

THE BLACK SASH : PRETORIA BRANCH

SOSHANGUVE:

Preliminary paper

NATIONAL CONFERENCE 1984

1. SOSHANGUVE - ITS ADMINISTRATION AND CONTROL - GENERAL INFORMATION

- 1.1 Soshanguve is a black township near Pretoria, situated on land owned by the South African Development Trust and situated within the Republic of South Africa.
- 1.2 The administration and control of Soshanguve is regulated by the 'Regulations for the Administration and Control of Townships in Black Areas', published in Proclamation R293 of 1963, as amended (hereinafter referred to as 'the Regulations').
- 1.3 The Regulations were made in terms of the Black Administration Act No. 38 of 1927 and the Development Trust and Land Act No. 18 of 1936.

2. THE ESTABLISHMENT OF SOSHANGUVE

I quote from the Commissioner's letter:

- 2.1 'Some fifteen or more years ago (i.e. in about 1968) the then Non-European Affairs division of the City Council of Pretoria applied for land in order to extend the Mamelodi and Atteridgeville Townships.
- 2.2 It was, however, Government policy that in areas where a Black area is situated less than 50 km from an urban location, the Blacks should rather be housed in such Black area amidst their people in order to retain social contact.
- 2.3 The Department of Co-operation and Development then undertook to build a township called Mabopane. The functions of the Non-European affairs division were taken over by the Administration Board and the Board was appointed as the Department's development agent insofar as the building of houses etc at Mabopane was concerned.

- 2.4 Mabopane was divided into two sections, an Eastern and a Western (known as Mabopane East and Mabopane West respectively). The former has been renamed Soshanguve Township, whilst the latter is now simply known as Mabopane.'
- 2.5 Note: On December 6, 1977, Bophuthatswana was declared independent. Mabopane West was part of Bophuthatswana, whilst Mabopane East was not. This is no doubt why the two areas were renamed. It is important to remember that Soshanguve is part of the Republic of South Africa, whilst Mabopane is 'foreign', being part of so-called Bophuthatswana.
- 2.6 'Tswana families are settled in Mabopane whilst non-Tswana families may reside in Soshanguve.'

3. THE RIGHT TO LIVE IN SOSHANGUVE

3.1 National units

- 3.1.1 From paragraphs 2 and 3 of Chapter 1 of the Regulations, it is clear that the Minister has the power to decide which 'national units' may be 'occupiers' of a township.
- 3.1.2 The policy of the Administration Board (A.B.) of Soshanguve is to allow people of the following ethnic groups to occupy Soshanguve:
- (i) Nguni (Zulu, Xhosa, Ndebele)
 - (ii) Shangaan
 - (iii) N. Sotho
 - (iv) Venda

- 3.2 Thus we can conclude that one clear condition for 'occupying' Soshanguve is to belong to one of the above ethnic groups.

3.3 Housing

- 3.3.1 Any person who wishes to take up residence in Soshanguve must apply for a certificate which permits that person to reside in an approved dwelling.
- 3.3.2 The Regulations make provision for three types of accommodation:
- (i) plots of land or houses, held by deed of grant ('ownership units')
 - (ii) houses rented from the A.B.
 - (iii) lodging

3.4 Housing certificates

- 3.4.1 No matter which kind of accommodation is applied for, the person requiring the accommodation must apply for a certificate.

- 3.4.2 A certificate will be issued under the following conditions:
- (i) a suitable site or dwelling must be available
 - (ii) the dwelling must be occupied by the applicant and his family
 - (iii) the applicant must be the 'head' of a family in terms of the Regulations (see later)
 - (iv) the applicant must be a 'fit and proper' person to reside in the township
 - (v) the applicant must not otherwise be debarred by the Regulations from taking up occupation of the dwelling
 - (vi) adequate arrangements regarding payment must have been made
 - (vii) the applicant may occupy only one dwelling.

3.5 Family definition

Chapter 1 para. 1 of the Regulations provides for 4 sets of relationships:

- 3.5.1 The man, wife and children of the man (i.e. not the wife's children from a previous marriage). The children must be unmarried.
- 3.5.2 The widowed daughters of the person and their unmarried children;
- 3.5.3 Any dependent parents or grandparents of the person;
- 3.5.4 other person who is a bona fide dependant of the head.

