

ADVICE OFFICES

Johannesburg

This report of the Johannesburg Advice Office, covering the period from February, 1971, to September, 1972, was presented to National Conference in October.

Influx control and migrant labour as practised in South Africa together form one of the most efficient, cruel and destructive systems ever devised for their own advantage by any group of men for the complete physical control of other men.

No African in South Africa has any freedom of movement whatsoever. He has no freedom to live or work where he chooses, to plan his own future or that of his family; no freedom to decide for himself what he will make of his life. He has been deprived of all this by White men to further the selfish interests of the White group.

We do not say this lightly, or for political motives, or for any reasons of expediency. We say it because our experience in the Advice Office has proved to us that it is the truth. We find it intolerable that such power should be exercised by any group over the destinies of millions of individual men and women.

During the last year, workers in the office have conducted 5 121 interviews, an average of 21,3 per working day. This does not include the large numbers of people who telephone or write for advice.

One quarter of the people who came to us were South African citizens who have been ordered to leave Johannesburg or one of the surrounding towns within 72 hours. Another quarter were seeking permission to live or work here. Other problems which were presented in large numbers were those connected with accommodation and housing, and with the issue of reference books.

Of the new files opened 47 per cent have been closed successfully, sometimes after two years of work. This figure only takes into account those people whom we know have been given the permission they were seeking. There are others who never come back to tell us what happened to them and, obviously, many of them must have succeeded otherwise they would probably have returned for further help.

Many, of course, just get sick and tired of standing in queues at the Labour office or

being pushed around from department to department, and give up all attempts to establish their rights or legalise their position.

The Aid Centre in Johannesburg was established in 1972. From Press reports and after a meeting between the Advice Office supervisor and the manager of the aid centres it is clear that many people who have been arrested for pass offences are able to avoid going to prison and are given a seven-day pass to enable them to walk around without fear of arrest while trying to regularise their positions or to find employment.

The aid centre has been helpful to men who pay Johannesburg tax but have never been registered in employment or had their names enumerated on a house permit. It seems that they are usually offered several choices of employment and then registered to work.

What happens to them when they are eventually discharged from the job they were placed in, or leave of their own accord, remains to be seen. It has been our own experience that men and women registered by special application in this way are often endorsed out again when the job ends and have to begin the whole dreary process once more.

In the report from this office for March 1972 we dealt fully with our experience of the aid centre. Nothing has happened since then to change our view that "the aid centres can only make the legislation work more smoothly. They cannot make one iota of difference to the fact that fundamental human rights are denied by the pass laws".

All the houses in Alexandra Township, which lies just outside the northern municipal boundary of Johannesburg, are being demolished and will eventually be replaced by multi-storey hostels to house about 65 000 people, both men and women, in single quarters. The first two hostels, one for men and one for women are now open. The men's block is almost full but, so far, only about 300 women have moved into the female block.

During the year many people have come to

the office to seek help, either because they have been living in Alexandra for years without permits and have now been swept out as the houses are bulldozed; because they have been given "single" permits only, without realising that their children were not included and that they therefore are not entitled to be housed on a family basis in Tembisa or Diepkloof; or because the man in the family does not qualify in terms of Section 10(1)(a) or (b) of the Urban Areas Act and is therefore not eligible to become registered tenant of a house anywhere else.

One man who lives in Alexandra in terms of Section 10(1)(d) with his wife and two children was told to get a bed in the men's hostel, his wife was to go to the women's hostel and they were to "take the children to the welfare". His children are 10 and 11 years old, in school and certainly in no need of welfare assistance.

It is quite clear that not enough housing is being built for all the people who live in Alexandra and every technicality of the law is being invoked to reduce the number of people eligible to be housed on a family basis.

This is proving particularly hard for women with children but no male family head. Mrs. Khumalo divorced her husband a few years ago. She was born in Alexandra and has lived there continuously all her life and so have her children who all have birth certificates.

Mrs. Khumalo has never had her right to be in Alexandra in terms of Section 10(1)(a) of the Act recognised and stamped in her reference book. She had a permit to live in Alexandra with her family but at the time of her divorce when she moved to a new address her name was not enumerated on her brother's house permit.

