

[1987]

THE BLACK SASH NATIONAL CONFERENCE 1988

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CAPE WESTERN REGION

Title:

CAPE WESTERN
ADVICE OFFICE REPORT 1987

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STATISTICS OF CASE WORK

| CATEGORY | JAN | FEB | MAR | APR | MAY | JUN | JUL | AUG | SEP | OCT | NOV | DEC | TOTAL |
|---------------------------------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|-----------|-------------|
| Pensions & D.G.'s | 37 | 48 | 47 | 21 | 26 | 39 | 33 | 30 | 28 | 29 | 56 | 9 | 403 |
| Wages & Labour problems | 37 | 53 | 57 | 28 | 31 | 29 | 40 | 35 | 59 | 44 | 58 | 22 | 493 |
| U.I.F. | 34 | 52 | 39 | 46 | 45 | 74 | 86 | 41 | 41 | 27 | 26 | 8 | 519 |
| M.V.A. & W.C.A. | 14 | 21 | 23 | 13 | 8 | 25 | 33 | 30 | 26 | 17 | 21 | 16 | 247 |
| I.D. problems | 7 | 6 | 8 | 5 | 2 | 5 | 4 | 4 | 0 | 5 | 2 | 0 | 48 |
| Destitute/work seekers | 19 | 20 | 14 | 14 | 12 | 11 | 8 | 18 | 17 | 13 | 8 | 3 | 157 |
| Miscellaneous (housing, domestic etc) | 95 | 60 | 73 | 46 | 45 | 78 | 47 | 51 | 50 | 57 | 47 | 37 | 686 |
| TOTAL: | 243 | 260 | 261 | 173 | 169 | 261 | 251 | 209 | 221 | 192 | 218 | 95 | 2553 |

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1987 REPORT FOR THE CAPE TOWN BLACK SASH ADVICE OFFICE

INTRODUCTION

1987 has been a year of assessment and re-arrangement in the Advice Office - physically, functionally and staff-wise. Initially, the A.O. was started to help the women assisted by the bail fund which had been set up by the Black Sash, when arrested under pass laws. As this work developed, the aims became to help victims of unjust laws and to inform Black Sash and the public of the effects of influx control and to make representations to those in authority. The bulk of the cases involved influx control in one form or another. In 1983 this was still very much the case - in the first 6 months of that year we had 2339 interviews, 33% of which were concerned with influx control and 22% with contract labourers - we did not keep separate figures for wage disputes, grants and pensions. We arranged legal defence for 281 people arrested under pass laws and 143 for illegal squatting.

In 1984, in August, Western Cape Administration Board officials declared that influx control had not worked. There was an end to the mass demolitions of squatter shacks and the commissioners courts were transformed into magistrates courts. At the end of the year it was announced that the Coloured Labour Preference Policy (C.L.P.P.) was to be scrapped and 99 year leasehold to be introduced in the W. Cape. All the things we had campaigned about for years! We still arranged defence for 256 pass "offenders" and 36% of our cases related to permits and influx control.

In 1985 there was an end to pass raids and we only arranged defence for 26 people and only 22% of the cases were specifically influx control related. The Annual Report shows that we were seeing more and more labour related matters. Everyday problems were exacerbated by the numerous boycotts and detentions. The Black Sash sat on the committee of the Repression Monitoring Group and helped in the setting up and running of the Relief Centre.

In 1986 our numbers for the year were down to 3134, of which 7% related to influx control per se, 13% to wage and retrenchment problems, 28% to UIF/grants/pensions, etc. On 1 July, all overt influx control legislation was repealed for SA citizens only. We spent a great deal of time consulting lawyers and analysing this and the government's white paper on urbanisation. The only legal defence we arranged was for trespass raids in men's hostels in Lwandle and Mfuleni.

