

Advice Office reports

ATHLONE

June — July 1978

ATTEendance records show a bit of a lull, not unfortunately reflecting a drop in the number of people charged with statutory offences under the pass laws, nor a major black family house-building project which would improve future prospects for thousands. On the contrary, the new Bantu Commissioner's Court at Langa, with two spacious court-rooms and plenty of cell-space for awaiting prisoners, opened its jaws in mid-June. This takes the place of the cramped and grimy wooden structure in front of the administrative complex, where so many people lost their freedom or their money in ever-growing numbers and with heavier fines over the past twenty-odd years. The new Court was deemed an urgent necessity more because of crowded conditions and future expectations of still more arrests than because of the dilapidation of the old. One court room is for young men, legally in the area but apparently out of work and not registered as work-seekers, charged under the section of the Act which suggests that they are 'idle and undesirable', Sec. 29, Urban Areas Act.

About eighty appeals for attorneys to appear in Court on behalf of people arrested under the Pass Laws were received by the Advice Office during June and July. During the second week of June, BAAB inspectors launched a major programme of arresting Crossroads people near their bus stops or at the water-points where the women fill their buckets. On June 6, 34 names were sent to us with an urgent request for legal representation. Only 12 of these names featured on the court roster next day, and maximum fines were imposed (R50 or 50 days, plus another R5 or 10 days if no travel document or reference book was produced). This pattern continued and in all only some 26 of the names referred to us actually appeared recognisably on the court roll, and were then represented with pleas in mitigation. Usually the maximum fine was imposed but a few people got off with suspended sentences and in four cases the charges were dropped.

• Case

On July 25, police from Killarney arrested a man in the bush near his shack among the sand-dunes of Table View. His name, N. W. Landu, was reported to us with an appeal for help and an attorney duly contacted the Court, only to be told that no such name was on the list. Strenuous attempts to trace him were unsuccessful until the following day when his wife, carrying a coughing and crying infant, begged us to con-

tinue the search. After many telephone calls, a man listed as 'Ludu' was acknowledged to have been admitted to Pollsmoor prison from Langa Court the previous afternoon. This was the man. His name had been wrongly copied from his Travel Document (where it is clearly legible) by some clerk at Langa Court and as 'Ludu' he was tried, sentenced and gaoled. He was finally redeemed from Pollsmoor by a well-wisher sent with the balance of the fine by a representative of the Cardinal (this help is not normally available and is totally outside the scope of Advice Office work). Great difficulty was experienced in finding him in prison because he could not hear his wrong name being called among the general clamour of the cell. The prison officials explained that although there had to be some man corresponding to the name Ludu inside, it was up to him to come forward when called. To them, he was any one among a sea of unknown faces and apparently the roll-call is only taken once a month. Finally an attorney asked the Colonel in charge of Pollsmoor to insist that he be called under his real name until found and this was done. Emerging into the fading light (the whole afternoon had passed in the quest) he apologised for his bare feet and described how he had been caught by a police dog, having instinctively fled when it approached.

A hospital dressing attested that the dog's teeth had penetrated his thigh. It had pulled him down. He had lost one good shoe in the flight and discarded the other in disgust at the police station. At least, he said, the prison provides enough blankets at night, he only felt very cold in the day-time. 'The police carried revolvers and set their dog on me, I had nothing but my hands. They arrested me and for what? I had not hurt anyone, nor stolen, I had not even been drinking. I was just trying to work to look after my family, especially the sick baby. He is taken regularly to hospital by my wife.'

Transkei's unilateral breaking-off of diplomatic relations with RSA seems to be proving counter-productive for Transkeians in the Peninsula (remembering that for very many, Transkeian citizenship was forced on them against their wishes). A date stamped in a Travel Document by police or BAAB officials gives the holder two weeks' lawful presence in the Republic, but proper 'visiting' permits are not readily granted, let alone extended, and all the provisions of the Transkei citizenship and Status Acts of 1976 are brought to bear on people seeking to establish residence in the area. Occupancy of township houses will not be granted to anyone who has not already accepted homeland citizenship and this in turn can be used in the future to disqualify descendants.