Some time after this and with some difficulty, she again obtained a permit to live in Alexandra but did not realise that this permit was granted on a single basis only for the duration of her employment. It excluded her children. She has now been told that she will have to go to the hostel or move to Soweto and find lodgings for herself and that she should send her children to the homelands.

She wants to be resettled in Diepkloof on a family basis with her children so that she can continue to have them with her with some security for the future, and so that all of them have the right to remain permanently in the area recognised.

Mrs. Dyasi is another woman who has no husband and lives in Alexandra with her only

son who has just turned 16. She has been told to go to the women's hostel and put her son in the men's hostel. One can imagine only too vividly what is likely to happen to a 16 year old thrown into the communal life of a hostel amongst men who are all separated from their families and mostly much older than he is.

For many years people working in Johannesburg have been able to live lawfully in Alexandra. Many of them have married women who work in Alexandra, Randburg or Sandton. Now they, too, are finding it difficult to be resettled on a family basis.

Mr. Mafuna is one of these people. He does qualify in terms of Section 10(1)(a) in Alexandra but in 1964 was told to move to the hostel at Diepkloof. He refused to do so and continued to live in Alexandra without a permit and therefore the authorities refuse to recognise his 10(1)(a) right. He is married to a woman who lives and works lawfully in Alexandra.

He has been refused resettlement to a family house in Diepkloof and is not eligible for Tembisa because he works in Johannesburg. He cannot apply for his wife to be transferred to live with him in Soweto because he has no accommodation there for her. His dilemma is typical of that of many families in Alexandra at the moment.

The shortage of housing for Africans in the Johannesburg area is critical. There are over 13 600 families on the waiting list for a house in Soweto and thousands more who are not even on the waiting list because the man of the family does not qualify in terms of Section 10(1)(a) or (b) to become the registered tenant of a house. There is gross overcrowding.

The number of people who come to the office because they have nowhere to live increases all the time but we can rarely do anything to help them. Families have come to us who have spent nights with their children in culverts or under bridges. It is becoming more and more difficult to find lodgings in Soweto. People are understandably reluctant to take another family into an already overcrowded house.

Houses are not being built at the needed rate. New houses which have been built this year have been allocated to families from the demolished areas of Pimville and Kliptown and the shortage increases all the time. One sees the point of the Department of Bantu Administration directive quoted often before

at this conference about no stone being left unturned to "persuade" people to ask for resettlement in the homelands.

Of all the people who have come to us for help in asking for resettlement in the homeland only two that I remember have done so because they genuinely and voluntarily asked to go to start businesses of their own. For the rest, the story is the same all the time: "I have no place for my wife and children. I must find them a house, somewhere to live. I do not want to be parted from them but what can I do?"

The housing position in Johannesburg is particularly tragic when one remembers the tremendous effort the city made after the war to house all the people who came to work during the war years and who lived in shanties and shelters in extremely poverty-stricken conditions.

The backlog after the war was 50 000. Between 1957 and 1958 over 11 000 houses were built. That was the most successful year. Between 1960 and 1965 10 500 new houses were built but between 1965 and 1969 there were only just over 3 000. This is because the Government does not want family housing to be built for African people in so-called White areas and will not provide the money. Facilities are supposed to be in the Bantustans and hostels have priority over everything else in the cities.

Dr. Koornhof's concession does not seem to have made one iota of difference to married couples in Johannesburg. We have assisted large numbers of qualified men to make application for their wives to come to live with them in terms of Section 10(1)(c) and so far have not heard of anyone who has succeeded. Mr. Moss, chairman of the Non-European Affairs Department of the Johannesburg City Council, said in June that the department had submitted over 50 applications to the Bantu Affairs Commissioner but had received no replies. We are quite unable to report on how this concession is being applied, if at all.

Married couples separated by the law remain one of our most serious problems. Apart from those men who marry women from the country we have dozens of requests for help from men who marry city women and still cannot get permission to live with them.

Mrs. Kubeka has been in the greater Johannesburg area because she has worked in Johannesburg most of the time but lived in Alexandra for four years without working,

in the '60s. She is now registered in her employment in Johannesburg and is married to a man who has a house in Tembisa. He divorced his first wife before marrying Mrs. Kubeka last year but cannot get a permit for her to live with him in Tembisa.

