

## BLACK SASH ADVICE OFFICE 1986



BLACK SASH ADVICE OFFICE
TREASURER'S REPORT
FOR THE YEAR ENDING 31 DECEMBER 1986



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## Black Sash Advice Office ANNUAL REPORT

January — December 1986

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

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## Black Sash Advice Office Annual Report 1986

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## INTRODUCTION

The past year has seen a dramatic change in the emphasis of the work of the Black Sash Advice Office. On the more obviously political level, the Black Sash has worked together with other organisations to respond to the crises arising out of the declaration of the state of emergency, the enormous number of detentions, the disappearance of people particularly in the rural areas with which we have maintained or established contact, the support of families of detainees and so on. Our continued involvement with the Repression Monitoring Group and its relief centre has meant that the advice office has not become a crisis centre as has happened to other Black Sash Advice Offices around the country.
The development of Khayelitsha as a vast squatter camp and the appalling conflicts at Crossroads and KTC have kept us in touch with the traumas and hardships experienced by the people living in these areas. We find however, that the various squatter communities have established their own channels of communication with the authorities and use the advice office more as a sounding board and point of reference than as a means of solving their problems. We have also found that the media have established more direct links with the black community than previously.
One of the major events of 1986 relating to day-to-day advice office work has been the promulgation on 1st July of the Abolition of Influx Control Act and the Restoration of Citizenship Act. These were meant to indicate the removal of influx control and the arrival of freedom of movement and job opportunity for blacks in South Africa. Advice office workers and civil rights lawyers have read these acts carefully and analyses reveal that in fact they have simply changed the parameters that define who may or may not be in "white" South Africa.

Section 10 rights are a thing of the past, there is no more qualifying by virtue of length of legal employment in an urban area and instead of assisting people with their claims to these rights, we are faced with the dilemma of whether and how - to help people apply for new South African identity documents.

Meanwhile the daily problems of the most disadvantaged section of the population go on as the economy becomes more depressed. We have dealt with many cases of retrenchment, wrongful dismissal, pension problems and destitution. Advice office workers have attended many seminars and discussions with lawyers, trade union officials and other advice office workers on topics ranging from coping with unemployment to the significance of the new citizenship laws. We have also addressed a variety of organisations, including the Chamber of Industries and other employer bodies on the latter topic.

## CROSSROADS CONFLICT

From the beginning of January we had reports from women in New Crossroads of assaults on them and their children by groups of so-called vigilantes or "fathers". These men represent the conservative element and are seen to be supporters of Johnson Ngxobongwana, the original boss of the Crossroads squatter camp. The original cause of the friction had been the failure of the committee to return bail money collected the previous year or to explain what had happened to the money. This friction continued through January and February with constant appeals from both sides to the Police for protection. People from both sides were arrested on assault charges.
In mid-March two young girls, daughters of families no longer paying allegiance to the old guard vigilantes committee were assaulted by men who subsequently claimed that the girls had been involved in the burning of the house of a known vigilante. One of the girls and her father were arrested and charged with arson when they went to the Police station to lay charges themselves.
The tension and antagonism between the groups increased and two New Crossroads residents were killed on 19th March and houses in that area were attacked and burnt. Hundreds of Ngxobongwana supporters - so-called 'witdoeks' - then massed in Old Crossroads the next day to go to New Crossroads to retrieve belongings from the attacked houses. They were met by massed forces of 'comrades' and a pitched battle ensued leaving 7 'witdoeks' dead. There were allegations that the Police had been in support of the 'witdoeks' as they marched from Old Crossroads - what is clear is that they did not prevent the fighting that erupted. After these terrible few days, we were actively involved in taking statements from people on both sides of the conflict and speaking to whoever we felt could influence the situation.
These attempts were to no avail because in May the 'witdoek'- vigilante grouping launched a massive, successful attack on the satellite camps around old Crossroads and at KTC which resulted in the death of some 60 people and razed the homes of around 60000 . This devastation was wrought under the eyes of the Police who claimed they were powerless to stop it.
The S.A. Red Cross, St. John Ambulance and other relief and welfare agencies took immediate action. Helped by many volunteers including advice office workers and other Sash members, they mounted a major relief operation with accommodation being provided in township schools and church halls throughout the peninsula - many township families simply opened their already overcrowded homes to the destitute families. Emergency kitchens remained in operation for 6 months, funded by local agencies, foreign governments, and the caring people of South Africa to the tune of about R1,5 million. The South African goyernment remained adamant that all the refugees had to move to Khayelitsha to qualify for official help which was, and still is, available there.
Workers from the advice office and the Sash's township liaison project helped the Legal Resources Centre, U.C.T.'s Department of Criminology and a number of concerned lawyers in the taking of approximately 3300 affidavits
from people left destitute by this 'war'. From these affidavits and the subseqent legal action taken against the Minister of Law and Order and the witdoek' leaders, it seemed clear that the whole exercise tied in very conveniently with the government's long-term aim to reduce the size of the squatter camp at Crossroads and force the removal of the bulk of the people to Khayelitsha. To date, many of the families who lost their homes and possessions and, in many instances, their jobs are still ekeing out an existance in makeshift shelters in backyards and open spaces in the overcrowded townships or else in the surrounding bush. They are subject to harrassment and possible arrest for illegal squatting and trespass. Some 3000 have moved to the tent town provided at Khayelitsha but most remain reluctant to go there as they are adamant that it is firmly in the control of the 'witdoek'-vigilante grouping with the tacit support of the officials and the Police.

