

**ATTENDANCE
JANUARY - DECEMBER 1985**

	Jan	Feb	March	April	May	June	July	Aug	Sept	Oct	Nov	Dec 1-13	1984
permit problems	59	60	62	52	34	26	39	21	15	18	30	6	899
contract workers	40	41	46	35	37	35	50	28	33	109	29	10	440
U.I.F. problems	13	8	5	15	8	4	18	14	15	14	6	5	439
Miscellaneous	95	67	86	102	69	89	81	101	70	97	78	30	883
Old cases returned	89	92	149	104	129	102	115	123	97	141	120	33	1546
Totals	296	268	348	308	277	256	303	287	230	379	263	84	3215



**BLACK SASH ADVICE OFFICE
ANNUAL REPORT
1985**

R1,00

**BLACK SASH ADVICE OFFICE
TREASURER'S REPORT**

FOR THE YEAR ENDING 31 DECEMBER 1985

	INCOME		EXPENDITURE	
	1985	1984	1985	1984
SAIRR				
Donaldson Trust	3 348	2 490	Salaries	17 891
Ford Foundation	2 250	2 250	Rent	1 620
BSAO Reports	5 000	5 190	Telephone	820
Loewenstein Trust	92	94	Pension	508
SASH	-	5 000	Western Cape Admin Bd	312
	16 451	10 215	Insurance Fund	288
			Stationery & Office	1 195
			Legal	263
			Annual Report	1 436
			Fares	217
			Postage	329
			Information	-
			Secretarial	360
	<u>27 141</u>	<u>25 239</u>	<u>27 141</u>	<u>25 239</u>

Evicted farm workers looking for a home

Black Sash Advice Office ANNUAL REPORT

January - December 1985



Black Sash Advice Office

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

5 Long Street.
Mowbray 7700
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"There! That should ease the pressure."

(Tony Grogan: Cape Times)

Black Sash Advice Office Annual Report – 1985

INTRODUCTION

1985 has seen the worsening of the plight of black South Africans. On the one side are the repressions of a State which has relentlessly administered its apartheid policies through oppressive laws and mindless bureaucracy and on the other side there is the tyranny of the township revolt against everything that could be deemed to be part of the "system".

During the second half of the year we have been increasingly aware of the dilemma of ordinary folk torn between for example, wanting to pay their rent to avoid the threat of eviction and knowing that if the "comrades" find out that they are paying, there is the threat of having their houses burnt down – a case of heads I win, tails you lose. Parents have been going to work during the schools boycott not knowing what their children were doing in their absence. We have also seen the anguish of parents whose children have been detained or simply disappeared for fear of being detained. All these stresses are added to the day to day problems of black life such as overcrowding, inadequate facilities, second rate education, influx control etc.

Since September, the Advice Office has been represented on the committee which administers the running of the Repression Monitoring Group's (R.M.G.) relief centre in the centre of Cape Town. This relief centre was set up to deal with the needs of people affected during the near state of war which has existed in the black and coloured townships in the last half of the year. Legal and medical assistance as well as general support has been co-ordinated by this centre which is manned by volunteers from the support organisations constituting the R.M.G. of which the Black Sash is one. This has left the Advice Office to continue dealing with problems arising from influx control, lack of sufficient adequate housing and an assortment of labour problems.

INFLUX CONTROL

This year has seen a two-faced approach to influx control. On the one hand, in line with talk from politicians of the need for reform and movement away from apartheid, pass raids in and around the white suburbs of Cape Town appear to have become a thing of the past – according to reports from the industrial areas the inspectors have continued to raid factories and similar places.

Section 10 (1) of the Black (Urban Areas) Act has been amended to, (theoretically anyway ease, the mobility of black people already qualified to live in the urban or prescribed areas. These amendments do not, however, help people wanting to come to the urban areas. In the squatter camps around Cape Town (such as Crossroads, K.T.C. and more particularly at Site C) the officials have allowed squatting to proliferate. At site C, the large official site and service area at Khayelitsha, previously illegal people are given 18 month permits and are allowed to register their employment (if they have a job).