The CBAC has specified his Department's unwillingness to allow wives from outside the area to join their husbands even if the husbands have lodgings in family accommodation. Only men who are left as occupiers of houses when their wives die or are separated from them by divorce are considered eligible for bringing in new wives to join them from rural or other areas. One is aware of divorced wives sometimes being put out with children, and searching frantically for lodgings while a new wife replaces them in the house. Wives who enter the area on 'visits' wanting to join husbands who have lodgings in family accommodation, as distinct from compulsory rent in the single quarters, have very little hope of gaining recognition in the shape of a permanent legal home in the area. This state of affairs cannot and will not be accepted. Some firms are helping by providing family houses for their employees at their own expense, although ownership of the houses remains with BAAB. This positive ray of hope is greatly to be welcomed and encouraged.

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B. D. Versfeld

JOHANNESBURG

February — August 1978

THE unemployment crisis has brought hundreds of people to the Advice Office during the past months. One aspect of unemployment which has not been properly considered is the extent of the crisis in rural areas and in the Homelands. People who live in the prescribed areas are at last becoming aware of how urban black people are affected, but influx control and the Labour Regulations ensure that the extent and effects of national unemployment remain hidden and of no concern to white South Africans.

Recruitment of labour from the homelands is now severely restricted and people who have no Section 10 rights have little hope of being allowed to register in jobs they have found. Those borderline cases where people have been in the area for many years in unregistered employment and might previously have been registered after special application to the Regional Labour Commissioner are now impossible of resolution. Such applications are now generally refused on the grounds that 'there are too many people who were born here in town'. This exposes the whole underlying fraudulent nature of the influx control policy. It enables the South African Government to shed all responsibility for unemployed people who are not in 'white' urban areas by pretending that they do not exist and are not part of the South African population.

Unemployed people who live in homelands and in impoverished rural areas are in a far worse condition than those in urban areas. They have

little hope of earning a livelihood in the informal sector because the communities in which they live have no purchasing power. Increasing numbers live in closer settlements in the homelands where they have no land and are not allowed to keep livestock. Unemployment Insurance Fund benefits, pensions and welfare assistance are almost impossible to obtain and many complain of unsympathetic and obstructive treatment meted out to them by Commissioners of the Plural Relations Department. They are not allowed to leave the area where they live to look for work and if they do so illegally and find a job they cannot be registered. With the greatly increased penalties imposed on employers for employing unregistered workers and the fact that such employers must go to Court if charged and can no longer pay Admission of Guilt fines, people without permits are finding it impossible to obtain any kind of work at all.

MR N. M. comes from Nqutu in Natal where he has a wife and two children. He was employed in a factory in Johannesburg for five years on annual contracts. He was retrenched when his last contract expired in November 1977. His employers did not give him his Unemployment Insurance Contributor's Record Card, and so he could not receive benefits. By law he had to return to Nqutu when he was discharged but he found that no recruiting was being done there. In desperation he came back to Johannesburg and found himself a job but was refused registration.

MR J. M. comes from Tugela Ferry and was laid off in 1975. He has been unemployed ever since but his old employers have offered him his old job back. Registration is refused and the Labour Officer tells him that only domestic workers and gardeners from outside the area can be admitted on contract because over 20 000 Johannesburg men are waiting to be placed in employment.

L. T. is a young man who came to Johannesburg from Philipolis in 1970 to train as an electrician. His uncle was supporting him but has since died and there is no more money for fees. He must work in the non-prescribed areas only, which his training but cannot register in Johannesburg and there is no work in Philipolis.

• Farm labour only

We have seen several men from 'white' rural areas who have been refused registration in jobs they have found because their reference books are stamped 'FARM LABOUR ONLY'.

