

THE BLACK SASHNATIONAL CONFERENCE, 1979.

at

CAPE TOWN.JOHANNESBURG ADVICE OFFICE.ANNUAL REPORT FOR THE YEAR 1ST FEBRUARY 1978 to 31ST JANUARY 1979.

7936 interviews were conducted in the Johannesburg office during the past year. This represents an increase of 1044 interviews over the previous year's total of 6892.

4845 people came to the office for the first time and of these 2038 people had files opened for them in order to keep copies of their documents and to keep track of progress in their various cases. The other 2811 people were those for whom nothing could be done except to explain what the law is and to discuss what would be best for them to do, or those who came to request simple information on various matters. A comparison of monthly totals for the last two years is attached.

We now have 13 433 files for individual cases and well over that number of record cards for those people for whom no file has been opened.

We have only been able to cope with this enormous pressure of work because of the dedication of our office staff. They have given unstintingly and cheerfully of their time without complaint, doing far more than could reasonably be expected of them. They and the dozen or so voluntary workers who keep the office going sacrifice much. They frequently work right through the day to five o'clock with no breaks and the strain is great. Our legal adviser has again given generously of his time and concern, wisdom and experience. We could not manage without him and continue to learn much from him.

The great increase in our work load has several causes - the most important being identified in this report as detailed below. We have singled these aspects for comment because they have been the most urgent and pressing problems in the past year but all the other aspects of oppression which we have reported on in these annual reports for the past fifteen years remain the same. Such change as there has been is for the worse.

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1. THE INCREASINGLY RIGID APPLICATION OF THE PASS LAWS.

Far from relaxing the pass laws and moving away from discrimination the authorities are enforcing the restrictions on freedom of movement for Black people more rigourously than before.

In 1978, 272 887 people were arrested for offences relating to influx control and reference books in the main urban areas compared to 173 571 people in 1977. The 1978 figure exceeds that for all arrests in the whole area of the Republic during 1977 which was 224 308. Arrests of women in the main urban areas has more than doubled from 22 955 in 1977 to 47 977 in 1978. Arrests of men increased from 150 616 to 224 910.

In Johannesburg alone arrests increased from 46 030 in 1977 to 55030 in '78.

These increases have occurred in spite of (or because of?) the fact that South Africa's population has been decreased by 4½ million through the independence of Bophuthatswana on 6th December 1977 and of Transkei on 26th October 1976. The figures speak for themselves and refute absolutely the claim of the National Party Government that the policy of creating independent Bantustans will eventually lead to the elimination of discrimination.

Advice Office records illustrate the way in which controls are being ever more rigidly applied.

2. RULE BY THE BUREAUCRATS.

The last year has been characterised by hundreds of bitter complaints from members of the public about the extreme arrogance, obstructiveness, rudeness and authoritarianism displayed by officials of the West Rand Administration Board and the Department of Plural Relations. It seems that the concept of the "civil servant" no longer exists. These officials need to be sharply reminded that their salaries are paid by the public through taxes and direct charges and that they are supposed to be the servants of the public. The power which they wield and the arrogance with which they wield it is of serious consequence because these persons deal directly with the public on a day to day basis and control the most intimate details of people's lives. Positive attitudes and promises of improvement from the Minister cannot undo the damage done by the daily experience of Black people at the local level which is fuelling burning anger and bitter resentment.

As we reported last year young people are the particular targets for extreme severity and bureaucratic obstructiveness on the part of the authorities. Almost every day families come to the office because they have been ordered to make affidavits before the Influx Control Officer will issue the necessary form to enable a teenager to obtain a first Reference Book. This is being demanded even when the boy or girl concerned has a birth certificate and has always been enumerated on the parent's house permit and has proof of all schooling. Sometimes they are told to make an affidavit stating why they started school late, or why they only had a few years schooling (the reason is nearly always poverty or illness) or what they have been doing since they left school. In one case where everything was completely in order and the official could'nt find anything else to complain about he told the father to make an affidavit stating the he was the father of the child.



Once the identity document has been issued the Labour Bureau takes over and starts demanding affidavits all over again. Typical is the complaint of THIPE M. who left school at the end of 1977, had all his documents in order and qualifies in terms of Section 10(1)(a). He went to register for work in June and was ordered to make an affidavit explaining what he had been doing since he left school. According to law he should have registered within 72 hours of leaving school but young people entering the labour market for the first time do not always know what the unreasonable and complicated demands of the law are.

