

Bantu Admin

THE BLACK SASH MEMORANDUM TO THE
DIVISIONAL COUNCIL.

We believe that it is the responsibility of all White persons in the country to know what is going on in their name since the laws made by the parliament which they elect to represent them, affect the voteless non-Whites as well as the Whites.

Clearly, the members of a body such as the Divisional Council have to bear a heavier responsibility regarding the results of parliamentary legislation as on them falls the onus for implementing these laws.

While the gradual removal of Africans from the Western Cape in the near future is being discussed, the actual removal is being carried out by vigorous application of existing laws concerning Influx Control. This has led between January 1959 and April 1962 to 26,211 Africans being endorsed out of the Western Cape, 7,251 females and 19,140 males (figures given by the Minister of Bantu Administration and Development on the 30th March 1962: Hansard p.3542). Of these 909 females and 3,377 males were endorsed out of the Divisional Council area. These are normal endorsements out under the Urban Areas Act and other laws concerning Influx Control.

We wonder if the members of the Divisional Council are all fully aware of the harsh effects of these laws and of the rapidly mounting resentment which is being caused by the increasing strictness of their application.

For instance most of the Africans quoted in the above figures are Africans who are being forced to leave against their wishes. The figures do not include those who leave the area to return home or who go voluntarily elsewhere in search of work, nor does it include the children involved when the African adult is sent away from the area.

Harsh laws govern almost every aspect of the daily life of Africans e.g.

Africans cannot live an ordinary normal family life in the area where they work without permission which, except in a few cases, is virtually impossible to obtain.

They cannot have visits from wives and families without permission, which is difficult to obtain.

If they return home to visit their families they cannot return to work here without permission, which is again difficult to obtain unless they are returning to their previous employer.

They...

They cannot take up work in an area they choose without permission - which is very difficult to obtain.

They cannot take up the sort of work they wish to do without permission - which is difficult to obtain.

In many cases they cannot be out in the evening without permission.

These difficulties, which are the ~~daily~~ ^{on Monday or Friday} experience of Africans living at Nyanga East, are resulting in rapidly increasing feelings of frustration, bitterness and resentment which could well lead to acts of violence.

We have reason to believe that the anti-White feeling at Nyanga East is every bit as bad under the surface as in the other townships. ~~Africans who are known to be friendly disposed towards white people are frightened to visit Nyanga East.~~ This feeling against Whites exists because it is the White people who make the laws and who are mainly responsible for administering them so that Africans tend to look on all Whites as conniving in the oppression of Africans. This anti-White feeling is not improved by the fact that it is ^{Sometimes} very difficult for an African to obtain a hearing with a White official. ~~On the rare occasions~~ ^{when} he does so, the official is ^{often} seldom sympathetic, so that the interview does nothing to improve Black-White relations.

SUGGESTIONS: (WHICH WOULD GO A LONG WAY TO ALLEVIATING MANY OF THE HARDSHIPS CAUSED BY THE EXISTING LAWS WHICH ARE PROVOKING SUCH DEEP-SEATED UNREST)

A. Suggested amendments to existing laws:

- (1) That in order to encourage a stable and peaceable society Africans who wish should be allowed to own their own houses and business premises in this area.
- (2) That it should be officially recognised that African women, whether widows, divorcees or single women, are entitled to have their own homes, or rooms, while in employment in this area.
- (3) That Africans who must work away from their home areas in order to make a living for the family should be allowed to have a home with their families, if they so choose, in the area where they work.

We believe that it is contrary to Christian principles to allow laws which make it nearly impossible for legally married people, many of them married by church rites, to live together.

- (4) That people ^{working now} living in the Simonstown area ^{must} should not be compelled to ^{move to} ~~live in~~ Nyanga East for purposes of residence.
- (5) That people should not be endorsed out of this area unless it is ascertained not only that there is a place to which they may go, but that the work they seek is obtainable there.
- (6) That for the purpose of deciding whether a person has been in an area long enough to qualify the whole of the Peninsula and environs should be treated as one area. ^{e.g. A} In other words, a man living in Nyanga East who had previously worked in the Cape Town area should not be forced to move either his house or his job in order to be able to live and work under the same ^{urban Bantu} legal authority. ^B An African from Stellenbosch who marries an African from Nyanga East should be allowed to carry ^{the} his or her qualifications in the ^{urban} area from which they originate to the area of the person whom they are marrying. If the Government's desire is to reduce the number of Africans in urban areas it can ^{surely not} hardly matter in which part of an urban area the African is living. ²
- (7) That Africans who wish to retain their homes in the Reserves should be assured that they may return to work in this area, after visits to their homes in the Reserves.
- (8) That Africans legally working should be free to change employment and the category of their work.
- (9) That Africans should be able to rest between jobs or seek medical treatment and not be penalised by refusal to allow them to accept employment offered.

~~(10) That Africans should be allowed to set their own employment.~~

B. Matters in which we request Divisional Council Officials to assist in

Alleviating hardship:

- (1) During the last year there seems to have been a tendency to screen and re-screen families living in the township in order to unearth some reason for endorsing them out. Many who have been endorsed out were either born here or had worked here for many years, but owing to some technical reason had lost their right to remain here.

