

JOHANNESBURG ADVICE OFFICE
ANNUAL REPORT: FEBRUARY 1975 to JANUARY 1976
FIGURES

WORKING DAYS: 243

AVERAGE No. of interviews per day: 24,2

CASES SUCCESSFULLY CLOSED: 248 (122 men and 126 women)

This represents a success rate of 22,4% of all new files opened.

| | | | | |
|------------|-------------|---------------------------------|-------------|-------------|
| There were | 1106 | new cases which involved | 2131 | interviews. |
| There were | 1283 | continuing cases which involved | 1977 | " |
| There were | 1758 | inquiries which involved | 1765 | " |
| | <u>4147</u> | | <u>5873</u> | |

ANALYSIS

| <u>PROBLEMS</u> | <u>NEW CASES</u> | <u>INQUIRIES</u> | <u>TOTALS</u> |
|---------------------------|------------------|------------------|---------------|
| Ordered to leave the area | 247 | 157 | 404 |
| Issue of reference books | 121 | 59 | 180 |
| Housing problems | 100 | - 301 | 401 |
| Foreigners | 64 | - 75 | 139 |
| Work permits | 88 | - 397 | 485 |
| Residential permits | 289 | 165 | 454 |
| Section 10 qualifications | 112 | 48 | 160 |
| Ex Prisoners | 3 | 10 | 13 |
| Contract problems | 26 | - 126 | 152 |
| Miscellaneous | 56 | - 420 | 476 |

Nearly 300 of the above were married couples who could not get permission to live together.

The figures do not reflect the huge numbers of inquiries received daily by telephone and by post.

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JOHANNESBURG ADVICE OFFICE

FIGURES FOR NOVEMBER 1975

Working days: 20

Average No. of interviews per day: 21,5

Cases successfully closed: 24 (11 men and 13 women)

| | | |
|---|-------|------------|
| There were 97 new cases which involved | 176 | interviews |
| There were 96 continuing cases which involved | 145 | " |
| There were 95 inquiries which involved | 110 | " |
| TOTAL 288 | TOTAL | <u>431</u> |

ANALYSIS

| <u>PROBLEM</u> | <u>NEW CASES</u> | <u>INQUIRIES</u> | <u>TOTALS</u> |
|---------------------------|------------------|------------------|---------------|
| Ordered to leave the area | 20 | 11 | 31 |
| Issue of reference books | 12 | 2 | 14 |
| Housing problems | 12 | 17 | 29 |
| Foreigners | 6 | 1 | 7 |
| Work permits | 11 | 18 | 29 |
| Residential permits | 24 | 6 | 30 |
| Section 10 qualifications | 8 | 1 | 9 |
| Expatriates | 1 | 1 | 2 |
| Contract problems | - | 8 | 8 |
| Miscellaneous | <u>3</u> | <u>30</u> | 33 |
| | <u>97</u> | <u>95</u> | |

N.B. 21 of the above were married couples who cannot get permission to live together.

JOHANNESBURG ADVICE OFFICE

FIGURES FOR DECEMBER 1975 / JANUARY 1976

Working days: 34

Average No. of interviews per day: 22,7

Cases successfully closed: 26 (8 men and 18 women)

| | |
|--|----------------|
| There were 201 new cases which involved | 368 interviews |
| There were 125 continuing cases which involved | 199 " |
| There were <u>194</u> inquiries which involved | <u>201</u> " |
| TOTAL 520 | TOTAL 768 |

ANALYSIS

| <u>PROBLEM</u> | <u>NEW CASES</u> | <u>INQUIRIES</u> | <u>TOTALS</u> |
|---------------------------|------------------|------------------|---------------|
| Ordered to leave the area | 45 | 11 | 56 |
| Issue of reference books | 20 | 5 | 25 |
| Housing problems | 9 | 33 | 22 |
| Foreigners | 15 | 8 | 23 |
| Work permits | 22 | 33 | 55 |
| Residential permits | 47 | 13 | 60 |
| Section 10 qualifications | 18 | 7 | 25 |
| Ex Prisoners | - | - | - |
| Contract problems | 3 | 23 | 26 |
| Miscellaneous | <u>22</u> | <u>61</u> | 83 |
| | <u>201</u> | <u>194</u> | |

N.B. 25 of the above were married couples who cannot get permission to live together.