## KHAYELITSHA

The grandiose scheme put forward in 1983 to build a "city" to house 250000 people on the sandy wastelands of the Cape Flats has been replaced with the government's present answer to rapid urbanisation; huge tracts of land with the infra-structure of roads and basic services on which people can build whatever they like or are capable of. This is referred to by the officials as "informal settlement". To date, there are still only 5000 core houses. The rent (R20) per month was not being paid by most residents despite boycott breaking attempts by the authorities. Some of these houses have been sold and there are signs that a few of them are being added to and improved. There is also an experimental area where nearly a hundred houses are being built (for sale) by unskilled labour. They are more spacious than the core houses and have proper bathrooms and kitchens. Since changes in the legislation controlling the development of land and the provision of houses in the black areas, private enterprise has become involved and property developers are now building regular houses for sale at around R40 000. Two community Centres have been completed; a day-hospital with a maternity unit is nearing completion and work is due to start on the railway which will service the area. There is high voltage electricity and the schools, administrative offices, community centres and clinics are electrified but not the houses.
The bulk of the area is a sprawling squatter camp with neat tarred roads and rows of concrete lavatories, plentiful, if monotonous, schools and sandy open spaces which the stabilising straw is meant to seed with grass.
The officials controlling Khayelitsha now come under the auspices of the Cape Provincial authorities and talk persuasively of working with the people to build the community. In reality, the people are not treated as individuals but as groups who owe allegiance - and monthly levies - to various leaders whose power appears to be based on the number of squatters they "farm". This has led to rivalries between the groups, ad hoc demolitions, attacks, no-go areas and the whole place gaining the reputation for being a 'witdoek' stronghold where 'comrades' or those associated with them, do not venture lightly. The officials appear to allow the strongest leader to police and control the area.

We have taken the advice office to Khayelitsha once a week, operating from the S.H.A.W.C.O. offices. Most of the cases we deal with are pathetic. Families with no visible means of support, living on the charity of their poverty-stricken neighbours who are unable to put together the busfare to come into town to look for work. Until September there was no social worker at all and since then there has been one, working out of the temporary dayhospital. There are approximately 150000 people living there and the rate of unemployment is estimated at $80 \%$. The welfare agencies are not able to cope with feeding all these people and charity handouts will never solve the problem anyway. At present there are small scale attempts at self-help, cottage industry type projects by some of the more enterprising agencies and community leaders. What is needed, however, is a revitalisation of the country's economy which would lead to the possibility of large-scale job creation. This is unlikely to be realised under the present government.