FIKILE M. was refused the necessary form for a Reference Book because her father was unemployed and in arrears with his rent. This effectively prevented her from obtaining gainful employment in order to help him in his difficulties.

Older people are treated with equal churlishness. It appears that no official believes anything a person tells him unless it is said in a sworn statement. Dozens of men have been ordered by the Labour Officer to make affidavits explaining why they did not register as workseekers within 72 hours of becoming unemployed or when the previous workseeker's endorsement expired. These endorsements are normally given to men for two weeks only and must be renewed every fortnight. Often a man is ill and cannot report to the Labour Bureau. Other men have been unemployed for so long that they no longer have the money or the heart to travel from Soweto to town to register or to look for work.

MRS. PEGGY DIALE. came from Transkei to Johannesburg in 1968 and has been working continuously since then but was unable to register because she had not been registered in Johannesburg since 1959. She was issued with a Transkei passport and, thinking that this would allow her to register at last, went to the Labour Bureau at Polly Street. There she was told "Matanzima doesn't want people like you working in Johannesburg" and was endorsed out.

The restrictions and prohibitions of influx control are harsh enough without gratuitous insults being flung across the counters at its victims.

MR. MATHABATHE was endorsed out of Johannesburg in the early months of 1977. He lodged an appeal with the Commissioner as is his right. He states that he was told to find a job. He did so and reported back to the Commissioner's office where he was arrested, declared "idle" in terms of Section 29 and sent to the farm colony at Voortrekkerhoogte for twelve months. On his release in April 1978 he was endorsed out again.

Even the most personal and private decisions about one's life seem subject to administrative instructions.

MISS KHUKI LEBALLO was ordered to get married if she wanted to remain in her deceased father's house. She was told that if she did not marry at once the family would be turned out. There are fifteen of them living in the house with nowhere to go to if evicted.

One concerned employer complained that the Commissioner had literally shouted at her over the telephone and had told her with extreme rudeness that he would not tolerate interference. All this because she had merely phoned to enquire when her domestic worker could expect to be told the result of her appeal. The worker herself had called regularly at the office to find out but was always told "no answer".

One couple who had been consistently and wrongly refused a family permit in Alexandra township were given the permit after submitting proof that they had a right to live together but the wife was yelled at for having had the temerity to seek help from the Black Sash.

MR. KGOSANA who is the registered tenant of his house in Diepkloof was summoned by the Superintendent and ordered to produce his two daughters in the Superintendent's office immediately. Both girls are on the permit but are at boarding school in the Northern Transvaal. No explanation was given to him, merely the instruction which he dare not ignore in case they are not allowed to return home.

Actions taken by officials frequently lead to difficulties in the future for the person concerned.

MAKALANG is 16 years old/---



MAKALANG is 16 years old. He was born in Evaton in 1962 and his name was on the permit until 1973 when the Superintendent removed it because he had no Birth Certificate. Now he is refused issue of his first Reference Book because he is not on the permit. Not to be in possession of an identity document is an offence for any Black person over the age of 16.

Sheer carelessness by officials accounts for some people's difficulties.

MR. MASENYA was ordered to leave Johannesburg in April. He had been continuously and lawfully in Johannesburg since 1945 and had been the registered tenant of a house in Soweto since 1959. His employers transferred him to work in Roodepoort in 1976. When he lost that job the Labour Officer refused to register him as a workseeker and endorsed him out in spite of the fact that the law allows a man who qualifies in one town to work in another town in the same Administrative Board area without prejudicing his rights.

MR. NGWENYA is enmeshed in a vicious circle of administrative demands which it is impossible for him to satisfy. He was born in Johannesburg and has always lived here except when he attended boarding school in what is now Bophuthatswana. He turned 16 while at school and took his first Reference Book there when instructed to do so. Because he has no birth certificate his school area was quite wrongly entered in the central computer as his place of birth and domicile - his "tax area". When he tried to register for work in Johannesburg the Influx Control Officer refused until he had a birth certificate. His application for a birth certificate was refused and he was told to have his tax area corrected first. He applied to another office of the Plural Relations Department for this correction to be made. This application was refused and he was told to obtain permission from the Influx Control Officer to be in Johannesburg first. This official told him that no such permission would be given until he had a birth certificate. He then endorsed him out. He cannot go back to the area in which he attended school because that is in Bophuthatswana which is now a foreign country and he is Zulu and a citizen of South Africa. He has no connections with Kwa Zulu and has never been there. He has a legal right to remain in Johannesburg but has been prevented from obtaining the necessary documentary proof to establish this.