Section 10 of the Black (Urban Areas) Consolidation Act No. 25 of 1945, as amended, states that "No Black shall remain for more than 72 hours in a prescribed area" unless he is qualified to do so. These qualifications are as follows (and the onus is on the individual to provide proof),

- (a) he has since birth resided continuously in such area; or
- (b) he has worked continuously in such area for one employer for a period of not less than ten years or has lawfully resided continuously in such area for a period of not less than fifteen years, and has thereafter continued to reside in such area and is not employed outside such area and has not during either period or thereafter been sentenced to a fine exceeding five hundred rand or to imprisonment for a period exceeding six months; or
- (c) such Black is the wife, the unmarried daughter, or the son under the age of eighteen years, of any Black mentioned in paragraph (a) or (b) of this subsection and, after lawful entry into such prescribed area, ordinarily resides with that Black in such area;
(1A) For the purpose of paragraph (c) of subsection (1) 'resides', in relation to the wife, the unmarried daughter, or the son under the age of 18 years of any Black referred to in paragraph (b) of the said subsection who did not ordinarily reside with that Black in a prescribed area as contemplated in the said paragraph (c) at any time before the commencement of the Laws on Co-operation and Development Amendment Act, 1983, means to reside in a prescribed area—
 - (a) in any building erected on any site in respect of which a right of leasehold for residential purposes has been granted or disposed of to that Black in terms of section 6A; or
 - (b) in any dwelling erected, for the purposes of occupation by himself and his dependants, by that Black or any residential site allocated to that Black for such purposes of occupation in terms of the provisions of this Act or any regulations, or in any dwelling on any such site let to that Black for such purposes in terms of such provisions; or
 - (c) in any dwelling allocated or let as a whole to that Black for the purposes of occupation by himself and his dependants in terms of such provisions; or
 - (d) in any married quarters referred to in section 9 (2) (f) made available by his employer to that Black for the purposes of occupation by himself and his dependants; or
- (d) in the case of any other Black, permission to so remain has been granted by an officer appointed to manage a labour bureau . . . due regard being had to the availability of accommodation in a Black residential area.

On July 3rd the following amendments were made;

Section 10 (1) (a): anyone born in a prescribed area and continuing to live in any prescribed area will have permanent residence rights in any prescribed area. Section 10 (1) (b): anyone who has worked or lived lawfully in any prescribed areas for ten years continuously will have permanent residence rights. This means that 10 (1) (a), (b), (c) people can theoretically move from one area to another and be eligible for housing wherever they can find work (the work and housing still have to be approved by the Board officials). They will also not lose their urban residence rights if they move to a homeland (independent or otherwise). What has not been changed is the alteration to Section 10 (1) (c) which was promulgated in August 1983. This effectively stopped families of newly qualified 10 (1) (b) men from being able to qualify to live in the urban areas unless that man has a house of his own. As houses are not allotted to single men, almost no families have been allowed to join breadwinners.

The other side of the picture however reflects the fact that the civil servants in the Development Board offices and at the Dept. of Co-operation and Development (now Home Affairs) do not believe that influx control is no longer favoured by the politicians and we still battle to have individual cases dealt with in a rational and sensitive way.

One of our ongoing cases concerns Mr. J.L.W. who first came to our office in March 1984. He was born in Cape Town, orphaned as a baby and brought up here by his aunt and uncle. He had never had an identity document. Mr.W is a shy young man and for some time failed to get past the security guard at the Commissioner's office. Eventually in February 1985 he was given a temporary permit to remain in the area while his case was investigated - his latest extension to that permit expires on January 6th 1986 and his right to live and work in the only place he knows has still not been recognised.

There are many similar cases in our files where one member of a family for some reason, either lack of registration of birth or being sent upcountry for schooling, is not considered by the officials to be qualified in terms of Section 10 (1) of the Black (Urban Areas) Act to live in the prescribed area with their family.