## INFLUX CONTROL AND CITIZENSHIP

It is clear from the attendance record that the number of cases relating specifically to contracts and permits declined dramatically during the year. In the first few months, we assisted a large number of people to acquire their section 10 rights under the old Black (Urban Areas) Act, this included some 75 men working for the Department of Water Affairs on the Palmietrivier scheme in the Grabouw area. Advice office workers went out there regularly on Saturdays to assist with the applications.
Pass arrests became a thing of the past and we have only been called upon to arrange legal defence for trespass cases after raids on the men's hostels, particularly those at Mfuleni in Kuilsrivier and Lwandle at the Strand.
In February, the State President announced that the pass laws would be scrapped by 1st July. At the beginning of April, the government published a white paper on urbanisation. The schedule attached to it detailed all the laws and sections of laws dealing with influx control which they proposed to repeal. On July 1st, as promised, these repeals were promulgated but they only apply to South African citizens and therefore only to Africans who are not citizens of independent homelands (that is Transkei, Ciskei, Venda and Bophuthatswana). In Cape Town almost the entire African community is deemed to be Transkeian or Ciskeian and all these people were stripped of their South African citizenship when their homelands were given 'independence'. They are thus technically aliens and are restricted in what they may or may not do in South Africa unless they 'qualify' for a South Afrian identity document or the restoration of their South African citizenship. The restrictions are governed by the provisions of the Aliens Act and are far more stringent than those of the influx control laws. Ar 'yses of the Restoration of Citizenship and Identification Acts show that 'foreign' - that is TBVC Africans who can prove permanent residence in South Africa can apply for new identity documents which exempt them from influx control under the Aliens Act. The definition of permanent residence is not clear and has not yet
been clarified in the courts. Applications for new South African identity documents are therefore subject to administrative discretion.
The Black Sash feels very strongly that all the people living within South Africa, including the TBVC states, should have been able to benefit from the abolition of influx control. The advice office has been approached to help people with applications for identity documents. Processing of applications seems to take a number of months and we have not yet been able to assess the success rate.
We have also received many telephone calls from employers seeking clarity on the necessity or otherwise of registering their black employees. Because of the confusions and apparent lack of directives in the Department of Home Affairs who are responsible for policing the Aliens Act, we suggested to employers that they should take the State President at his word and consider influx control, permits and so on as a thing of the past and employ whoever best suited their requirements.
We have not heard of any arrests or prosecutions under the Aliens Act in Cape Town but we have been concerned with a number of trespass cases. On 7th May, 177 people were arrested at Lwandle hostel in the Strand during the early hours of the morning and were processed through the court by lunchtime, before legal assistance could be arranged. As a result of this, the Somerset West branch of the Black Sash set up an advice office which functions on Saturday mornings and has become very supportive of the residents of the hostel. Their report follows.

## SOMERSET WEST ADVICE OFFICE

This office is staffed by volunteer branch members on a roster basis and Sandra Siqhaza as paid interpreter, also a Sash member. Sandra provides the continuity that would otherwise be difficult to attain, in addition she traces people in the residential areas during the week, accompanies clients and advisors to negotiations and assists in the preparation of legal documents. Our volunteer advisors, at this stage, still have difficulty solving the variety of problems brought to the office and we are fortunate to draw on the experience of the workers at the Black Sash Advice Office in Mowbray and the Stellenbosch Advice Office.
Special mention must be made of our success in the field of unfair labour practices. Three such cases have been taken to the Industrial Court between October and December and all were settled favourably. We were advised by the Legal Resources Centre to institute proceedings through the Stellenbosch Advice Office as they not only have the services of the lecturer in labour law at Stellenbosch University but also typing and photocopying facilities. In the third of these cases a black construction worker was laid off in order that the company could exercise a policy of exclusive coloured employment due to their interpretation of the new provisions of the Aliens Act. Not only were we able to force a cash payment of R350 but he was also re-instated without preconditions and the employer undertook to arrange for his position to be
legalised. It is perhaps unfortunate that this case did not come before the Supreme Court so that a definitive statement could have been established.
Cases dealt with:

| Pensions | 5 | Housing/evictions | 3 |
| :--- | :--- | :--- | :--- |
| Workmens Compensation | 2 | Unsair labour practice | 9 |
| Work permit | 1 | Criminal matters |  |
| General poverty | 3 | Legal aid for bail application | 1 |
| U.I.F. problems | 3 | Assault charge | 1 |
| Julia Sloth-Nielsen |  |  |  |