This brings us to this year - again the total number of interviews is down, to 2553 - none of which relate to influx control, 15% to wages and other labour disputes and 36% to UIF grants, pensions, etc. We have been operating with 3 instead of 4 paid staff initially and then only 2 from September and have not done anything to replace volunteers when they have dropped out, or gone on holiday. We have worked on our own perceptions of our changing role in the Advice Office. Technical skills

for dealing with pensions, UIF, labour matters etc have had to be upgraded and we have become more professional in our handling of cases. In the busier, old days we did not necessarily follow up cases if the person did not come back to us whereas now we are able to see more cases through to finality - even if these cases are not overtly political in nature, they are important establishments of people's rights to due process.

As we are seeing a change of emphasis, rather indicative of the state of flux and re-assessment that the whole country finds itself in at present - it is important to look at the attempts we have been making to address this situation. Since August last year the A.O. committee has been meeting regularly once a month. This committee consists of those actively involved in the A.O. plus Mary Burton, Muriel Crewe representing the Court Monitors and Candy Malherbe for Township Liaison Project (TLP). These meetings discuss the day-to-day work in the Advice Office, and also the involvement of A.O. workers in the two development projects on the go - more of those later. The court monitoring group finds the A.O. a valuable clearing house and point of reference. A.O. workers and TLP members ran a workshop earlier this year to initiate possible projects - one of these was to look at taking the A.O. to Khayelitsha.

KHAYELITSHA ADVICE OFFICE

This tied in well with an initiative already put to Black Sash by Masakhane (a funding organisation) for us to run an A.O. jointly in Khayelitsha. Six or seven people from the Advice Office have been meeting regularly with Masakhane people and community workers from Khayelitsha in an attempt to reach consensus in this regard. (We did not feel that we could simply open up shop in the SHAWCO or CWB container and hang out our sign!) Through 1987 we have gone out to an office at the SHAWCO clinic in the formal part of Khayelitsha (i.e. among the core houses).

Noël Robb is the mainstay of this enterprise and by constantly visiting all the officials, social workers, squatter camps, many residents she knows and pensioners whose applications she has been chasing up, she has built up a comprehensive overview of what is happening in the various areas of the huge dormitory development. Most of the problems dealt with there have been related to destitution and poverty - the main source of income for many families is a pension.

Before the power struggles and fighting intensified in Crossroads a couple of years ago, we worked together very successfully with the community worker from Masakhane in running a weekly advice office session there.

Evelyn van der Riet (who is a member of Black Sash and Masakhane) has steered the working committee, which was formed, through important discussions to reach consensus on the aims, objectives and working principles of this Advice Office and a committee has now been elected under the chairmanship of Mazwi Tisani,

an Anglican priest living in Khayelitsha. Premises have been arranged in the Catholic Welfare Bureau's Centre and the office will be manned initially by our advice office workers together with the Masakhane community workers on three days a week.

The ultimate objective of this project is to train people living in Khayelitsha in advice giving so that the office will eventually be community-based and community-run. This long-term aim links in with the other initiative of the advice office committee - the training programme - which we saw as an important way of building on the resources and experience invested and developed in the advice office over the past thirty years.

TRAINING PROGRAMME

In the middle of 1987, Sue van der Merwe was employed by Black Sash (Cape Western) to get this project up and running. After talking with many organisations, a steering committee was formed. Represented on this committee were the Advice Office Forum, the Aid Service of the Transport & General Workers Union, the Legal Education and Assistance Project (LEAF) of the Department of Criminology at UCT, the Legal Resources Centre and the Organisation for Appropriate Social Services in South Africa with Sue as overall co-ordinator. The group met on a weekly basis for a number of months while they devised a comprehensive training programme to run over a three week period and worked out the logistics of bringing some 33 people from areas as far afield as De Aar, Oudtshoorn and Alexandria to Cape Town for this period.

Facilitators from each of the planning organisations led courses starting with interviewing and basic record keeping skills and leading through paralegal work to media and organisational skills. The Black Sash co-ordinated the programme as a whole as well as offering three courses. The first and introductory course on trainees expectations was led by Di Bishop. In the second week, Sue Joynt did a workshop on ID's and Social Grants. Again in the third week, Di Bishop introduced the whole question of funding, fundraising and finance in general. In the evenings more informal sessions were held and speakers from organisations such as Cosatu, UDF and Democratic Lawyers Organisation were invited. The trainees attended a play, a public meeting, a rock concert and a jazz club for entertainment. Relaxation exercises and games were also provided. The course was very well received. Participants were enthusiastic, capable and very receptive. We made valuable contacts with communities in the rural areas and helped to open up lines of access for them to resources in the urban areas which were previously inaccessible.