THE BLACK SASH
NATIONAL CONFERENCE 1976 HELD AT GRAHAMSTOWN.

JOHANNESBURG ADVICE OFFICE
ANNUAL REPORT: FEBRUARY 1975 to JANUARY 1976

The number of people who came to the office during the last twelve months dropped from 5,225 in the previous to 4,147. The fact that we moved to new premises after eleven years in our original offices has something to do with this, but we have also been told by several people that they were subjected to a certain amount of abuse by junior officials because "if you have been to the Black Sash you needn't come here". This is, of course, a quite unwarranted misuse of power by bureaucrat and is just one example of the frequent discourtesies and victimisations which are the everyday lot of the black person in South Africa. Mrs. Mazibuko's complaint that when she was endorsed out she was not told that she had a right to appeal and that the official thumped the stamp down on to her reference book saying only "Huistoe" is not an isolated one.

SUCSESSES

The percentage of cases which were successfully concluded has again risen slightly from 22% to 22.4% and we again stress that we only note a case as having been successful if the person concerned manages to obtain the permit he or she was actually asking for and comes to show us the necessary stamp in the reference book.

We sometimes doubt the value of keeping records of successful appeals or applications because it remains iniquitous that citizens of our country should require permits to be where they are, to live with their families and to work at all. It is not much of a success that a woman gets a permit to live with her husband when her fundamental human RIGHT to do so, without let or hindrance, remains unrecognised.

PUBLIC EDUCATION

We have made increased efforts this year to avoid creating further dependancy of black people on white goodwill which is such an unproductive and damaging thing to do. Workers are realising the importance of explaining the law to individuals, explaining the reasons why they are in difficulties, setting out the alternatives (if any) open to them and waiting on their own decision as to how they wish to proceed. We and they are learning together in this most important area of our work.

For the same reasons we go to considerable trouble to write detailed replies to the many people who write in for advice from all over the Republic.

Other efforts in this direction have been the preparation of a series of teaching articles on the pass laws which have been published in 15 parts in the World newspaper; the preparation of another series for a Church organisation which will be included in booklets produced for their members and for sale to the wider public; a series of talks for Radio Bantu which were rejected by the SABC, and assistance rendered to one of the mining houses in the production of a book for circulation to their management and personnel officers.

OPPRESSION AND OFFICIAL SECRECY

Every year, with monotonous regularity, the Black Sash annual reports state that the law and the administration of the pass laws has once again become more severe and more rigid in application. The Johannesburg Advice Office has not been able to isolate one single instance in the past year where things have improved but constantly finds administrative procedures and actions which are making the oppressive system worse and life more difficult than it has ever been before.

This fact is greatly aggravated by the habits of secrecy which Government and administration has adopted.

MIGRANT LABOUR

When Mr. Punt Janson was deputy Minister of Bantu Administration he set up a committee to investigate the workings of the migrant labour system. The Black Sash was among the many organisations which submitted memoranda to the Department on this subject. Now, two years later, the Government has announced that the report of that committee is to remain unpublished. Mr. M.C. Botha said in Parliament that "the report is considered to be a confidential document for official consumption only." Most of Mr. Janson's large promises have similarly come to nothing and it seems unlikely that any will reach fruition now that Dr. Treurnicht has been appointed as Deputy Minister.

The problems of those men who are trapped in the oscillating migrant system remain insoluble.

Mr. Dhlamini has remained illegally in Johannesburg since his last contract expired in April 1974, because his labour bureau at home has been closed to all recruiting except for farm labour. Not only has he no desire to do farm work, but he has a physical injury which makes it impossible.