On 16th September, a group of women were arrested, again in the early hours, at Mfuleni hostel in Kuilsrivier. Yet again, by the time we had arranged a lawyer to defend them, they had been processed through the court. In October, the hostel was raided again, this time we were more prepared and with the help of the Western Cape Hostel Dwellers Association, were able to brief an attorney who arranged bail and a remand of the case. Vigorous attempts have been made for the charges to be dropped and suitable accommodation to be made available for the families involved but to no avail. The case is finally due to come to court in February 1987.

## U.I.F., WAGES AND PENSIONS

As the attendance record shows, we see many people whose problems fall into these categories. Pension problems are largely with the big private funds such as Metal Industries and concern delays, correcting incorrect information on application forms, and attempts to have meagre monthly payments converted into lump sum payments. In many cases people who have lost their jobs come to us in a desperate attempt to establish a claim to some sort of pension from one of the jobs they have held in the past, usually to no avail.
With regard to U.I.F. claims, the major problem is the long delay between making the application and actually being paid the benefit. Many employers do not apply for a U.I.F. card for an employee until he is dismissed thus further increasing the delay. In many of our cases, the unemployed worker has left it to late to claim U.I.F. benefits. One man told us that he had gone to the labour office but "the queue was too long". Another major problem has been the fact that contract workers and other Transkeians and Ciskeians without section 10 stamps or new identity documents are only able to claim U.I.F. benefits in their homeland. As this is an uncertain exercise, most of them choose to stay in Cape Town and forfeit their benefits while they look for work.
To illustrate the sort of wage and dismissal problems that we encounter every day, here is the story of Misses L. and T. and Mr. M.

They were employed as petrol pump attendants working long hours (6 days a week from 7 a.m. to 6 p.m.) for R65 per week. They were never given proper wage slips. They went to the Motor Industrial Council because they felt that they were underpaid. The inspector set up a meeting with their
employer which never took place because he dismissed them for having the temerity to go to the Industrial Council. The Inspector did not take the matter up nor did he respond to a written request from us for further information and assistance. We eventually referred the matter to the Legal Resources Centre and the three were re-instated and paid the correct wages due to them.
This story has a successful ending - many do not although we usually find that the Industrial Council Inspectors are more helpful. Unfortunately, their function seems to be largely bureaucratic and they do not seem to pursue matters unless the employer is co-operative.

## GENERAL

It has been a difficult and busy year in the advice office. We have acted as a reference centre for many people and organisations. We are open every day of the week and are always prepared to track down information that we are asked for. We have maintained good contact with the media (both local and international), the embassies (we have had many meetings with embassy staff and have taken them with us on visits to the rural areas), academics (again both local and foreign) and with political leaders from most sections of the Western Cape community. It was our privilege to take Mr. David Steel, leader of the Liberal Party in Great Britain, to visit the townships, Crossroads and Khayelitsha during his brief visit to South Africa.
In August, Noèl Robb resigned as director of the advice office after 23 consecutive years. We held a luncheon in her honour and many tributes were paid to her for the inestimable work that she has done for the advice office and the knowledge that she has gained and shared with us all. We did not however say goodbye to her as she still works in the advice office twice a week and has filled in willingly for the organiser during the school holidays. The interim director is Di Bishop, Black Sash National Vice President, who has been involved with the advice office for many years and presently works in the Institute for Social Development at the University of the Western Cape.
The end of 1986 was the end of another era when Lettie Malindi retired after 29 years of loyal and invaluable work in the advice office. Mrs. Malindi was an interpreter and adviser-in all senses and we will miss her. She has retired with our grateful thanks and our hopes that she will be able to enjoy a well-earned rest despite the fact that her husband is in detention yet again. The other members of the staff, David Vithi, Nomahlube Nabe and Theo Mokomeloe continue to be indispensible. David Vithi has liaised during the second half of the year, with the lawyers involved in the public violence cases arising out of the "unrest" that the Black Sash has been monitoring. This monitoring has become a major activity of the organisation and analysis of the information gathered has provided very interesting statistics.

