

Legislated oppression

Black housing in Natal

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THIS paper will focus on three areas in Natal which cover a spectrum of housing concerns, while each is the manifestation of the oppressive structures of our society.

RICHMOND FARM

Richmond Farm is a squatter area situated north-west of Durban adjacent to KwaMashu Township. The historical development of Richmond Farm has never been documented and is therefore largely unknown. Present day residents suggest that the land on which Richmond Farm now stands was once owned by a white farmer and when the land was bought by the state for township developments, the farm labourers stayed on. Gradually other people moved onto the land as the pressure for accommodation near the urban centres became greater and the area grew increasingly to its present size.

During 1979 Diakonia and the Black Sash assisted the Richmond Farm Residents' Committee in carrying out a survey of the residents. The results of this survey indicated clearly that 'the commonly held view of squatters as unemployed vagrants is not true for Richmond Farm'. There were 816 respondents in the survey and some of the results are detailed below:

- 75 per cent of the respondents are married.
- 42 per cent of the 816 households were found to have at least one adult with legal status to live in Durban.
- 48,4 per cent of the respondents have lived in Richmond Farm for five to nine years.

- 66,9 per cent have lived in Durban for 15 years or more,
- 76,21 per cent of the survey households have at least one adult in employment,
- 28,79 per cent have both the respondent and the respondent's spouse in employment.

A newspaper report quoted Professor Lawrence Schlemmer (Director of Centre for Applied Social Sciences, University of Natal, Durban), as saying that the survey had covered a 27 per cent sample of the households in Richmond Farm.

'There seems to be ample evidence that this is not an unstable population of drifters and semi-vagrants. Richmond Farm is integrated into the economy of the greater Durban area and it has a settled and stable core.'

The residents of Richmond Farm are entirely dependent on their own resources and those of KwaMashu for transport and water. Night-soil and garbage are disposed of in pits. Like most other urban squatter areas Richmond Farm is conveniently, but not incidentally, close to a formal township.

Two conflicting committees exist in the area. One is a Residents' Committee elected by the residents themselves having the support of the majority of the residents. The other is a committee of Inkatha members, which has the ear of the authorities but not the support of the community. There has been news of the authorities' intention to organize an election early in 1980 to clear this conflict; however, as yet nothing has come of this.

Official responses to Richmond Farm have indicated quite clearly that the residents are being merely tolerated and that, in line with official policy, they are not wanted there. A spate of arrests during 1979, in terms of the Prevention of Illegal Squatting Act No. 50 of 1951, is proof of this. During the first half of the year approximately twenty people were arrested, found guilty and fined R60 or 60 days, fifty of which was suspended on condition that they leave the area within two weeks. In the latter half of the year in two dawn 'raids' over fifty people were arrested. From thirty statements taken from squatters awaiting trial, indications are that the majority (21) had been living in Richmond Farm for over five years. Three of those arrested were visiting friends or family at the time of the arrests and had papers to prove that they had legal residence elsewhere.

Legal defence was found for these squatters and money to pay for bail. Eventually the state withdrew the charges against these squatters which appears to be the result of the influence of the presence of an attorney and an advocate acting on behalf of the squatters.

Contact with the Commissioner for Co-operation and Development in Durban has been fraught with difficulties including the following:

1. his apparent confidence in the Inkatha Committee at Richmond Farm and disregard of the Residents' Committee.

2. his refusal to see a delegation of Richmond Farm residents that includes any Black Sash representatives or in fact any 'white' people.

In November last year a comprehensive memorandum was submitted to Dr Piet Koornhof, Minister of Co-operation and Development, from the members of the Richmond Farm Residents' Committee, Diakonia and the Black Sash. The following suggestions were put forward:

1. An area be demarcated for a site and service scheme for Richmond Farm residents.

2. All people including contract workers with families who have resided in Richmond Farm for five years or longer should be eligible for a site in such a scheme.

3. Such a scheme should not require large deposits or housing specifications beyond the means of the people for whom it is intended.

4. People with Section 10(1)(a) or (b) qualifications under the Urban Areas Act of 1945, should be allowed to put their names on the waiting list at Ntuzuma township. At present they are not allowed to because they live illegally at Richmond Farm.

5. Anyone who has lived in Durban, including Richmond Farm for 15 years or more should be eligible for a house.

6. Children born at Richmond Farm should be able to get Durban reference books and work seekers permits.

7. Section 10(1)(d) people from Richmond Farm should be allowed to continue as such and not suddenly made contract workers and forced to return to their non-existent homes in the Homelands.

Receipt of the memorandum has been acknowledged and there has been no further response. In the meantime there is word of a site and service scheme being planned by the Urban Foundation but this is still in the stage of discussion with the authorities.

CHATSWORTH

A number of residents' organisations in Chatsworth have come together to form one body, the **Chatsworth Housing Action Committee**. The establishment of this committee has been precipitated

by the price set by the Durban City Council for the sale of sub-economic houses in Chatsworth. The selling price ranges between R4 245 and R4 880 for houses estimated to have been built at a cost of R1 500 to R2 000. The Chatsworth Housing Action Committee has been given a mandate by a significant proportion of the people of Chatsworth to fight, on their behalf, to lower the selling price!