The granting of Section 10 (1) (b) rights to contract workers has become more or less a formality since the Development Board lost their appeal against the Cape Supreme Court judgement in the Mthiya case. Mr Mthiya had had breaks of up to 8 months during his ten years on contract. We have also had success in assisting men who have worked in more than one prescribed area during their ten years on contract.

LABOUR

The Advice office is dealing with more and more cases involving retrenchments, wage disputes, U.I.F. problems and other labour related matters. Many of these we refer to the Dept. of Manpower or to the relevant Industrial Council or Union. When we contact employers we often find ignorance of correct procedures or failure to explain matters to employees. U.I.F. cards have often not been applied for, holiday pay and pension fund repayments not been calculated before notice has been given and reasons for the dismissal not been made clear. Employers should be made to realise that their labour force cannot be treated like production units to be discarded when no longer needed. There are procedures which employers are required to follow when retrenchment is inevitable – and these do not simply involve paying workers off on Friday and telling them that there is no more work.

Mr. T.M. worked for the same company for 11 years. In May, transport money was recovered from a group of workers after they had been paid. Mr. M was not present but his pay packet was illegally opened and R 5 removed. He objected to this, there was an argument and he was fired. After representations to senior management he was re-instated but the next month he was retrenched. He was given a ticket back to Transkei, notice pay, holiday pay and told he would be re-employed if work picked up. He felt that he was entitled to severance pay after 11 years with the firm but this was not forthcoming.

As the year progressed and the recession deepened we found that more firms were following the correct retrenchment procedures.

Mr. M.N. had worked for the same firm for 25 years. His severance pay amounted to R2018 and he received R1186 from the pension fund. In addition he will be able to draw 45% of his wages from the U.I.F. for 6 months but he is already 54 years old and his chances of finding another job are not good. R3200 will not last very long.

With regard to the Unemployment Insurance Fund and claims for benefits from it, it is quite clear from the experiences of the people who come to our office for help, that the delays in having claims processed are getting longer and that the officials are not able to do anything apart from telling claimants to "come back next week".

Mr. M.J.J. applied for sick benefits in June and had not yet received any by December.

Mr S.W.M. registered as unemployed in July, when last we saw him in November, he had been told that "it would be posted to him".

Mr. N.R.H. applied for sick benefits in July. We first saw him in September and discovered that there was an error on his medical certificate. After months of to-ing and fro-ing, a third certificate was accepted in November, to date he has not received any benefits.

In 1984 we reported that the coloured labour preference policy had been scrapped in theory but was in fact still being implemented. Our experience has been that directives went out to the various Development Board offices early in 1985 and by February the coloured labour preference policy was finally a thing of the past. Prejudice and lack of education and opportunity will, unfortunately, take longer to be overcome.

LEGAL

The Advice Office is grateful for the assistance of the twenty one law firms in Cape Town who continue to advise and guide our case workers in legal matters. We have also worked closely with the Legal Resources Centre particularly in labour and influx control matters. The Advice Office arranged defence in 26 cases, these involved 2 trespass charges, 18 people charged with being in the area without permission and 8 men charged with harbouring their wives. In 10 cases the charges were withdrawn and a further 2 of those defended were cautioned and discharged. In one case defence was arranged for a man who had been fired and told to remove his belongings immediately from the company's premises. When he failed to do this the S.A. Police were called and he was allegedly beaten up and arrested for being in the area without permission, trespass and assault. He was acquitted on all three charges and the defence lawyer is investigating the possibility of counter-charges of wrongful arrest and assault.

At the end of the year when people charged with public violence arising from the "unrest" in Cape Town started appearing in the magistrates' courts, we reconvened the court monitors. Since mid-November we have tried to have an observer in court whenever possible.

HOUSING

Khayelitsha is now an accepted part of life and the sale of houses there seems to be continuing apace. Prices range from R8 198 – R8640, with deposits ranging accordingly from R410 to R432 and monthly repayments from R27,97 to R79,95 depending on income. In addition there is a monthly service fee of R23. We understand that there has been a rent boycott in action amongst those living in rented houses.