3.F Policy limitations applied by the Administration Board

3.6.. Housing appears to allocated as follows:

- 20% 'overflow' from Atteridgeville and Mamelodi
- 20% 'overflow' from Garankuwa and Mabopane
- 20% state employees

3.6.2 The Township Commissioner writes:

'As the development of the township and the building of houses was a long-term project, the names of families who qualified for housing in either Mamelodi or Atteridgeville were entered on waiting lists for resettlement (sic) in Mabopane and Soshanguve.

'At present some 10 000 families have been settled in Soshanguve, but there are still some 4 000 names on the waiting list.

3.6.3 'The waiting lists were drawn up and are being maintained by the respective Managers of Mamelodi and Atteridgeville. Only people who qualify to remain in Pretoria in terms of Section 10(1)(a) or 10(1)(b) of the Urban Areas Act (No.25 of 1945) may apply for entry of their names on such waiting lists.'

3.7 The Catch-22 situation

- 3.7.1 The policy in Soshanguve is to accept only people whose names are on the waiting lists of Atteridgeville and Mamelodi.
- 3.7.2 The latter townships are in the prescribed area of Pretoria.
- 3.7.3 Thus Section 10(1)(a) or 10(1)(b) rights are required to qualify to be on these waiting lists.
- 3.7.4 Thus a Section 10(1)(a) or (b) right is required for residence in Soshanguve.
- 3.7.5 But Soshanguve is not a prescribed area.
- Thus:
- (i) The Komani judgment cannot be upheld;
 - (ii) Section 10(1)(c) rights (for wives, unmarried daughters and sons under 18 years) are neither recognised nor granted in Soshanguve.
- 3.7.6 The Catch-22 situation is that to qualify for residence in Soshanguve a Section 10 is insisted upon; but none of the rights associated with Section 10(1)(c) are recognised.

3.8 Problems arising from regulations to do with the certificates of occupation

- 3.8.1 'A certificate of occupation' is the general term used for the certificate which gives the holder the right to occupy a house.
- 3.8.2 The regulations which govern the withdrawal/cancellation of such a certificate are enforced strictly (R293 Chapter 2 para. 17). In particular:
- (i) If the holder is found not to have occupied the house for more than two months, the certificate is cancelled;
 - (ii) This affects families where the husband and wife have separated or divorced.
- 3.8.3 A typical case
- (i) The husband - certificate holder - leaves the wife. She and their children continue to occupy the house. The wife pays the rental.
 - (ii) The A.B. discovers that the husband no longer lives in the house.
 - (iii) The certificate is withdrawn and the wife and children are served with an eviction order in terms of Ch 2 S 23(1)(a)(i).
 - (iv) If the ex-husband re-applies for the certificate and has a new wife and children who qualify to live in Soshanguve, the certificate is granted to him.
 - (v) If the ex-wife and children do not qualify to live in Soshanguve in their own right, then they are left totally homeless. They usually have no idea where they can begin to look for a new home.

- (vi) If the ex-husband does not re-apply for the certificate, the wife is allowed to do so if she qualifies to live in Soshanguve (i.e. has Section 10 rights) and has been awarded custody of the children.
- (vii) Where there are no children or 'legal' dependants (as defined in the Regulations) the certificate is withdrawn and allocated to a family on the waiting list. The ex-husband can usually obtain a lodger's permit. It is the wife who has no Section 10 rights who is left not knowing where to look for accommodation.
- (viii) If the wife leaves the husband so that he is left alone in the house, the certificate is withdrawn on the grounds that the family no longer occupies the house. If the husband re-marries it is the policy to 'not allow new wives to be brought in from areas other than Mamelodi or Atteridgeville, as no movement of the waiting list is occasioned thereby.'

3.9 Comment

The A.B. policy seems to use the acute shortage of housing as an excuse to exercise a strict, subtle form of influx control in Soshanguve.

4. CASE HISTORIES

4.1 Mr P.K.

He obtained the certificate to his house in 1975. The family was composed of himself, his wife and young son.

In 1981 his wife left him. They were divorced and he was awarded custody of the son.

He told us that the A.B. (a clerk or Superintendent) had advised him to remarry if he wished to retain the house. He sent his son to his sister in Zebediela because he could not care for him while he worked. The son attended school there and returned to his father during holidays. In 1982, Mr K. remarried: a woman who had Section 10(1)() rights in Mamelodi.

He went to the A.B. and applied to have his new wife's name placed on the housing certificate.