### 3. UNEMPLOYMENT AND THE OFFICIAL SOLUTION TO THE CRISIS.

The South African Government's solution to the unemployment crisis is to deport the unemployed to the Bantustans and then to pretend that unemployment is under control as if those people living in rural areas are no longer the responsibility of the State.

Step number one has been to clamp down on recruitment of labour from the homelands. No person may leave a homeland to seek work without permission and if he or she does so and finds a job he is refused registration and ordered to go back whence he came. The only way he can legally obtain gainful employment in the so-called white area is to wait at the Labour Bureau in his home area until offered a job by a recruiting agent. If he accepts a job offered, a contract is attested and only then may he proceed to the town where the job lies where he will be registered for one year only. If no recruiting agent comes he has no means of obtaining work.

Recruiting is centrally controlled by the South African Government and has now been severely curtailed so there are many areas where no recruiting is presently allowed. Men and women who live in those areas are thus prevented from obtaining employment.

Typical of the many men who have come to the Black Sash office this year is

MR. ZWANE whose home is in the Msinga reserve in Kwa Zulu where he has a wife and five children. He is registered there as a workseeker and has waited for two years since his last contract expired without being offered work of any kind. He came back to Johannesburg without permission and found a job for himself but was refused registration and told to go back home.

STEPHEN, JAMES and MICHAEL are teenage brothers whose problems illustrate the way in which influx control messes up the lives of successive generations. They all lived legally together in Johannesburg as a family until 1970, when their mother having died, their father married again. His second wife was refused permission to live with him in Johannesburg, so he moved to the Bantustan at Barberton to be with her - the only place where they could legally live together. He took his sons with him and they thus lost their Johannesburg rights.



Two of the boys were registered on contracts to work in Phalaborwa but when those contracts expired were told no more recruitment would be allowed for Phalaborwa from the Barberton district. There was no work in Barberton so the three of them came back to Johannesburg to their elder brother who has a house in Soweto. All were refused permits to live with him and to seek work.

We have been inundated with queries from men and women from all over the Republic - Witsieshoek, Louis Trichardt, Sekhukuniland, Acornhoek and Bushbuckridge, Nkandla Nqutu, Msinga, Whittlesea, Pietersburg, Potgietersrus, Piet Retief, Dennilton and from the new Republics - Rustenburg, Mafeking, Sterkspruit, Brits, Hammanskraal, Umtata - all looking desperately for work, many of them having found jobs and been refused registration. All of them desperate, hungry, torn by anxiety for their children - and angry.

The myth that all Black people who live in rural areas have cattle and land and only seek jobs in order to pay for luxuries is still believed by White South Africans. The reality is people resettled into overcrowded rural slums on urban sized plots without water or space, forbidden to keep goats or cows, entirely dependent upon jobs for survival and forbidden to find work for themselves, to take work if they find it, to move to where it is possible to earn survival in the informal sector.

Step number two is to reduce the number of Black workers in "White" areas.

MR. NGWENYA who has a job went home to renew his contract, overstayed the 28 days allowed and was refused registration when he returned and was endorsed out. He is lucky because his employers are prepared to risk the penalties involved and have continued to employ him unregistered for the past two years.

There has been a clampdown on employers of 'illegal' labour as well as on unregistered workers. They are being taken to Court and fined R70 for a first offence for employing one unregistered worker and recently some have reported that they have been allowed to sign an admission of guilt if they pay R100 as a fine. This has meant that the chances of finding illegal jobs are greatly reduced and we have seen many people, among them dozens of women - widows, divorcees or unmarried - with children to support, who have been discharged from their jobs or who cannot any longer find even poorly paid work because they cannot be registered.

Even people who five years ago would have been registered with no difficulty are now being refused, like

MRS. MAZIBUKO who has lived in Johannesburg all her life but has not been enumerated on any permit since she and her husband were divorced in 1973. She has five children to support and was refused registration in her employment.