The sale of houses in the other black townships has not been possible because the stands have not yet been surveyed. There is also a rent boycott starting in these areas and it remains to be seen what actions are taken by those in authority in the coming year. Few people in New Crossroads have paid rent since January 1985.

Much damage has been inflicted in all the townships during the "unrest", with beerhalls, offices and other buildings being burnt and stoned. There has also been widespread violence against community councillors (those that have not resigned from office).

those in authority in the coming year. Few people in New Crossroads have paid rent since January 1985.

The most dramatic change however has been in the government's attitude towards squatters in the Western Cape. In March, 6800 sites with a rubbish bin and toilet for every 2 sites and water tap for every 4 sites, were opened at Site C in Khayelitsha. Schools were provided and the Development Board assisted some 30 000 people to move there from the Mahobe Drive area of Crossroads. Tents were provided, the Red Cross and Shawco ran soup kitchens and 18 month permits were issued to previously "illegal" people.

In July we saw a number of people from Crossroads whose shacks had become very wet in the winter rains and wanted to move to Khayelitsha. Development Board officials told us that, apart from desperate cases, no more houses were available for renting and the next phase of the site and service area was still being planned. In August however, houses were once more been allocated for rental (still at R20 per month).

Advice Office case workers have not been out to Khayelitsha during the last quarter of the year because of the "unrest" which has been particularly heavy in that area. We continue to meet with social and community workers on a twice monthly basis and they tell us that the state of affairs at site C in particular is not good, with many people unemployed and widespread evidence of malnutrition and starvation.

GENERAL

To give an idea of the range of problems that we deal with, here is a list of an average day's cases;

3 pension problems – in one case the arrival of the pension cheque from a private fund was erratic, the others had been fired and wanted to reclaim their contributions from the pension fund. One man wanted to find out how to claim a refund of his Income tax. We dealt with a holdup being experienced over a third party car accident claim. Three people were having problems with delays in the processing of their Workman's Compensation claims.

A domestic worker, not qualified to be in the area, wanted to be registered in her employment and the family of a man who had died wanted to know how to have his estate wound up. Then there was a wife wanting to claim 10 (1) (c) rights but she had been deserted by her husband. Finally there was a man who had been a contract worker for 7 years until 1981 when he had fallen ill. For a year he had remained here on a medical permit. He has been left with a psychological problem so he was finding it difficult to hold down a job. He was quite adamant that he was qualified for permanent residence rights. In addition, the telephones ring constantly with requests for information, help and guidance.

For the last 6 months of the year there has been an added dimension to the work of the Advice Office for we have taken on a field worker, Philip van Ryneveld. After a training period in our office and at various seminars, he spent some time in the Transvaal with the field workers from the Transvaal Rural Action Committee (T.R.A.C., run by the Black Sash in Johannesburg). Since August, he has been very active in the country towns around Cape Town, helped on many occasions by the staff of the Advice Office. His report makes up the second part of this publication.

CONCLUSION

We would like to thank our office staff, Lettie Malindi, David Viti, Nomahlube Nabe and Theo Mokamela who have risen above the stresses and strains of the political situation to keep the Advice Office open and functioning. We would also like to mention Abieda Isaacs, the Black Sash office secretary whose cheerful handling of our requests for typing and other administrative tasks is gratefully acknowledged. Our thanks also go to our panel of voluntary case workers on whose experience and enthusiasm we rely. Finally, tribute must be paid to Noël Robb without whose wisdom, experience and vast store of knowledge the Black Sash Advice Office would be a poorer place.

We have had many visitors to the Office. Foreign and local journalists, academics and parliamentarians, students writing theses, foreign students doing externships and many lawyers visiting this country particularly from U.K. and U.S.A. The Urban Foundation, U.S. Senator Solarz, Amnesty International, the International Committee of the Red Cross and many squatter leaders and delegations from organisations of various political persuasions have all had meetings with Advice office staff during the past year.