The steering group has assessed the success of this 3 week programme and plans to run another one in the first half of next year.

REGULAR ADVICE OFFICE WORK

36% of our interviews this year have been in connection with pensions, disability grants or U.I.F. claims (compared with 28% last year). This seems to be an indication of the attempts that people are making to get whatever financial assistance they possibly can. One of the main problems that arises in dealing with applications for social benefits, is that of eligibility. Benefits are only available for people who can prove that they are permanent residents of the area.

In terms of the Identification Act of 1986 conditions are set out governing who may be granted a new South African identity document. As far as non South African citizens are concerned this hinges on their acceptance as permanent residents. As far as officials of the Dept. of Home Affairs in Cape Town are concerned, this appears to be accepted as being 5 years legal residence before the application for a new I.D. is made. If the new document is refused, then the applicant is not eligible for social benefits.

PENSIONS

For a time during March/April, pension offices required people to produce a new I.D. when they applied for pensions. We took this up with the director of Home Affairs and the officials went back to accepting applications without new I.D.'s but insisted that new documents be applied for simultaneously. Both applications take about 6 months to be processed. We have taken up a number of cases of serious delay with the office of the Minister of Home Affairs (the function has subsequently been taken over by the Provincial Authorities) and been able to expedite matters in at least 2/3 of the cases.

DISABILITY GRANTS

Applications for these benefits are more difficult for us to assist with as they are usually handled by the social workers at the provincial hospitals but the case of Mr N is fairly typical.

Mr N an elderly, retrenched municipal worker was taken, unconscious to Tygerberg hospital in June 1986. The social workers there, as well as those in Nyanga, did all the correct things in applying for a disability grant for him as he remained in Cape Town, convalescing, for over a year. Nothing happened. Mrs N finally came to us in despair in July 1987 and in August we handed the matter over to a lawyer. After much correspondence, Mr N's disability grant finally came through for the January 1988 payout.

WAGE DISPUTES AND OTHER LABOUR RELATED MATTERS

493 interviews were held in this category. In many cases we are simply asked to check wage packets. We maintain up-to-date information on wage determinations and liaise wherever possible with appropriate unions.

MOTOR VEHICLE ASSURANCE & WORKMENS COMPENSATION

We are fortunate in having a retired attorney as one of our voluntary workers and her brief is to keep a watchful eye on the progress of these cases. Many of them drag on for many years with much incomprehension on the part of the clients of the slow machination of legal process. Our main aim is to make sure that claims are properly lodged within the prescription times. Great is the excitement when cases are won as they take so long the people involved become well known visitors to the advice office.

U.I.F. BENEFITS

We have dealt with problems in two main categories. Contract workers are only in possession of temporary residence permits to be in South Africa and people who have no proof of their possible permanent residence are registered by the employers with the U.I.F. as Transkeians or Ciskeians (as the case may be). Their contributions to the fund are therefore transferred by the South African government and the governments of these two "States". During 1986 some R31 million was paid over to the TBVC states. (R17 million to Transkei alone) and the projected figure for 1987 (based on figures for first 5 months given in Hansard 6 of 1987) is R41 million.

These workers are told by Manpower officials that they must return to their country of origin to claim their benefits - This is patently impossible in the case of sickness benefits and nonsensical for unemployment benefits which are designed to tide an unemployed worker over the time he/she is looking for another job.

We have taken this matter up with the Commissioner of the U.I.F. without success but are now doing some research (together with L.R.C. and the Aid Service), reading the U.I.F. Act in conjunction with the Aliens Act.