Chatsworth is a large area south of central Durban which houses Indian people. The implementation of the Group Areas Act required the establishment of an area like Chatsworth, to house in one area the thousands of people resettled from settled communities elsewhere. For the majority of the people so resettled Chatsworth 'was symbolic of unjustified interference with the right of man to be free to live where he chooses'³.

The security that people had had in their settled communities was lost with the enforced move to Chatsworth. 'They were forced to meet payments they had never contemplated. Faced with rising inflation, cost of living and cost of transport spiralling and wages generally low our people live in anxiety — the constant fear that one day they might not be able to meet their commitments and be forced out of their homes'.

At no stage has the City Council consulted the people of Chatsworth as to their feelings on the selling price for sub-economic homes. Consultation did take place with the Southern Durban Indian Local Affairs Committee. However this body is unacceptable to the Chatsworth residents as it precludes **direct representation** for Indian people on the Durban City Council. The Southern Durban Indian Local Affairs Committee itself did not consult the community and approved the prices set by the Durban City Council.

In a memorandum to the Minister of Community Development, the Croftdene Residents' Association, one of the first to protest on this issue, made the following recommendations:

1. That the decision of the National Housing Commission determining the sale price for these sub-economic homes be rescinded.

2. That the profit element be excluded in the determination of the sale price of these buildings.

3. That the sale price of these dwellings be determined on the basis of original costs at the time of construction plus a fair percentage for costs of land and servicing thereof.

In discussions with the Chatsworth Housing Action Committee and with a City Councillor it would seem that the price was set fairly arbitrarily without giving due consideration to all the factors and implications involved. The response of the Chatsworth residents has put the City Council, by and large, on the defensive and irrational and emotive statements have been made by members of the City Council.

One or two councillors have made themselves available for informal discussions with the Chatsworth Housing Action Committee, and with other interested groups, and, on this level, some of the issues are being clarified. However, once again a community of people which is 'voteless and voiceless' is being further deprived and exploited.

WEENEN

The village of Weenen lies some 30 kilometres north-east of Estcourt in Natal. Although there are a large number of white-owned farms in the district, many belong to absentee landlords who use these farms chiefly as labour reserves for other, commercial farms in the Natal Midlands. One can drive for miles through these lands without seeing any signs of white inhabitation.

The overwhelming majority of the African population, likely to number 15 000 or more, knows no home other than this district. Zulu-speaking people have been settled in the area for generations. During the course of the 19th century, title to the land passed to the incoming white settlers, the African occupants of the land becoming farm labourers and

'squatters' on what had once been tribal land. Nevertheless, their identification with the land as theirs has not been broken. Many present-day farm labourers can point to their fathers', grandfathers' and even great-grandfathers' graves near to their homes, as proof of their families' deep roots in the area.

Yet despite their historical and emotional ties to the area, today these people have no security of residence, no legal claim to the land on which they live.

Abolition of Labour Tenancy and Mass Removals — 1969:

In 1969, as part of a concerted drive by the government to modernise white agriculture and eliminate old, feudal practices, the labour tenant system was outlawed in the Weenen district. Henceforth a farmer was entitled to have a maximum of five families only living on his farm, all of whom had to be in full-time employment with him. If he wanted more labourers, he had to apply to a Labour Control Board for permission. All unauthorised families living on his land had to leave, to be resettled in KwaZulu. These were the 'surplus appendages', the marginalised workers of the rural areas.

The drive against labour tenancy got under way in the early 1950s. In 1961, a Departmental Commission of Enquiry called for the complete abolition of the system within seven years. Then in 1964, in terms of an amendment to the Bantu Trust and Land Act (Bantu Laws Amendment Act, No. 42, 1964), the Minister of Bantu Administration and Development was empowered to abolish entirely or limit labour tenancy in any district in the country.

The extent to which labour tenancy was entrenched in South African agriculture was indicated by figures put out by the Natal Agriculture Union in 1967. It estimated that if labour tenancy was to be abolished overnight, about one million Africans would have to be moved off white farms and settled elsewhere (Rand Daily Mail, 27th February, 1968). Yet despite the magnitude of the undertaking and

despite strenuous opposition from many farmers, concerned at the effects on their labour supply, by the late 1960s labour tenancy had been outlawed in most of the Transvaal and all of the Orange Free State and a start made in Natal where the practice was most widespread.

Weenen was the third district in Natal to be affected by the ban, but the first where a large population was involved. It has been estimated that between ten and twenty thousand people were removed from their land, at times forcibly, and settled elsewhere. The large scale removals, the destruction of established communities and the crowding together of disparate people in hastily erected 'Closer Settlement' villages on Trust land have left scars that are still clearly visible in the district today.