Step number three is to be totally unsympathetic to the problems of displaced people - those who have lived all their lives in urban areas but who have never been able to establish rights to be anywhere or have lost the rights they once had.

VUSUMUZI MABINDE was born and grew up in the town of Middelburg. The family lived lawfully in the township there but their father worked in Johannesburg and eventually through long service here, acquired a 10(1)(b) right. The Superintendent then told him to move his whole family out of Middelburg and to go to Johannesburg. The Transfer took place in 1974 and all went well for the family except for Vusumuzi who was in prison at the time so his name was not included on the permit. Since his release from prison he has been endorsed out of Middelburg and out of Johannesburg. He was once registered in Johannesburg after special application but was retrenched from this job in September 1976 since when he has been unable to find new work because his pass is not in order and employers do not want to bother making special application. In April 1978 he was arrested and ordered to leave Johannesburg again and warned that he would be dealt with in terms of Section 29. He has nowhere to go away to and the risk that he will be declared "idle" and packed off to the farm colony for two years is very great.

Step number four is to get rid of as many foreign workers as possible. They have no legal rights however long they may have been working in South Africa and, unlike white immigrants, are not granted South African citizenship.

MRS. DLAMINI came to Johannesburg/



MRS. DLAMINI came to Johannesburg from Lesotho in 1954. She had permission to live with her husband until 1973. He died and she married again. She is ordered to return to Lesotho even although her husband has a house in Soweto.

MR. MOYO was born in Rhodesia in 1918. He has been lawfully resident and working in Johannesburg since 1934 and has been the registered tenant of his own house in Soweto since 1960. He went to apply for a new identity document - a Rhodesian passport which is the only document he is entitled to. He was given notice that he is a prohibited immigrant and was ordered to present himself at the Commissioner's office ready packed up to return to Rhodesia with R7.50 when he would be issued with a temporary travel document to enable him to cross the border.

Unemployed people who are legally in Johannesburg and have rights of residence have more to worry about than the search for work alone. Mr. Letlallo lost his job in July 1977. He qualifies in Johannesburg and registered as a workseeker regularly. He didn't know about Unemployment Insurance so did not apply for benefits until he was too late. He was evicted from his house in March 1978 because he was in arrears with the rent and in June 1978 the Labour officer said he would be refused another workseeker's registration if he did not find a job within one month. If this happened he could be declared "idle" in terms of Section 29 in which case his Section 10 right would automatically be cancelled and he would be ordered to return to the Bantustans.

MR. DLADLA is a young man who is the sole breadwinner for two younger sisters and a 7 year old brother. He lost his job in January 1978, eventually fell into arrears with the rent and was then told the house would be taken away if he did not have a job within seven days. This kind of threat is quite common but no help is given to such people to find work.

Unemployment has raised all kinds of other problems. People are looking for any possible means of getting hold of a little money. Old people who have never before applied for pensions because the whole procedure is so difficult, costly and complicated are now applying. The family members who were supporting them are now unemployed and can no longer cope. Other old people who do have pensions are finding themselves supporting whole families.

People who long ago had accidents at work or on a train or in a motor vehicle are seeking compensation. In most cases it is too late. Others are trying to get money in the form of long service bonuses from ex-employers

Some take more lodgers into their already overcrowded homes. Others, of course, see no way out except crime.

MRS. DLADLA came to the office weeping to ask if we could help her to have her son paroled. He is in prison for theft and she says "he was only trying to help me because there was no food for the children"

4. PENSIONS. The Advice Office has received complaints from all over the country about the difficulties people experience in obtaining pensions to which they are legally entitled. If the computer has their date of birth wrongly recorded which happens frequently they are told that they are too young and must work. Old people seldom have birth certificates and if a clerical error was made when they applied for their first Reference Books it is almost impossible to disprove it. Even when they have a certificate from a district surgeon saying they are 100% disabled through senility they are often refused. Clerks take it upon themselves to refuse to even accept the application. If the application is accepted and granted it takes six months before the first payment is made. The maximum pension is now R23.50 paid out as a sum of R47 every two months. The increase came into effect last October. Some old people have complained that they have not received the increase. As they are asked to sign the receipt before the money is handed to them some suspect that the clerks have pocketed the difference. Other complaints are that disability pensions are suddenly cancelled without warning and the applicant is told to submit a new medical certificate. Many months can go by before the pension is re-instated and the struggle then becomes one to be paid the pension owed for the missing months.