During the period 1st January until 31st October, 234 public violence or similar cases were monitored. These cases involved 921 people, of whom 386 were juveniles (that is 18 years or younger). Of these 921 , the cases of 483 were
finalised resulting in 81 convictions (17\%). From these figures it is clear that hundreds of innocent people have had the traumatic experience of being arrested, held in custody (often without the option of bail) and then appearing time after time in court as most of the cases were remanded a number of times. In many instances, because of long periods of detention as awaiting trial prisoners or the frequent court appearances, jobs were lost and the general disruption of people's lives has been immeasurable.
While the court monitors have organised themselves, the advice office has been their "clearing house" and it has strengthened our connections with the Dependents Conference (D.C.) a division of the South African Council of Churches, D.C. briefs lawyers in court cases arising out of political activities and when their office is under pressure, advice office and other Sash workers try to help out.

| D. Bishop | S. Joynt |
| :--- | :--- |
| DIRECTOR | ORGANISER |

DIRECTOR
ORGANISER

## RURAL WORK

1986 was a year of crisis in the rural townships of the Western Cape, and the rural work of the advice office reflected this. Since the concept of extending work to the rural areas only took shape midway through 1985 there was constantly a need to examine how Sash could play an effective role in these areas. In a year of turmoil it was often difficult to assess which problems and which changes were relatively permanent and which were largely ephemeral. It was also necessary to attempt to assess where Sash should try to play a role and where it should not. There is so much that needs to be done urgently that it is easy to be drawn in numerous different directions often providing short term relief which rapidly attracts both attention and demands for further assistance which cannot be met. However the picture is gradually becoming clearer.

One area where some work was done was on the issue of farm labour. The Rural Interest Group of the Western Cape region of Sash occupied itself for much of the year gathering information on agricultural labour and the Advice Office rural worker was partly involved in this. A successful workshop was organised at Worcester in May and contacts were made which should prove of use in the future. Information has been disseminated quite successfully. However in the face of other demands the rural worker has begun to avoid spending too much time on the problems of farmworkers. It is an enormous task and needs to be concentrated upon fairly single-mindedly. We do not have the capacity to do much field work in this area, particularly while there is only one rural fieldworker. The Rural Interest Group, however, it is likely to continue giving attention to this issue.
But most of the work done by the rural fieldworker has been in the African country townships, where the crisis has been at its most intense over the past year. In most of these townships the crisis has revolved around the rejection of the community councils. These had initially gained reasonable, even good
support, with communities accepting, or perhaps wanting to accept the authorities' claims that the community could now elect a body which would be able to solve the townships' problems. But given the lack of access to any significant power outside of the townships themselves and the lack of financial support required to even begin to solve the worst problems inside the townships, these councils were unable to meet the expectations created and became very unpopular. In trying to improve the townships they would, for example, put up rents to levels which people simply could not afford. The more far sighted councillors resigned. At the same time members of the communities began to form their own organisations in contrast to the community councils, and rather than attempting to collect rent, for example, they organised such campaigns as the boycott of rents.

The state saw the rejection of their new 'reform' bodies as a manifestation of a revolutionary onslaught which they could not allow to continue. As tensions rose they began to issue weapons to those who remained office bearers in the official structures and set up armed but little trained community council police to assist them, while at the same time embarking upon extremely harsh repression of what were termed 'alternative structures'. The office bearers became ever more dependant upon the protection given them by the authorities, a protection which by its nature tended to exacerbate the antagonism towards those who remained part of the 'system'. This heightened antagonism led to further anger, violence and polarisation.

Much of the work of the rural worker was related to this conflict, helping to contact lawyers to protect people in detention and to defend the vast numbers of people charged with public violence and similar politically related charges. Thus far an overwhelming majority of those charged have been found not guilty or discharged after the state closed its case.