Mr. Moleko was unwittingly forced into migrancy when he accepted a job in the Transkei on leaving school. This resulted in his being refused permission to come back to Johannesburg to live with his parents. His employer's application to register him on contract was refused because he is a skilled worker and the Administration Board does not accept applications for men to come to clerical positions. He is Sotho speaking and states that Sotho speaking people are discriminated against when it comes to obtaining employment in the Transkei Government service which is almost the only employer of educated people in that homeland.

Mr. Nkomo's employer wished to make application for him to come to Johannesburg on a one-year contract as a domestic worker; application refused because Mr. Nkomo's home area is closed to recruitment for Johannesburg.

Mr. Gule is a migrant who has been told that he may do farm work only.

UNEMPLOYMENT

Large numbers of men and women have come to our office seeking advice as to how they may be registered in work. For the majority who come from other areas there is no way in which they may obtain registration in employment of their choice. They are supposed to remain in their home areas to await recruitment and many complain that they have been waiting for months at home without being offered a job of any kind. It is our impression that the unemployment rate is extremely high at present but this is another area in which official figures are unobtainable. The Government prefers to pretend the problem doesn't exist although, with the compulsory registration as workseekers of all men living in the Bantustans, the statistics should be relatively easily assembled.

FULL REGISTRATION

One promise made by Mr. Janson in an interview with Weekend World in February 1975 is being carried out. He said that the pass laws would be even more strictly enforced in the future and it would be more difficult to enter urban areas because a new system of compulsory registration of all those living outside the homelands would be in use by the end of the year.

It is exceedingly difficult to convince the white public of all that this means. They are not concerned until their own convenience or profit is affected. During recent weeks the West Rand Board has conducted systematic house-to-house raids in the early hours of the morning in the white suburbs of Johannesburg. The Advice Office has been inundated with telephone calls from employers which nearly always begins with "I have a good girl but she isn't registered so now I must pay a fine." Rarely does someone say "The woman who works for me has problems. Can you help?"

These raids which so incense white South Africans are a regular occurrence in black suburbs and reap a fine harvest of fines from people /3

people who are "illegally" sleeping peacefully in houses where the law does not allow them to be.

BOARD SECRECY

The West Rand Administration Board, ever since its inception, has held its meetings behind closed doors, automatically going into committee the first part of every meeting with the result that press and public are excluded from hearing what is discussed, what decisions are made, whether important decisions are the result of free discussion by the whole Board or whether the Board merely rubber-stamps decisions taken by the Executive Committee. The public, including all those black people whose lives are controlled by the Board, has no knowledge of what plans the Board is making in the crucial areas of housing, finance, rents, recreational facilities, inspections and raids on persons and property to enforce the influx control regulations, or anything else which is of primary importance. As the Administration Boards have tremendous powers and are non-elected and completely non-representative of those they control, it is most regrettable that the West Rand Board so totally disregards the rights of the public to know what it is doing.

HOUSING

The critical shortage of housing in the West Rand administration area remains the most serious facet of life for black people. It is not only a question of a roof over one's head but the crucial importance of being able to produce a residential or lodger's permit for purposes of work registration and enrolment in schools and for almost everything else a person may want to do.

Mrs. Motingwe has been in Johannesburg since 1959 and has always been registered in her employment. She left her last job in November 1975 and immediately reported to the Labour Officer for registration as a workseeker, as the law compels her to do. She was refused this registration because she could not produce a lodger's permit. She was on a permit up to 1971 when she and her husband separated but since then has been unable to find permanent accommodation for herself and her two children.

The same thing happened to Mrs. Sehole who has three children dependent upon her.