R.N. ROBB
Director

S.J. JOYNT
Organiser



Zolani township, Ashton

ACTIVITIES IN THE WESTERN CAPE.

September was a difficult time to start working in the Western Cape because of the tension prevailing throughout the area. Not only in the Peninsula but throughout the rural areas of the Western Cape there were sporadic outbreaks of violent conflict between police and young people in particular – even in the most conservative of tiny towns. The day before I arrived in Swellendam for the first time, for example, there had been incidents near the school grounds which resulted in the arrest of 52 school pupils. I made contact with the local priest of the Dutch Reform Mission Church and offered to help organise legal defence if necessary but this had already been looked into. One of the difficulties which I encountered in Swellendam and which was repeated elsewhere was that in situations of such tension and given the widespread surveillance by security police, outsiders introducing themselves for the first time naturally arouse even more suspicion than they would normally do.

Much the main focus of my activity in the field has been in the Montagu and Ashton area, approximately 200 km east of Cape Town, where I have usually worked with Dawie Bosch of the Montagu and Ashton Community Service (Gemeenskapsdiens) MAG. This in itself raises important issues regarding the rural work of the Advice Office. The need for advice work is immense; and the resources required to do the work efficiently are similarly great. One can only hope to scrape the surface. But the task is made much easier if there is somebody locally based who can assist in the work. Obviously, the more competent that person is, the more than can be achieved. There is a temptation to concentrate one's energies where there is already somebody such as Dawie Bosch and an organisation such as MAG because of the additional possibilities it appears to open up. Previous to my visiting Montagu Dawie was mainly involved in literacy work. With my arrival he began to concentrate on advice office work, so in a sense we were both exploring new territory together.

Building workers in Montagu

The first major focus of activity in Montagu, with MAG, began when on 10th September, 1985, one of the major builders based there went bankrupt, putting 65 workers out of work. He gave the workers no warning of the closure nor did he meet any of his obligations regarding arrangements for workers to draw from the Unemployment Insurance Fund (a fund to which workers made by far the major contribution). From our subsequent work it transpired that perhaps only 10 workers would have managed to draw their money had it not been for our intervention. The main problem was the issue of the blue UIF cards. It is the employer's obligation to ensure that all workers in his employ have such a card, and to get cards for those that do not. The builder had clearly seldom if ever, done this. Even those who had given their cards to management for safe-keeping as is required of them in the regulations, had immense difficulty in getting their cards returned.

Management was generally completely unco-operative and extremely rude. The attitude of most of the workers was that trying to get their money would be very unpleasant and probably unsuccessful. Indeed, even with our assistance and pressure, and after numerous phone calls and personal visits to the Dept of Manpower, the book-keepers, the liquidators and the local magistrate, the blue UIF cards have still not arrived. Eventually the workers will get their money. An estimate of the amount which should be paid out is in the region of R30 000. If the claims for holiday and notice pay which we have helped the workers to make are successful, there should be a further amount of R8 000 paid out. It reveals both the serious malfunctioning of the UIF as well as an example of how valuable advice office work can be, in simple monetary terms.

At the time of the bankruptcy there were a number of boycotting school-goers at home in Montagu from schools elsewhere. We held a workshop with interested students in which we explained how UIF works and discussion followed contextualizing UIF within the "system". Next we invited re-trenched workers to a meeting on UIF and approximately 40 came. Few had any idea of how UIF worked. After explaining the workings to the whole group, the students then helped to explain to each worker individually what to do and how much money they could expect to get. A questionnaire-cum-checklist was devised to assist the process and help keep clear records of each case. It was encouraging that we were thus able to involve interested school-goers in the activities in a constructive way after only a short workshop on UIF.