When an old man applies for a pension his wife's earnings are taken into account and even if she is paid as little as R23 a month a pension is refused. If a person in an urban area applies for a pension he cannot get it if he has no permit.

People who have a pension/---



People who have a pension in an urban area and decide to retire to a homeland cannot have the pension transferred. It is cancelled and must be applied for again in the new area of residence. Complaints about rudeness, carelessness and arrogance from officials are frequent. One gets the impression that the aim of the Department to pay out as few pensions as possible rather than to enable the old and disabled to survive.

One other matter which gives cause for concern is the type of pension scheme now being run by employers. If these schemes are to be contributory it is essential that benefits should be well above the level of the State pension. People quite rightly feel cheated if money has been deducted from their wages for a pension scheme when their pension paid out is less than R25 per month. They cannot obtain a State pension as well. There is also a great need for employers to explain pension schemes and benefits to workers with much more detail. Many people do not know the terms at all. The best schemes are those in which each member of the pension fund is given a card setting out in simple language the conditions, benefits and procedures for application.

#### 5. THE REMOVAL OF SOUTH AFRICAN CITIZENSHIP FROM THOSE WHO ARE DEEMED TO BE CITIZENS OF INDEPENDENT HOMELANDS.

It is impossible adequately to convey to White South Africans the burning anger which is felt and expressed by Black people about this issue. We have dealt with the legal provisions in a separate paper.

Quite simply everyone who is classified as Xhosa and who is not computerised as belonging to Xhosa and everyone who is classified as Tswana is now a foreigner in South Africa whether or not they have any connection whatsoever with Transkei or Bophuthatswana. Section 10 rights are preserved for those who were born before the date of independence.

A 1978 amendment to Section 12 of the Urban Areas Act means that all those born after the date of independence of their parents' computed homeland have no legal right to remain in prescribed areas in South Africa. They will be able to do so by permit only and the permit may be withdrawn at any time without reason being given. They will be alien guestworkers in the country of their birth; Citizens of countries which many of them have never seen.

Typical is the case of

MR. NTSOKO. He came to the office saying he wishes to correct the spelling of his name. (NTSOKO is not his real name - all names in this report are changed to protect people's privacy - but the change involved alteration of an 'S' to a 'Z').

When we asked why he, in his late middle-age, had suddenly become concerned about a clerical error made more than twenty years ago when he applied for his first Reference Book it turned out that his teenage son had gone to apply for a first Reference Book and had been told he had to take a Bophuthatswana passport. The family is not Tswana but Mr. NTSOKO is recorded as being Tswana. He says he never bothered at the time because "ethnic groups meant nothing in those days". Now he has to prove he is not Tswana and apply for citizenship for a non-independent homeland in order to have South African citizenship restored to him and his family.

Other people realise they are foreign when they apply for renewal of a South African passport and are refused or when their children's birth certificates are issued showing Transkei or Bophuthatswana as the citizenship or when a big red T is stamped in a Reference Book and they are told to apply for a Transkei passport by the end of the year.

There are no privileges for citizens of the new countries. They must have permits endorsed in their identity documents just as they did before. They continue to suffer all the restrictions imposed on Black people and if they have no rights in terms of Section 10 they are much worse off than they were before because the S. A. Government has no legal obligation to them and they may quite simply be deported to a strange country as undesirable aliens or prohibited immigrants. The only change seems to be a cosmetic one. Instead of stamping the Pass "ordered to leave the prescribed area of Johannesburg within 72 hours" the Labour Officer now stamps in an endorsement saying "Ordered to report to the Magistrate at.....for residence before....."

#### 6. THE WORSENING AND CRITICAL.../---



6. THE WORSENING AND CRITICAL HOUSING SHORTAGE AND THE DEMOLITION OF FAMILY HOUSING IN ALEXANDRA TOWNSHIP.

The problems of homeless people continue to multiply, overcrowding becomes worse as year passes. Houses continue to be knocked down in Alexandra and the families continue to be ordered to separate. The new Leasehold Scheme will provide shelter for many who can afford it or whose employers are prepared to assist them and is therefore to be welcomed, although there is need for the legislation to be amended to ensure that the next generation of citizens of independent homelands will have a legal right to occupy a house and will not be dependent upon a permit to do so and upon the expressed intention of the present Minister of Plural Relations.