Unfortunately some people, including minors, have been given extremely harsh sentences. For example:

Some sixteen year olds were given seven year prison sentences for arson, and a Cabinet Minister has since decreed that such people will not be granted remission of sentence or parole. Furthermore, the long periods spent in prison awaiting trial, often leading to the loss of jobs, and the financial burden on families who must travel long distances to visit relatives in jail or attend court cases has meant what might be termed a form of punishmient by legal process even for that majority who have not been found guilty of any crime.

The scale upon which this has occurred has placed an overwhelming strain on the poverty stricken Boland townships where the rural worker has operated such as Zolani, near Ashton, Nqkubela, near Robertson, and Zwelethemba near Worcester, and embittered and politicised the most unlikely people, many of them elderly and previously conservative.

Besides liasing with lawyers, the rural worker has been generally involved in solving a variety of problems that have arisen and publicising what has happened in the area sometimes with the help of other Sash members such as
the Court Monitoring Group. The Dependents Conference of the Western Province Council of Churches has been an extremely important source of assistance to communities suffering in this way.
As people have begun to perceive the apparent inability of state bodies to solve problems of individual and community welfare, there has been a demand for such facilities as Advice Offices to assist. Part of the work of the Sash rural worker was intended to be to support such bodies and organisations based in the townships. Unfortunately, the authorities appear to have viewed these bodies, too, as a revolutionary threat, and detentions and other forms of harassment have made it virtually impossible for them to operate. Had they not been harassed they would have found their task difficult enough. Long distances, lack of resources, and a lack of opportunity to develop skills have all been severe problems quite apart form the harassment. It has become clear that some of the ideas that people have held about running township based advice offices are being reassessed.

Because of these difficulties the Sash rural worker has often been drawn into taking up individual problems which the township advice office would ideally have been able to see to itself. For one person to take up numerous different individual problems in numerous different townships spread over hundreds of kilometres is not a sensible way to attempt to operate, and yet it is difficult to be a rural extension of the Black Sash Advice Office and justify oneself when one cannot take up 'Advice Office' problems

The solution for the Sash rural worker lies perhaps in concentrating on acting primarily as a link so as to bring other organisations and agencies into the rural areas, and at this stage to attend first to community rather than individual problems. Furthermore, there needs to be a strong emphasis on helping to spread knowledge and skills as widely as possible. Not only do individual people need to be trained to work in advice offices - a long term task which should be recognised as such - but, additionally, by spreading skills as widely as possible, communities are less vulnerable if advice office workers are detained. By spreading an understanding of problems as widely as possible it is also easier for democratic organisations to develop.
However, at this stage, it does appear to be possible to run advice offices if there are locally based Sash members or similar people who are able to assist. This has been the case in Knysna where an office has opened recently, and although it is early to tell, it seems to have potential to develop well. It is very important for rural work that Sash develops contact with its rural membership and friends.

One area where the rural worker has concentrated on assisting in a community problem is in the resistance to the removal of residents of Lawaaikamp, a shanty settlement in George, to a site-and-service scheme called Sandkraal. Originally the residents of Lawaaikamp were promised township houses at Sandkraal (sometimes known as Tyolora), but this promise was not met and residents are instead expected to demolish their shacks at Lawaaikamp simply to re-erect them at Sandkraal with the same materials. Clearly, the shacks cannot be easily shifted; concrete floors, for example,
cannot be moved , and materials are damaged in the process of moving. People in Lawaaikamp are now exploring the possibility of upgrading the existing area, rather than moving to Sandkraal. The Sash rural worker has helped to introduce other people such as a group known as the Development Action Group to examine the feasibility of various planning options, and a lawyer. Unfortunately, all township organisations which are not part of the official structures created by the government are extremely vulnerable to detentions and other forms of repression. This is the major difficulty in addressing community problems. The state cannot address the problems adequately, and while others can only do so in a very limited manner, the authorities invariably appear to regard such efforts with immense suspicion and aggression.
It has been a difficult year.
Philip van Ryneveld
RURAL WORKER