People like this have to move around sleeping a few nights with one friend and a few nights with someone else. The overcrowding is such that families who have a house cannot take in another family and allow them to have a lodger's permit. They often already have legal lodgers and just cannot make the house walls bulge any further. The insistence by the authorities on proof of accommodation is aggravating an already serious situation. These women now cannot be registered in work so will either remain unemployed or will work illegally, storing up yet more difficulties for themselves and their children in the future, as the length of time during which they have been unregistered accumulates to the point where they are ordered to leave because there is no official record that they have remained in the area.

This also opens the way to yet another abuse. Some people are paying exorbitant sums to the registered tenant of a house merely for his consent to their request for a lodger's permit. They do not live in the house but continue to snatch a night's accommodation wherever they can find it but they pay him for the privilege of holding a permit as well as the official R1,00 per month lodger's fee exacted by the Administration Board.

Last year, Mrs. Helen Suzman, M.P. said there were 17,225 families on the waiting list for houses in Soweto. During the present session of Parliament, the Minister of Bantu Administration and Development has said that reliable information on the waiting list is not available (secrecy again) but he disclosed that only 761 houses had been built in Soweto in 1975. The Government's policy of restricting the building of houses for families in the common area of the Republic in order to force people into the Bantustans does not seem to have changed in any way.

It doesn't work, of course, because the demands of industry and commerce for labour and for a stable work force pull in the opposite direction as does the desperate need of people for employment and the dearth of opportunities to earn a living in the Bantustans. All it leads to is increasing anger and frustration, the evil break-up of families and social disruption on an unprecedented scale.

Mr. Gumede has been on the waiting list since 1970.

Mr. Thapo has been waiting since 1972. His wife and three children live in lodgings while he waits in a hostel.

Mr. Rankoe has also been waiting since 1972. When he went to enquire how far up the list he now is he was told that the Board is still dealing with the list for 1971 in the Sotho section.

He at least is a year or two ahead of Mr. Magubane and Mr. Vilakazi who have been waiting since 1971 and 1970 respectively and have been informed that the Zulu section list is still at the 1969 level.

Mr. Hlengane has been waiting since 1971 and has been lodging illegally in his uncle's house. His uncle has died and he applied to take over the house but was told he would have to wait until 1977.

Mr. Mokgethi has been on the list since 1970 and was recently instructed to take over his mother-in-law's house with its 12 occupants. When he refused, he was told he would be removed from the waiting list and that the house was to be taken away from his mother-in-law in any case.

Then there are all the families who cannot get on to the waiting list at all and have no hope of doing so.

Mrs. Tsole has her 10(1)(b) qualification, but because she is divorced she cannot hope for a house for herself and her four children.

Mrs. Mohlasedi is also divorced with four children. She lives illegally in the backyard of a Mission. She and her husband were on the waiting list but their marriage had broken up by the time the house was eventually allotted to them and her ex-husband occupies it with another woman. When she went to ask for a house for herself, the Board's official told her she cannot have a house unless she marries a qualified man.

Mrs. Lushaba is a widow with two children. She lives in a hostel and farms the children out to friends and relatives.

Mrs. Shabangu and her husband have three children but cannot have a house because Mr. Shabangu does not qualify as 10(1)(a) or (b).

Mrs. Kekane was accepted on the waiting list before the 1968 Regulations were promulgated. She has four children and an aged mother dependent upon her. She has been told that her name has been cancelled from the list because she is a woman.

Mr. Mlahlwa has a wife and three children lawfully in Johannesburg but he cannot ever have a house because he is registered on annual contract.

Mr. Mtshali has nowhere at all where he may legally apply for a house. He is on annual contract in Johannesburg and his childhood home is a white-controlled farm to which he may not return and where he may not build a house for his family. His wife and five children live lawfully in Pretoria but he is not allowed to be there and they are not allowed to come to live in Johannesburg.

Mr. Butelezi has worked for the same employer since 1962 but he had a break in his registration in 1967, so has been told he will not qualify to even get on the waiting list until 1977 when his 10 year period of continuous employment with one firm will allow him to qualify. The employment between 1962 and 1967 just doesn't count because of the break.

