rigid control of black labour for white use in South Africa. If there is not sufficient legally resident labour available, labour is recruited on a contract system, without the uncomfortable problems of housing a family

They are "switched off and on" when it suits the employers and all care, benefits, welfare, housing, etc., are the responsibility of the homelands even if he spends his entire working life in the Western Cape, or wherever he might work.

The contract labourer is a victim. He cannot withhold his labour or bargain with it, it is his means of survival. It would seem that contract workers will now be permitted to be members of Unions, perhaps some improvements in their lot will follow.

Many contract workers come to us, often because their contract has been terminated early and they are without work - their employer can dismiss or retrench them. Sometimes they come to complain of the conditions of work or the treatment they receive. However, work is difficult to get, they know of the long queues at the labour bureaux, and they must keep their jobs.

If we cannot abandon the Contract labour system, we must see that it is not abused. We ask for a contract which is a valid agreement of employment offered and accepted under statutory regulations, not the present contract where white capital acquires black labour at the lowest possible price.

MISCELLANEOUS

Unemployment

The world economy has been threatened with recession, continuing inflation and increasing unemployment. South Africa is already at danger level with its numbers of unemployed, without considering the rapidly increasing population and the need for millions of new job opportunities. Evasive or protective action is no solution, for instance taking jobs that exist away from black domestics in the Western Cape. Population experts know that population control comes with a stable, informed and reasonably secure society, not one that is arbitrarily controlled and coerced. Unemployment cuts through all our work in the Advice Office and is steadily increasing. Particularly serious in the position of the young with senior certificates. They complete school and find they have no where to train further. There are no educational facilities for the Blacks in the Western Cape after school and homeland colleges and the university are often full of their own applicants. If the girls do secretarial courses, the jobs are barred to them as reserved for "coloureds". Apart from the waste, it is dangerous to force the young and able into inactivity. The Department of Manpower is presently enforcing the coloured preference policy particularly in skilled or semi-skilled work.

Unemployment Insurance Fund claims follow the problems of unemployment, where people are covered! Many ask us how to set about claiming benefits which can be a complicated and long process. Employers are sometimes tardy in supplying the essential blue card UF74 which must be acquired from Pretoria. The Department of Manpower in Cape Town and the Department of Co-operation and Development at Observatory as well as the Langa Labour all play their part in establishing claims.

Workmen's Compensation Claims & Motor Vehicle Assurance Claims also feature in the work of the Office. We pass on claims for old age pensions, sick benefits and welfare, but have numerous maintenance problems which are handled by the Department of Co-operation and Development at Observatory. All we do is to refer them to the official concerned, but it is a help to share the problem.

Lost bank books, reference books, travel documents, permits and people feature in our weekly problems. The people have usually been swallowed into Pollsmoor Prison and it seems very difficult for their relatives to trace them.

Many problems are simply attempts to adapt to the hostile laws. One group, *domestic workers*, have no laws controlling their employment, they are extremely vulnerable. There is no minimum wage, no UIF, no sick benefits nor compensation for injury and in fact all we can demand in law is that they be paid for work done. The wages are often pitifully low, R40 per month for living in, but a great deal more than they can earn in the homelands.

The *shortage of housing* has been discussed. Many come to ask if we can assist them with their housing problems. These are the legal residents who have often been waiting ten years or more for a house and are resentful if they think that someone else has jumped the queue. A great deal of our work is referral - clarification and identification of the problem. Many are able to make their own decisions when the problem has been shared and discussed. Some feel they face a hopeless situation and are heartened when find that many others have the same problem. Much is achieved by sharing, the atmosphere of the office is a supportive one.

We are occasionally visited by delegations from townships, resident associations and local groups. We discuss problems and possible solutions and can often assist in resolving difficulties

CONCLUSION

The Advice Office was very sad to lose Barbara Versfeld at the beginning of this year. However we know she will help us whenever she can and make available her expert knowledge. We and thousands who have passed through the Office, thank her for her concern, care, expertise and love.

We speedily recovered from the chaos of the New Year fire in the Race Relations Building where we have our offices. We have benefitted, as we have re-organised our filing cards and refurnished our rooms. Numerous visitors come to the Office, many from overseas, we enjoy their visits and they are very interested in our work.

Thanks go to the Press for their interest and help in our work and lastly, our staff of three interpreters/counsellors, who will join us in thanking the women and Mr. Frank, who come each day and give such unstinting, valuable and skilled help. We could not continue without them in what has become a combined operation.

DIRECTOR
R. N. ROBB

ORGANISER
S. E. PHILCOX

Case studies are available to illustrate all that is reported. We would be happy to make these available to those interested.

Those who wish to support the Athlone Advice Office financially can do so only from within membership (ordinary or associate) of the Black Sash or the S.A. Institute of Race Relations. Information about the aims and conditions of membership of both organisations is obtainable from their respective offices, both at 5 LONG STREET, MOWBRAY 7700, CAPE.

You are cordially invited to contact us