We are doubtful whether the scheme can provide the mass housing necessary to alleviate the position. For one thing many people simply cannot afford to buy especially when they have to go on paying the ever increasing site rents even after the house is fully paid for. Secondly it seems likely that the whole responsibility for housing will be shifted to the private sector. The West Rand Board's record in the provision of housing is abysmally poor and there are no indications that it intends to improve its performance in the future. The following cases are all typical of the thousands of people without homes or who lose their homes.

MR. M. and his family have been on the waiting list since 1970. He is told he has no chance of getting a house unless he is prepared to buy.

MR. S. is a 10(1)(b) in Johannesburg but has a single permit in Alexandra. Even though his wife is registered in her Johannesburg employment they and their three children have consistently been refused a common permit in Alexandra and because they have no common permit they have been refused resettlement to family accommodation in Soweto.

MRS. B. has lived in Alexandra since 1951 but has never had a permit. Her husband has lived there as long but worked as an unregistered self-employed person from 1956 to 1972. This was illegal and when he eventually registered he was forced to do so as a migrant on annual contracts. Because of this he does not qualify for family accommodation. They have eight children and when the house they live in is bulldozed they will have nowhere to live.

MR. M. has to leave his house at Sebokeng because his wife has died.

MRS. T. has to leave her's because her husband has died. He was a Minister of the Methodist Church and they have been transferred to different parishes in different areas. Because of this she lost her 10(1)(a) qualification and has not been back in Johannesburg long enough to acquire a 10(1)(b) so she is told she does not qualify for housing.

MR. X is a very old man whose wife died. He was told to marry again if he wanted to keep his house. He married a young woman who wanted somewhere to live. She has left him and he is ordered to vacate. The Superintendent refuses to allow him to stay in his house with his niece who looks after him.

MR. NDLOVU has worked legally registered for one farmer in the Van Der Byl Park district for 26 years. His only pay during all that time has been 25 bags of mealies per year. The farmer recently gave him permission to look for work in town. He was refused registration in the job he found and his Reference Book was stamped "Farm Labour Only".

He does not want to make a fuss about any of this because the farmer allows him to live on the farm with his family and they will be homeless if he is turned off.

7. CONCLUSION/---

All the other problems/---



7. CONCLUSION.

All the other problems which we have reported on year after year continue as before changing only in that they are getting worse and worse as times goes on. A woman who wants to work in Johannesburg now has to prove that she has been here for twenty years and even then she may be refused if she was not registered before.

Wives are still almost always refused permission to enter the area to live with their husbands and children who have lived outside are still being refused permission to live with their parents. Teenagers who have never been on a permit because their parents never had a house are still being refused identity documents and permission to remain and work.

White South Africans still do not come to visit the office although hardly a week goes by without several visitors from overseas. Perhaps White South Africans are too frightened to expose themselves to the realities of our situation. Perhaps they don't want to know about Black suffering and Black anger. Perhaps they should try to learn before it is too late.

SHEENA DUNCAN  
ADVICE OFFICE DIRECTOR.

5th March, 1979.



MONTHLY RECORDS.

	<u>Number of Interviews</u>			<u>Average number of Interviews per day.</u>	
	<u>1978/1979</u>	<u>1977/1978</u>	<u>Increase</u>	<u>1989/1979</u>	<u>1977/1978</u>
February	846	637	+ 209	42,3	31,9
March	710	680	+ 30	33,8	29,6
April	640	468	+ 172	32	24,6
May	591	505	+ 86	28,1	25,3
June	506	557	- 51	23	25,3
July	681	583	+ 98	32,3	27,8
August	671	609	+ 62	29,1	26,5
September	597	495	+ 102	29,9	23,6
October	756	610	+ 146	36	30,5
November	796	743	+ 53	36,2	33,8
December/ January	1141	1005	+ 136	39,4	35,9
	7936	6892	+1044	33,1	28,8

There was a total of 240 working days and an average over the year of 33,1 interviews each day compared to 28,8 per day in the year before.

There were 2038 new files opened bringing the total to 13 433 and an additional 2811 people who came to the office for the first time but from whom no files were opened.