Sheer bureaucracy has prevented Mr. Maepa from getting on the list. He has been on the same permit in his parents' house since 1957 and has therefore had more than the necessary 15 years lawfully in Johannesburg to gain his 10(1)(b) qualification, but for some reason /5

reason he was refused and is now submitting affidavits and documentary proofs to prove his right of permanent residence. Over and over again it is demonstrated that official records are invoked only when it is to the disadvantage of the black people concerned. When the record is clean and complete it somehow doesn't get consulted.

The Advice Office has also seen dozens of people who have been ordered to leave their houses for one reason or another.

Mr. Mvungama is divorced but has remarried. He has been ordered to vacate his house and told he must go on the waiting list again.

Mr. Ndimandi is a foreigner but has lived and worked legally in Benoni since 1922. He is ordered to leave his house because his wife has deserted him.

Mrs. Tshoke has been ordered to leave her house because she is divorced. Her eldest son qualifies but has been refused the tenancy because his wife has been ordered to leave Johannesburg within 72 hours.

Mr. Makwela is divorced and was ordered to leave his house. He is getting married again but his future wife is not yet 16, so cannot get her reference book and cannot marry until she has one.

Mrs. Rateka is a widow and has to leave the house because there are no minor children. Her household consists of three adult women who are now all homeless.

Mr. and Mrs. Naka have lost the house they have occupied in Daveyton since 1953 because Mr. Naka was in the police force and was transferred to the Transkei in 1972. His wife remained in Benoni but when he left the police force and returned to the family home the house was taken away because he had lost his Section 10 (1) qualification by working elsewhere. Mr. Naka now has a "single" permit in "bachelor" quarters. Mrs. Naka and the children are lodging illegally and their furniture - which represents their life savings - is up for sale.

Mr. Mashego has been with one firm for 14 years but is on annual contract. His wife has been ordered to vacate her deceased parent's house. She cannot become the tenant because she is a woman and her husband does not qualify to be the tenant because he is on contract.

There have been the usual crop of cases arising from the demolition of all family housing in Alexandra township and the building of hostels there.

Mr. Phasa qualifies as 10(1)(b) in Johannesburg and lives legally with a "single" permit in Alexandra. His wife and three children are legally resident in Soweto but have been refused a transfer to live with him in Alexandra. There is thus no hope for the family of being resettled to a house. They will have to get on to a waiting list and wait and wait - and wait.

Mr. Kwena, his wife and three children have been refused resettlement to family accommodation because he does not qualify. She and the children have been cancelled from his lodger's permit and told to seek lodgings in Soweto. He has a "single" permit to remain in Alexandra.

There have also been the usual number of teenagers who are refused issue of reference books and ordered to leave the area because their parents had no house and therefore the names have not appeared on any residential permit.

James Zondo cannot get a reference book because he has always lived illegally with his mother at her places of employment. He is just one of hundreds of children who are refused issue of reference books because they have no residential permit. The law says they must have a reference book but the law also prevents them from obtaining one.

Mr. and Mrs. Molefe have had their five older children endorsed out this year because they had no house until 1973 and left the children with grandparents in the Zeerust district until they were allotted /6

allotted a house. What else could they do? There are countless families in this position.

Nearly 300 of the people coming to the office this year were husbands and wives who cannot get permission to live together.

Mrs. Majatladi is working legally in Sandton having lived in Alexandra since 1952. Her husband is a 10(1)(a) man on a residential permit in Diepkloof. Her application to live with him there was refused and she was endorsed out of Johannesburg.

The Chief Bantu Affairs Commissioner has refused Mrs. Khumalo's application to live with her husband. She comes from the homeland township of Madadeni, near Newcastle. He is 10(1)(a) in Johannesburg and lives legally in his grandmother's house. They have one child.