The second problem concerned the replacement of a spate of fraudulently cashed benefit cheques. These range in amount from R200 to more than R1500. They were apparently stolen from township post offices and cashed at various retail outlets around the Peninsula - a few of these stores used the opportunity to make a good impression by publicly refunding the money. According to the Banking Act, whoever negotiates a non-negotiable cheque is responsible for reimbursing the payee and then instituting proceedings against the perpetrator of the fraud, but the Reserve Bank (who issues U.I.F. cheques) saw fit to debit the retailers once the cheques had been reported as fraudulently cashed. Unfortunately, there were delays of approximately 6 weeks in the re-issuing of these cheques. After vigorous representations by ourselves and other advice offices, this delay was reduced to 3 weeks and by August (after 4 people had been arrested and charged with theft and fraud) the problem fell away.

SQUATTERS

The site and service areas at Khayelitsha continue to expand constantly - everytime we go out there, there are more shelters. How all these people are surviving is beyond comprehension - we do know that all the relief and welfare agencies are working out there. The main problem is destitution and the lack of employment opportunities although the jockeying for power amongst various group leaders gives cause for concern. Some of the leaders of smaller groups have formed a Joint Action Committee in an attempt to get their voices heard by the authorities (politics are alive and well on the Cape Flats).

Bloekombos:

During the year we sent out monitors regularly to the Bloekombos squatters at Kraaifontein as the threats mounted against them. The Kraaifontein municipality finally succeeded in demolishing their shacks under the watchful eyes of the PFP Unrest Monitoring group, various MP's and other concerned people, loading them on to trucks to be taken to the bleak, flattened sand dunes of Khayelitsha.

Hout Bay:

For many years there have been squatters in the bushes on the mountainside of Hout Bay and Dawidskraal and the Disa River - Over the years we have arranged defence for many of them under the Trespass Act as well as the old pass laws. A group moved to Langa and then to Nyanga East in 1981 and we are still in touch with them. The latest tactic has been an approach from Regional Services Council (formerly Divisional Council) to owners of land telling them to remove all squatters from their land in terms of the Illegal Squatting Act. To date, threats to prosecute have not been carried out.

Noordhoek:

Through the False Bay branch of the Sash, we have kept in touch with the groups of people living in the bush at Noordhoek (as well as at Redhill in Simonstown and Clovelly). The Noordhoek families have been on the receiving end of harassment from the Divisional Council (now the R.S.C.) the SA Police and the owners of the land they have been living on. Their only way of providing a living was through woodcutting domestic work and the charity of the white community alongside whom they existed. On Wednesday 2nd December, all this ended and they were loaded onto trucks (supplied by the owners of the land) under the watchful supervision of the SA Police who manned a major security blockade around the area. Their shelters were demolished and they were driven to the sandy wasteland of Khayelitsha, and literally dumped (many possessions and materials being broken or lost in the process).

Nyanga Extension

There is a group of largely elderly, indigent people who came variously from Hout Bay, Killarney and Tableview to Nyanga Extension (between Old Crossroads and Nyanga East) in 1981. They were issued with rent cards and paid regular levies to the then Administration Board for the services supplied to them. Many had long histories of residence and harassment in the Cape Peninsula. In June last year they were subject to attack and burnt out by the "Witdoek" elements. 342 adults and their children regrouped and put up plastic shelters for themselves across the road from the Board (now CPA Community Services) in Nyanga East. They have been there ever since. Their only wish is to be allowed to return to the land they previously occupied (with rent cards) which has now been upgraded and scheduled for housing development which they are unable to afford. They want to live peacefully "away from the trouble makers". We have briefed an attorney to press their claims to the right to return to the land they previously occupied.

Brown's Camp

Along the southern side of Landsdowne Road in the Crossroads area, the land is designated for industrial use. Much of it is still bush and has been home to many families for many years. There has long been a "tolerated" camp there whose inhabitants have kept their heads down and their noses out of the power struggles going on across the way in Old and New Crossroads. 200 ha of this area has now been proclaimed for development as black residential land and is due to be turned into a huge site and service area next year. The present inhabitants are naturally worried that they will be swamped and that they will acquire all the attendant problems as other "leaders" jockey for position and land to allocate to their followers.