MR D. M. has lost his job and his house and all hope. His Reference Book is stamped that he may do farm labour only. He was registered in his employment on a chicken farm just outside Vereeniging. He was paid R10 per week. His employer provided a house for him at Sebokeng

but he had to pay the monthly rental of R13,75. He asked his employer for more money and was immediately discharged, and had to leave the house. His wife, children, aged father and himself have nowhere to live and, as he is only allowed to work on farms, has no prospects for security for his family. He is Xhosa and since independence of Transkei is now an alien in South Africa. The only place he can legally expect to have a house is in Transkei but his family have been in the Transvaal for at least three generations and utterly reject this as a solution.

• Separation of families

Unemployment is causing the separation of families on an unprecedented scale.

MRS C. M. who is legally employed in Johannesburg has been living with her husband in Alexandra. They were refused resettlement to family accommodation because Mr M. was registered on annual contracts and was ordered to move to the Mapetla Hostel while his wife was told to move into the Women's Hostel. They were looking for a room in Soweto where they could live together on a Lodger's permit when Mr M. lost his job. He now has to go back to Moretele where he must register as a workseeker and wait to be recruited for new employment. He has little hope that he will be offered any employment and even less that he will be 'lucky' enough to be offered a job in Johannesburg so that he can be with his wife. He has no control over where he will work.

• Pensions

The poverty caused by unemployment has greatly increased the number of people trying desperately to find some source of financial support. Old people who have never applied for pensions before because they could not cope with the delays and obstructions entailed in making application and because their families were supporting them, are now making applications because the family breadwinner is unemployed. They come to us because of the enormous difficulties they experience. We have the impression that the Department of Plural Relations tries to avoid paying pensions wherever possible and to delay applications in order to reduce costs.

MR W. M. lives lawfully in Johannesburg. He is 71 years old and has been trying to get a pension since 1975. There is a query about his citizenship so he has a Temporary Identification Certificate while he waits for a Reference Book to be issued to him. The Commissioner refuses to accept his application for a pension until he has a Reference Book in spite of the fact that he is the registered tenant of his house in Soweto and is entitled to a pension whatever his citizenship.

MR K. J. M. was in receipt of a pension in Johannesburg but decided to retire to Lebowa because his relatives did not want him to remain with them. His pension was cancelled and he was told to reapply in Lebowa. Through bureaucratic bungling and administrative delays he was not paid any pension for a full twelve months. When the pension was eventually re-instated he was not given any back payments for the period during which he received nothing.

• Unemployment insurance

The administration of the Unemployment Insurance Fund in the homelands and rural areas continues to be a cause for concern although there has been a marked improvement in urban areas. We get constant complaints from men and women that their applications for benefits are never accepted. They say the blue card is 'no use' outside the towns.

MR J. N. B. is typical of these cases. He was working on contract in Johannesburg and cannot claim benefits here because he cannot register here as a workseeker. The Commissioner at Tugela Ferry just refused to accept his application.

• Foreigners

Black people who are not South Africans are suffering more than any other single group. They have no legal rights in terms of Section 10 and have no redress if they are refused registration and are ordered to leave. Some of these men and women have spent their whole working lives in South Africa and have contributed their labour to our economy. If they had been white they would long ago have become naturalised South African citizens but because they are black they are expendable when the going gets tough.

MR M. has been working in Johannesburg for 38 years. He came here from Mozambique in 1940 when he was only 15 years old. He was retrenched in March 1977 but now he has a new job. He was refused registration and is ordered to seek work in the non-prescribed areas only which means farm labour. His wife and six children are legally resident in Johannesburg.

MR P. K. V. is a Malawian who has been in Boksburg since 1936. He has a South African wife and his children were born in Boksburg. He lost his job because he was ill and when he found a new job was refused registration and was ordered to return to Malawi. In all these years he has only gone back there twice on holidays of one month's duration.

Sheena Duncan