The people concerned are, of course, never told the reason for such refusals, but the authorities often claim that this evil separation of married couples is due to the shortage of accommodation. Advice Office workers become cynical about this claim when faced with cases such as that of Mr. Nxumalo who actually has a house from the time when he was married to his first wife, but his second wife and two children have been refused permission to live with him.

In any event the claim is spurious. A man cannot get on the waiting list for a house unless his wife is legally in the area and she has no hope of getting a permit if he has no accommodation for her.

Even in the homelands, where separate freedoms are promised, people do not live free and have no rights. They also only have permits.

Miss Khunou is 19 years old. She lived legally in Ga-Rankua - that showplace township in BaphutaTswana - with her grandmother. Her grandmother died in 1974 and Miss Khunou was told to get out of the house and go to Johannesburg, to be with her parents. Needless to say, when she did as she was told she was ordered to leave Johannesburg.

Beki Sibeko is ten years old. He was abandoned by his mother when he was one and lives with his granny at Madadeni - a homeland town - but the authorities refused to put him on her permit because he had no birth certificate.

It is no wonder that black people are not deluded by promises of the benefits arising from citizenship of independent bantustans.

LEASEHOLD TITLE

On May 1st last year the Minister of Bantu Administration announced that the leasehold title rights removed by the Government in 1968 were to be restored. No regulations have yet been promulgated but official statements have declared that leasehold title will only be allowed to those who qualify for housing under the 1968 regulations - that is 10(1)(a) or (b) men whose dependents are lawfully in the area and who are "rendering services within the prescribed area" - and that applicants will have to apply for homeland citizenship certificates first !!!

What will happen to such people when their homelands become independent? By a "voluntary and formal act" they will have acquired citizenship of another country, thus forfeiting their South African citizenship and such limited security as they may have gained.

Everything is dependent upon a housing permit. You cannot get a reference book without one and you are committing an offence by not having a reference book. You cannot register as a workseeker without one but the law compels you to register as a workseeker within 72 hours of becoming unemployed. You cannot get Unemployment Insurance Benefits, to which you have contributed, without registering as a workseeker which you cannot do without a residential permit, which you cannot get because you cannot find accommodation and cannot pay for it if you had it because you are unemployed. You cannot get an old age or disability pension without a residential permit and you can't get the permit for reasons as above.

You cannot get on the waiting list for a house unless you are 10(1)(a) or (b) and you cannot get 10(1)(a) or (b) without a birth certificate. You cannot get a birth certificate if the tax place in your reference book is not the same as the place where you were born and you cannot get your tax place changed without a birth certificate. The computer says so while denying at the same time that your tax place has anything to do with your influx qualifications.

You cannot get into school unless you appear on a residential permit and you cannot get on a permit without a birth certificate and, if you were born somewhere else and get the certificate, you cannot get on the permit anyway.

White South Africa argues that it would be national suicide to abolish influx control. To anyone with experience of what influx control really means, national suicide is this road we have chosen to take. Anyone with the imagination to realise what it means to be trapped inside a vicious circle as outlined in this report, must also be able to imagine the rage and frustration which builds up as one runs hopelessly round the treadmill. Blacks do not need imagination. This is their daily experience and this is their rage.

LEGAL ASSISTANCE

Once more we must record our sincere thanks to our legal adviser who never complains when he is called upon at all hours of day or night to advise, assist and to act for people whose rights are unlawfully prejudiced. Never once has he said he is too busy or too tired and we learn from his wise counsel daily.

STAFF

Our work could never be accomplished without the selfless and cheerful sacrifice of our patient secretary, Margaret Kirk, and the willing co-operation of her assistant-typist cum interpreter cum dogsbody, Ingrid Kekane, together with the magnificent and concerned assistance given to us and to the people who come to us by all three interpreters, Henrietta Moabi, Thakane Pholosi and Mabel Makgabutlane.

SHEENA DUNCAN
ADVICE OFFICE DIRECTOR