He is going to loose his house. Because his wife does not qualify anywhere in terms of Section 10(1)(a) or (b) she cannot be transferred to live with him in the prescribed area where he has rights although it is only a few miles away. He has three children from his first marriage and no woman to look after them.

We have continued to have trouble with people lodging appeals against an order to leave Johannesburg within the stipulated seven days. People take their affidavits of appeal to the Bantu Affairs Commissioner and are told to bring other specified documents.

The appeal is not accepted nor is any official stamp provided showing the date on which the appeal was lodged. By the time all the required documents are assembled the seven days have long ago expired and the person concerned must then prove that he made every effort to lodge the documents with the Bantu Affairs Commissioner in time.

Another tendency which has been noticeable recently is the situation where someone with good grounds for an appeal and rights under Section 10(1)(a) or (b) wins the appeal and is registered in employment but the rights under Section 10 are not recognised. That person then finds himself endorsed out again when the employment ends and has to start the whole process again.

Mrs. Saphula was endorsed out but has a clear right under Section 10(1)(b). She appealed and was registered in employment in terms of Section 10(1)(d). She was discharged because her employers cut down on staff, and was then endorsed out again. She is now appealing once more. She should no doubt have persevered in the first instance and insisted on the 10(1)(b) right being stamped in her reference book but she had spent days queuing in various offices and desperately needed to get to work and earn money again so she didn't want to involve herself in more trouble once she was registered.

We have had the usual number of cases where people literally have nowhere at all to live. The Aid Centre can be helpful in these cases particularly if the person concerned can prove he was born in an urban area.

Displaced people are very often offered mine work or farm labour and if they are *reluctant to accept such employment they find* it extremely difficult to get further help from the authorities. Even when they are registered in acceptable employment this does little to establish any security for the future. They too find themselves endorsed out again when they lose a job. It is not easy to be resettled in a Bantustan when one has no previous ties there and no relatives. It seems that chiefs and homeland authorities are reluctant to accept unsupported strangers into their areas.

The South African economy operates on a system of forced labour. Countless examples can be quoted to substantiate this statement. Employers are able to get away with paying appallingly low wages to people whose security is conditional on remaining in employment. People registering at labour bureaux in the Bantustans are not given much opportunity to pick and choose where they work, for how much, or in what kind of jobs. They are dependant on recruiting agents and, in some cases, those agents do not seem to operate with any regularity or any frequency.

In some areas people have no option but to work in a nearby border industrial area where wages are not controlled by legislation and, in many cases, are very much lower than the going rate in a big city.

Skilled or educated men who are registered as work-seekers at a tribal labour bureau are in a particularly difficult position. Johannesburg will not allow any applications for skilled men to work on contract. These men have no alternative but to work in government departments because they have no other outlet for their skills. They are prevented by law from earning a just reward for their skills or their education.

We have had a number of people who have had their reference books either *confiscated or refused because they are said to be citizens of a neighbouring country*. These cases are very complicated because they have to prove their own birth in South Africa and that, at the time of their birth, either their mother was a South African citizen or their father had a right of residence in the Republic. This may mean going back for years.

One old lady suddenly found herself accused of being a citizen of Lesotho when she applied for a duplicate reference book. She had lived lawfully in Johannesburg for years and only spoke Xhosa having been born in the Transkei. Her parents had died many years

ago and she had never been in Lesotho in her life.

It was extremely difficult to find any proofs of her parentage but, fortunately for her, one of her fingers had been shortened in infancy according to the old Xhosa custom and she has a good chance of having her South African citizenship recognised without too much further difficulty.

We have continued to benefit greatly from working with an attorney in Johannesburg. Several aspects of our work are now very much more straightforward because he has insisted on the authorities acting within the regulations instead of exceeding them as was very often the case. All the workers in the office have learned a great deal from him and we are working very much more efficiently because of what he has taught us.

He has been endlessly patient with us and generous of his time in acting for people who have been wrongfully deprived of their rights. A second attorney is now working with him on Saturday mornings.