There was another interesting development emerging from this which we hope will have implications over the longer term. At the initial meeting of workers when we explained the UIF some of them expressed an interest in discussing action that could be taken to improve their situation. In particular they had seen how conditions were better when they worked in Paarl where they fell under an industrial council agreement. A decision was made to meet again. After making contact with various organisations in Cape Town, including the General Workers Union, the Food and Canning Union, the Trade Union Library and the South African Labour Development & Research Unit, it was decided to invite the S.A. Woodworkers Union to the meeting. As a result of this a branch of the union was set up in Montagu. There was initially immense enthusiasm, with many people signing up and more than R200 being collected in a few days to assist unemployed building workers. The committee also involved itself with some success in the issue of work for unemployed at R4 a day, run by the municipality with emergency state funding. Unfortunately, since the initial meetings, backing from the Cape Town headquarters has been almost non-existent. It is an area where Dawie Bosch and I should perhaps attempt to perform that back-up role, since it seems that the union did not really had the resources to form a branch at Montagu.

Zolani

The other area of activity that I have been involved in with MAG has been in assisting people in Zolani, the township near Ashton. With the laws governing the publishing of material on police activity as stringent as they are, one is not confident about reporting as freely as one would wish. In brief, there is a group of vigilantes operating in Zolani, amongst other things imposing an illegal curfew after 9.00 pm. I have experienced it myself on two occasions when I have been in the township after that time, being confronted in a very threatening way by these vigilantes carrying knopkeries and sjamboks. There are repeated allegations that they also have handguns which were issued to them by the Administration Board. On the first of these occasions the police came and parked next to us but did nothing to curb or control this group of approximately 15 men carrying dangerous weapons. But our experience is of negligible importance when compared with that of residents who are terrorised daily. A number of residents have been badly assaulted. We have made formal complaints and reports to the police concerning the curfew and assaults but it has little, if any, effect. We are at present working on getting a restraining interdict served. The conflict began when school-children boycotted exams and a group of men armed with sjamboks and knopkerries took action against them. The group arrested a large number of predominantly young people, handing them over to the police (often allegedly after assaulting them first).

Since 4th November approximately 6% of the total population of Zolani have been charged by the police with arson or public violence. Only a handful were granted bail. More than 40 children, 13 of them under the age of 16, spent more than 2 months in jail. Many of them are, at the time of writing, still in jail awaiting trial. One trial has finally begun, and after hearing the state's case only, nearly half of the cases were dismissed. We have been trying to organise meetings between a delegation of the parents of those in jail and the community councillors with whom the vigilantes are closely associated. It has been relatively unsuccessful although very interesting for the insight it gives into what is becoming a very unfortunate but significant part of contemporary South Africa.

The problem requires careful and honest examination. Allegations that it has all the fault of the police tend to be exaggerated and misleading. That the kind of violence involved is part of a violently structured society is undeniable. Any comfort that the authorities might take from the conflict is demonstrative of the disarray of forces of change is terrifyingly short-sighted. I will not try to analyse the conflict here, save to state that there are people in the townships who have things to lose, such as their position in the traditional structures of authority. As an example, one might cite the relationship of male to female in a traditional patriarchal structure. In Zolani, and the townships of Cape Town, I have had a strong sense of sexual politics being a significant component of the conflict. Obviously in areas of weak organisation, the potential for this violence is greater. The manner in which the consumer boycott was enforced in some areas seems to have been

another aspect of the conflict (although there has been no consumer boycott in Ashton.) It is not very difficult for the authorities to turn the division to their own short term advantage.

Grabouw

Another area of activity has been at Grabouw, an hour's drive from Cape Town. We received a request from workers at the Escom plant that we come and assist them in getting their 10 (1) (b) rights. Since then members of the Advice office staff have been to Grabouw on a number of Saturdays and, working from the very well organised farm run by Simon and Isabel Brown, have assisted or are assisting well over a hundred workers. The change of law introduced on 4th July, 1985, enabling workers to build up their ten years in different prescribed areas has made a significant difference to workers such as those at Escom who travel around the country working on different projects.

Research

A significant proportion of attention has also been directed towards research into Influx Control and agricultural law and conditions. Much of this has involved working closely with Laurine Platzky of the National Committee against Removals, and the Surplus People's Project. In all, it has been a fascinating six months - as depressing as it has been hopeful.

P. VAN RYNEVELD
Rural Extension Worker