

THE BLACK SASH - NATIONAL CONFERENCE 1980

Fact Paper from Cape Western Region :

GROUP AREAS REMOVALS IN THE WESTERN CAPE

The Individual Case of Mr Bawa Khalfey's Shop

South Africans opposed to the Government's Apartheid policies understandably took heart last year as a result of Prime Minister Botha's public condemnation of discrimination which led to a climate of 'expectation of change' prevailing. However, on February 5th 1980, after Opposition Leader Slabbert challenged the Government to state which discriminatory laws it was prepared to repeal or amend, several Cabinet Ministers (Heunis, Koornhof and F.W. de Klerk) said that expectations of change had been exaggerated and that there would be no change in basic Government policy. Continued Group Areas removals would seem to bear this out. The case of Mr Bawa Khalfey is a "chastening reminder that the worst features of ideological apartheid are still in force and that the abandonment of this ideology in favour of free enterprise remains in the realm of words and ideas". (Editorial, Cape Times, 27th November 1979).

'The Kildare Cash Store' in Newlands, Cape Town, or 'Mr Bawa's Shop' as it was locally known, dates back to 1929. It was bought by Mr Bawa's father in 1947, who had run it until he became bedridden in 1952. His son, then 13 years old, had taken over the running of the shop. When Mr Bawa's father died in 1969, Mr Bawa continued to run the shop and to live in the house next to it, in his father's name, as Newlands had been proclaimed a 'white' area in 1961 under the Group Areas Act. In 1971 the Department of Community Development discovered that Mr Bawa was trading under the name of his father and the shop was closed for several weeks while the Department investigated the matter. The outcome was that Mr Bawa, believing he had no alternative, sold the property to the Department for R13,211 in 1972 and continued to trade there in terms of a lease and a permit which was renewed every three months.

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He was no longer permitted to occupy the house attached to the shop and moved to Rylands Estate, an Indian area several kilometres distant.

The Department of Community Development advertised 'The Kildare Cash Store' for sale by public tender on 31st March 1979. The Department appears to have had no particular reason for selling the property at that time other than that it was about to take possession of the newly built 'Oriental Bazaar' in District Six and would be looking for tenants for it. Only one offer - for R2,500 (answer to a question in Parliament by Mr B. Bamford on 6th February 1980) - was received as a result of the advertisement of 31st March. This was unacceptable and the Department approved that negotiations be entered into for the sale of the property. Two bids for the property were then received: one on 26th July 1979 for R15,000 from Mr C. Uren and another on 8th August 1979 for R14,500 from a 'white' associate of Mr Bawa. The Department does not claim to have negotiated with the latter bidder in an attempt to maximise its return. (Note : It should be borne in mind that these offers were not received as a direct result of the advertisement inviting tenders for the property, but because of personal inquiries made after the Department had approved that negotiations be entered into for the sale of the property. According to the Department, the resale price was "determined on the highest offer which exceeded the estimated market value". (Cape Times, 13th December 1979).

(Note : An independent estate agent has valued the property, which has business rights, at R17,500).

When the property was put up for tender, Mr Bawa was informed that his permit would expire on 30th September 1979, and that he would have to vacate the shop on 1st October. This was later extended to 20th November 1979. The Department offered Mr Bawa an alternative shop in the new 'Oriental Bazaar' in District Six - officially renamed Zonnebloem. He found this unacceptable not only because the rent would be high (rental for the smallest shop is approximately R300 per month) but because most of District Six's community has been moved away under the Group Areas Act. There would be no-one to serve.

Note : The Government is prepared to subsidise rentals in the 'Oriental Bazaar' for an initial period of three years.

Mr Bawa applied for trading rights in Gatesville, Rylands Estate, but no more licences are available there.

The immediate community which Mr Bawa served became involved in his plight at the beginning of November 1979. A petition, dated 20th November and signed by 179 residents, was sent to the Minister of Community Development. (See Appendices). Copies of the petition were sent to Dr S. v d Merwe, Minister of Industries, Commerce and Consumer Affairs; Dr P. Koornhof, Minister of Co-operation and Development; the Regional Director of the Afrikaanse Sakekamer; the Regional Director of the Afrikaanse Handelsinstituut; the Director of the Cape Chamber of Industries; the Director of the Cape Chamber of Commerce; the Director General of the Urban Foundation and the Director General of the S.A. Foundation. Only eight of the people approached to sign the petition refused - four of them because "it would be no use" and four of them supporting the eviction.

During this time Mr Bawa had again applied to the Department of Community Development for a suitable alternative site to open a business, without success. However, the Department accepted his rent for the shop for December and gave him until 29th December 1979 to vacate the shop.

The hopes of Mr Bawa's supporters had been raised when, during informal discussions with the local representative of the Department of Community Development, an unofficial indication was received that favourable consideration could be given to a proposal that a qualified (white) person purchase the property and allow Mr Bawa to continue trading. But they were dashed when, on Monday 21st January 1980, Mr Bawa was advised that he would be evicted the following day. Mr Bawa was evicted from his shop on Tuesday 22nd January 1980. Four officials and four or five labourers from the Department of Community Development packed goods worth R12,500 into boxes which were dumped on the pavement alongside the shop fittings. In the words of Dr F. van Zyl Slabbert, the eviction was "a sickening conclusion to the sad saga". (See appendices).

Concurrently, a reply had been received to Mr B. Bamford (M.P.)'s letter to the Minister of Community Development (See Appendices) which made it clear that no amelioration of the Group Areas Act was considered.

The eviction received considerable publicity in the local Press and aroused extensive sympathy and expressions of dismay among members of the public. A restaurateur bought R1,000 of Mr Bawa's stock to assist him in his difficulties and allowed Mr Bawa to donate the goods bought to charity.

A further approach was made to the new owner, Mr Uren, offering to purchase the property and to cover all costs to date. This was rejected. At present the building is being converted into a Pizza restaurant, which will presumably be open to 'whites' only.

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S. DRERUP.