The certificate was summarily withdrawn and he was served with an eviction order. (Grounds: his wife had no right(s) to reside in Soshanguve).

The Advice Office argued that the wife should stay with Mr K. under the provisions of the Komani judgment. The response was that these did not apply to Soshanguve as it is not a prescribed area.

We then argued that the wife had Section 10(1)(c) rights in Mamelodi. The response: only Section 10(1)(a) and 10(1)(b) are recognised in Soshanguve.

We then argued that the wife and son were legal dependants of Mr K. and he was the head of the family. Response: the son did not live with them thus no family (as defined in the Regulations) was involved.

Our argument: the son was in Zebediela merely for the purposes of attending school; he stayed with his father during holidays; his name had never been removed from the certificate. Response: the wife had no rights to live in Soshanguve.

At this stage the case was handed to Geoff Budlender of the Legal Resources Centre.

After two months of litigation, the Commissioner of Soshanguve instructed the Township Manager to concede the case.

4.2 Mr A.M.

Mr M. was born in the Pretoria area but moved to Mabopane when his home was declared a white area. When Bophuthatswana was declared independent, he found himself harassed as he is a non-Tswana. He applied to live in Soshanguve. His application was refused on the grounds that he has no Section 10(1)(a) or (b) rights for Pretoria. He then came to the Advice Office.

We argued that as Soshanguve is not a prescribed area, Section 10 rights were not relevant; he has no ties with any other area; he works in Pretoria; he had a written offer of lodging in Soshanguve.

The Superintendent, the Township Manager, then the Commissioner, turned down the application.

The case was handed to Geoff Budlender of the Legal Resources Centre.

Mr Budlender used similar arguments to the above; he argued that the Regulations in Proclamation R293 applied to Soshanguve; that Mr M. was a 'fit and proper' person to reside in Soshanguve; he used the Advice Office letters as 'exhibits' in the papers drawn up for the Supreme Court.

The case did not go to Court. After about 6 months of litigation the A.B. conceded. Mr M. now resides legally in Soshanguve.

References:

1. All portions in quotes are from a letter received by the Pretoria Advice Office from Mr M. Boon, the Commissioner of Soshanguve. The letter is dated 23 August 1983.
2. Proclamation R293/1962 'Regulations for the Administration and Control of Townships in Bantu Areas' published in the Government Gazette on 16 November 1962.
3. Papers drawn up by the Legal Resources Centre.
4. Pretoria Advice Office records.

M. Harrop-Allin
October 1983
for Pretoria Advice Office

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Addendum: EKANGALA

The newly-established 'model town' Ekangala is situated about 20 km from Bronkhorstspuit on the road to Rust de Winter, and borders on the southern tip of Kwandebele.

It is administered by the East Rand Administration Board and caters only for persons from the East Rand with Section 10(1)(a) or (b) rights. It is a Prescribed area and in that respect differs from Soshanguve. According to the Superintendent only Section 10's qualify but one cannot lose one's urban rights by living in Ekangala. Permanent Urban Residents (PURs) mainly from Springs and Kempton Park (Tembisa) are accepted but Ekangala will also house migrants in hostels still to be built. The Superintendent also claims that the new town is less than one hour from Kempton Park and one and a quarter hours from Springs - presumably by bus.

Ekangala is planned on a grandiose scale - 13 000 ha were bought by the Administration Board and it is envisaged that it will become 'bigger than Soweto'. Sportsfields, parks and community centres are planned.

The planning is presently in 'Phase One' during which 1 500 houses are to be built. Most of these as well as a model school (up to Form 3) have been completed.* Roads are tarred, and electricity, water and water borne sewerage is laid on. Houses vary in size from 4 to 7 rooms, and the rent is R100 to R200 a month. There is a definite effort to provide housing superior to that found in standard townships. In an attempt to avoid uniformity, larger and smaller houses, some semi-detached, are intermingled and scattered on the small plots. They are painted in different colours and many roofs are tiled. Material used is cement bricks.

People in the Cullinan-Bronkhorstspuit area seem to be aware of developments at Ekangala.

On the other side of the Bronkhorstspuit-Rust de Winter road an industrial area, Ekandustria, is in the process of being established. There is great activity but no factory has been completed thus far. This project is obviously part of the industrial decentralisation plan.

A. van Gylswyk
February 1984

* Most of the houses seem to be inhabited.