Paarl

In October Mr Kase, an old acquaintance from many years ago brought in a list of 159 names out of 250 families who were told to demolish shacks in September. They had been given one week's notice. Those people living in "legal" shacks were told to tell the "illegal" people to go or they would also be evicted. The people apparently demolished their shacks and moved in with those in legal shacks, single quarters or backyards of houses. We wrote to Mr Lawrence (Assistant Director of CPA Community Services) and sent him the list. The only development was an announcement by the Mayor of Mbekweni that people could buy their houses. In November, the squatters were evicted from the single quarters. Mr Lawrence referred us to the Paarl town committee from whom we got no response.

Mr Kase had been a member of the residents committee which had been rejected by the Mbekweni Civic Association. There had been petrol bombing of houses, destruction of possessions and allegations of murder and rape between the two groupings and the situation is still explosive.

RURAL WORK

Philip van Ryneveld went on leave in April with the intention of returning to continue with the rural programme. Due to circumstances beyond his and our control, he did not return. We managed to maintain some of his contacts in the Boland towns through the Surplus People's Project and the work that Sue van der Merwe and her committee were doing to recruit people for the training programme. The Southern Cape work was largely covered by the National Committee Against Removals (in Lawaai kamp, George), the Advice Office in Knysna and the field workers from the Bongoletu Civic in Oudtshoorn.

Anne Marie Hendrikz is our new rural worker. She helped as a facilitator at the training programme in September and has been compiling a paralegal guide for rural areas so is well situated to pick up on the work that Philip initiated.

The court monitors followed through the appeal against the sentences imposed on 32 residents of Zolani (the township near Ashton that Philip had been in close contact with). In August the judge found that "a substantial portion of the sentence should be suspended" and the sentences (totalling 258 years) were cut by more than a half.

CONCLUSION

Lest we become complacent with the lack of pass raids in the Western Cape, I leave you with the story of Regina Dlaza to think about:

Mrs D first visited our Advice Office in 1964. She was registered in employment between 1960 and 1964 as a live-in domestic worker in Bellville but was refused registration in Nyanga in 1964 when she wanted to live there because her children were too many for living in. She was endorsed out with no instructions as to where to go.

She claims not to have left the area but moved from Nyanga East to Vrygrond and finally to Browns Camp. We saw her again during the Crossroads survey of 1975 by which time she was living there. (She has Cape Town issued birth certificates for children born in 1969 and 1972). She was arrested three times during 1975 and fined various amounts for being in the area without permission and trespassing - on one occasion all her possessions were loaded up by the Board Inspectors.

In 1979 when next Mrs D needed our help she had moved to Tableview and was living on a dairy farm with her common-law husband and some of her children. She had allegedly been assaulted by Board Inspectors who had come to demolish their shacks. The monitor in court that day described how she had appeared in court "dressed in underwear and a nightie, and her nightie was full of blood spots and her body had bruises and she also had a blue eye. She stated (under oath) that she was assaulted by three Inspectors whom she could identify". The public prosecutor declined to proceed with her charge however and the next month she was arrested again for being

illegally in the area and given the maximum sentence (R90 or 90 days) suspended on condition she get her papers in order. At the same time her shack was demolished and all her belongings confiscated, never to be seen again despite legal representation to the Board Inspectors - as can be imagined, it was not easy for advice office workers or attorneys to keep in touch with Mrs D. at this time as she had no home and was endorsed out once more in March. All through 1980, permission to stay was extended.

in 1981 the Tableview squatters were told by the Board Inspectors that they must move to Crossroads and Mrs D was actually given permission to look for lodgings in Nyanga East which she was not able to find. After a period staying at Browns Camp, she eventually got permission to put up a shack at Nyanga Extension and we arranged a grant of R30 for her from Quaker Services. She was eventually given a "rent" card by the Administration Board and paid for the services provided by them (taps and bucket loos).

In June 1986 all hell broke loose as vigilantes and comrades fought a raging battle for control of the areas known as Nyanga Extension, Fortland Cement and Bez Valley. Eventually the areas were burnt out by the vigilantes and some 60 000 people left homeless - Mrs D amongst them.

Since then she and her family have lived in a makeshift plastic shelter on the side of Mahobe Drive in poverty and despair.

SUE JOYNT
CAPE TOWN 1988