- (2) Many who lose their employment through no fault of their own are ^{as the law specifies not} endorsed out after a very short time in the labour pool. ^{could not} ~~more than 14 days~~ This means that a man who has worked in a place for such people be given the longest time permitted by law in the labour pool? ^{can be} endorsed out of his current employment of 7 years ^{through the labour pool} But sometimes ^{Officials with the view to time in which to work} ~~14 days~~ (3)...

Simonstown new para

- (3) In order for an African to qualify to remain in the area by virtue of having been born in the area, officials at Nyanga East insist upon birth certificates being produced. As registration of African births was only made compulsory in 1948 this presents a great problem, which would be much lessened if the Divisional Council would accept other reasonable proofs as being permissible.
- (4) A doctor's certificate from a hospital should be accepted as to the health of an African. At present only a medical certificate from a Hospital is accepted. A letter written on Hospital paper and signed by the head of the gynecological Department is not considered sufficient.
- (5) That when a removal order is served on an African in court, the Divisional Council Officials should be informed and should make it their business to ascertain whether small children are being left behind or whether the African concerned, or one of his/her children, are not in the midst of urgent medical treatment.
- (6) That a social worker should be employed to investigate cases of non-payment of rent at a very early stage and to help Africans to obtain hospitalisation, disability and old age grants etc. Also to arrange for the care of children whose mother has been summarily sent to jail without being given any chance to arrange for the care of her children.
- (7) There should be more readiness to help Africans who, through illness, have lost their jobs. At the moment such Africans usually get in arrears with their rent, and when they are sufficiently recovered to go to the ~~R/O~~ ^{Registration Office (not R/O office)} to ask to be put in the labour pool they are endorsed out because they cannot show why they have been unemployed. They are not allowed to accept work offered or to be put in the labour pool, but are told to produce proof of their alleged illness. This is often almost impossible to obtain.
- (8) We would ask that women should not be endorsed out to the birth place of their husbands when they have been deserted by them, or have parted from them and do not wish to live with them any more. Particularly if the husband has another wife up-country with whom they can not get on. ⁽²⁾ ~~can be allowed~~

(9) That officials at Nyanga East should be in possession of duplicate copies of files held on Africans living there which are kept in other areas, e.g. Langa. If this is not practicable, officials should be instructed to telephone each other in order to save Africans the inconvenience and expense of moving between the two offices with the hardship involved in waste of time, money and *even* loss of jobs. **C-----D*

(10) Representations should be made to the Government to ensure that country magistrates know and fulfill the regulations attached to giving permission to Africans to come into a proclaimed area to seek work. Alternatively, when these magistrates make mistakes as not infrequently happens, the B.A.D. should pay the cost incurred by the African in train fares etc.

(11) That when Africans are endorsed out of Nyanga East they should be given reasonable notice. In some cases they are endorsed out on the same day that they report to the registering officer. This *?* legally gives them only 72 hours in which to go which is an impossibly short time in which to make arrangements for such a move.

In conclusion the Black Sash would like to ask that officials remember that when Africans visit them they are usually merely trying to get permission to do what is ordinarily the *RIGHT* of people everywhere in the civilised world. They should, therefore, be treated sympathetically and the officials should make every effort to help Africans to do what they seek permission to do and not try to prevent them from so doing. Although Africans are "criminals" if they break these laws they should not be treated by officials as such, or law abiding honest Africans will become angry men who may possibly later turn into real criminals.

We believe that if the same laws applied to White people and if White people found themselves subjected to the same frustrations and lack of security as the Africans, they would probably not bear the hardships as patiently as the Africans have done. There are signs that African patience is rapidly becoming exhausted and so we would onceagain reiterate our plea that the Divisional Council should use all its influence to help change the laws and also to see that, until they are changed, they are administered with as much consideration as possible.

Agreed idea for 2 Councils to meet with us re Indig coordination

e.g. (a)

^{is} It seems quite unreasonable, for example, that a man living in Nyanga East should not be able to take employment in the Cape Town Municipal area. *and vice versa.*

(b)

It is quite inhuman to make the price of a legal marriage the loss of much valued ~~rights~~ ^{acquire} and hard to come by, rights to live and work in an urban area.

Many who lose their employment ^{often} through no fault of their own are endorsed out after a very short time in the labour pool. This means that the man who has worked 9 years for one employer in the area is endorsed out if he is not offered suitable employment through the labour pool within 14 days. Sometimes officials give them even less time ~~within~~ the 14 days permitted before endorsing them out. *as it is*

Since the law ^{allows} provides that they be given 14 days ^{but officials often endorse them} before they are unemployed, ~~could not such unemployed people be given even less~~ ^{people be given the max time permitted} by law. out before this

(2)

Many who lose their employment, ^{often} through no fault of their own, are endorsed out after a very short time in the labour pool. The law ^{only} allows that they be given 14 days but officials often give ~~allow~~ them even less time than that before endorsing them out. As it is a man who has worked 9 years for 1 employer in the area, is endorsed out if he is not offered suitable employment through the labour pool within the 14 days allowed.