Margaret Kirk left us at the end of last year and we have missed her very much but have been fortunate in finding Penny Burrows, another member of the Black Sash, to take on the frustrating, nerve racking job of office secretary.

We have three wonderful interpreters, Mrs Radale, Mrs. Mabatlani and Mrs. Fholosi who are the backbone of the office and totally indispensable. Mrs. Radale is now interviewing all cases when they come for the first time and her knowledge of the law and the many different languages saves an enormous amount of time. The rest of the work of the office is carried by voluntary workers who give unstintingly of their time and their concern.

Our office is now grossly overcrowded and some days we just cannot move between the people. We are working longer hours, usually until 1.30 or 2 p.m., the administrative work being done after that. We need more space and more workers especially those who can give time in the afternoons, but our finances are limited and running expenses increase all the time. We are most grateful to the Bantu Welfare Trust for their generous financial assistance without which we would have a hard time keeping going at all.

It is impossible in a report like this to cover every aspect of the work done. Every case is always entirely different from the one

before in detail and every case is a human tragedy of one kind or another. In the Black Sash offices we only see a fraction of a percentage of the total number of people who are victimised by the pass laws.

Every African person in the country is victimised in this way, some of them being more fortunate than others in being in the right place at the right time so that their limited rights under the law are recognised and offer them a limited security.

There are no arguments for the maintenance of migrant labour and influx control which can outweigh the moral arguments for their total and immediate abolition. The policy of

separate development offers no solution. Since it was formulated and put into practice, the pass laws have been intensified particularly by the 1968 labour regulations.

The future of Black people is visualised as being a constant pool of available cheap labour for the White economy. The difficulties of the urban Africans have been spotlighted and discussed recently in many different quarters but the problems of rural people are just as great and just as much the result of White oppression. Poverty, deprivation of opportunity and a denial of the rights of many apply to all the Republic's Black people, both urban and rural.

Athlone

November was surprisingly busy at the Athlone advice office with attendance records the highest they have been the whole year.

Twenty-one of the miscellaneous cases were inquiries from men about pension funds, workman's compensation claims or unemployment benefits; 8 were housing problems; 10 couples were seeking permits to reside together, the husband in each case being residentially qualified in the area; another 10 cases concerned young people born in the Cape Peninsula and seeking to establish their rights of residence, permission to take out their reference books and be employed in the area.

Nearly all the contract workers interviewed were distressed by discrepancies between their contracts as they had understood them at the time of signing, and actual conditions encountered at work.

Thanks to the intervention of our attorney, we had success with Mr. Jonas Bevu, who was divorced in 1970 and was still the lawful tenant of his Guguletu house when he married a young woman in January 1972. She was here illegally at the time of the marriage.

She has achieved permission to reside in terms of Sec. 10(1)(c) not by virtue of Dr. Koornhof's offer to brides but because she returned to Umtata in February and waited for visiting permission which she got a month later, then joined her husband legally in his legal accommodation.

She was given only short extensions as a "visitor" until our attorney contacted the authorities and her marriage certificate was

produced. Hosts of the other couples with the Bevu's problem are prevented from residing together by the husband's obligation to pay rent in "single" quarters.

In the fourth group we can also report one "legal" success, and can hope for others. Gordon Nongauza was told that as he had been away from the area for several years, he must take out his reference book at Tsomo and get contract work from there.

Acting on our advice and supported by our attorney, he collected documents proving his birth in the area and the record of his schooling, which showed that his absence had been for schooling purposes only. He returned annually for holidays and although his name did not appear on any rent card, relatives could testify to his continued "home base" in Cape Town. Now he has permission to live and work here, where he belongs.

The absurdity and iniquity of contract workers not having copies of their contracts, to which they can refer, is constantly apparent. A group of five men came to Cape Town on contract as night watchmen under the impression that they would be on duty for nine hours every night, basic pay R9,60 a week, and overtime for anything extra.

It transpires that they do a 12-hour shift six nights a week with no overtime. This is the hard and usual beat of night watchmen. Their position is in particular need of improvement. But all contract workers should be able to check their contracts without being told that if they want to complain they must sign an "agreement" cancelling the contract.