For most of 1969, 1970 and 1971 the district was in turmoil. 'Concern over farm labour policy' (Natal Mercury, 16-7-69), 'Africans' homes and families are forced out' (The Star, 9-10-69), 'Shortage of farm labour in Weenen' (Natal Mercury, 31-1-70), 'Tractors demolish kraals — 200 homeless' (Rand Daily Mail, 9-11-71) — newspaper headlines tell the story succinctly.

Mass evictions began to get under way in the second half of 1969. Frequently they were accompanied by hutburnings and bulldozers to force out recalcitrant tenants. Many tenants who resisted moving were prosecuted. A press statement issued by the Bantu Affairs Commission in October, 1969, listed convictions for '291 kraalheads (2 246 souls)'. Because of a blanket ban on any stock entering KwaZulu from outside (a conservation measure that takes no account of the thousands of people resettled in the Homeland), tenants destined for KwaZulu had to get rid of all their stock. White farmers flocked to the forced sales from miles around and hundreds of head of cattle and goats were sold, often for a third or a quarter of their actual value.

Originally the government intended to resettle the bulk of the

redundant tenants at Madadeni, a resettlement camp near Newcastle. These plans were thwarted, however, by the resistance of the tenants, many of whom returned to Weenen as soon as the government trucks (the notorious GG lorries) had offloaded them at the camp. Many hundreds crowded into the adjoining KwaZulu districts at Keates Drift, Tugela Ferry, Mhlumba, Mashunka, etc. Thousands more were finally accommodated in a "temporary" resettlement camp acquired by the Bantu Trust on land adjoining Tugela Estates (now a BIC enterprise). Here several 'Closer Settlement' camps were pegged out and each family allocated a half acre plot on which to build their huts.

'A bad man gave me a stand which had four poles at the corners and said that was where I could build my house. I was given a tent to erect on the stand. As soon as we had put a roof on the first hut, the tents were taken away for someone else. A water tanker was parked nearby so that we could get water to make the mud walls of our huts. The moment the tents were taken away, the tanker was also taken elsewhere.

'There were no latrines... We came from homes where the nearest neighbour was half a mile away and there were thick bushes to give one privacy. Now we were all living right on top of each other.

'When we were moved we were told that we could not take our cattle and goats with us and that there was no land for us to cultivate because there were already too many in the location. They told us not to worry about this because we would soon be moving to a place of our own. Our buildings must be temporary because this was a transit camp.' This is how one woman remembers the move to the camp.

That was ten years ago. Today the people are still there. Since the mid-1970s this area has been repeatedly devastated by a series of deadly 'faction fights' between rival clans, jostling for space, competing for inadequate resour-

ces, resentful, frustrated and, increasingly, hungry. In 1969/70 most of the ex-labour tenants could become full-time migrant labourers in Johannesburg, Kimberley, Durban to support themselves and their families. During the 1970s, mounting unemployment in the cities has closed this safety valve for many.

LABOUR TENANCY TODAY

In this way labour tenancy was formally ended in Weenen in 1969. Yet the system has not been eradicated. Both farmers and tenants have clung to it tenaciously and, despite its prohibition, it continues to operate under different guises throughout the district. In the ten years that have elapsed since the first removals many of the former tenants have drifted back to their previous homes or to farms nearby. The number of homesteads on many farms has crept up from the limits imposed in 1969/70. Some tenants are working full-time for their landlords, but many are working some variation of the old 'six months' system. Sometimes the whole family is under an obligation to work for the farmer, sometimes only one member is required to do so. In some cases only the children of the tenant are taken

on as labourers. There are also instances where a family hires a substitute to work for the farmer to pay for their rent, while they work elsewhere or stay at home.

The people living at Weenen are currently struggling to bring permanence and stability into their lives. Under present conditions they have no security of residence at all. They are completely dependent on the good intentions and well wishes of the farmer. If he chooses to evict them, they have no means of contesting this, no matter how arbitrary or unfair the notice may be. Their presence on the farms is illegal, their 'contracts' outside the law. Many tenants have alleged that they have been able to stave off threatened evictions in the past only by paying their farmer a 'fine' in the form of a cow or a goat. Others recite a story of constant removals. Evicted from one farm, they approach the neighbouring farmer for permission to settle on his land, only to be forced to move on again at some later date.

The details vary but the general predicament remains the same. And so does the response of tenants when asked what they want — the right to live on the land

and in the communities that they know, the right to keep their cattle and their fields and build for themselves a future where they are now.

CONCLUSION

The above report on three different areas in Natal, serves to highlight the broad spectrum of housing issues which require a just and humane response in Natal and, indeed, throughout the country.

At the same time, it is as well to remember that unless the structures of our society are changed situations such as these will not disappear. They are a result of **planned, ordered and legislated** oppression.

REFERENCES

1. Report on Richmond Farm Survey. Diakonia and Black Sash, November 1979.
2. Daily News, November 19, 1979.
3. Memorandum presented to the Honourable Minister of the Department of Community Development, Mr Marais Steyn, on the sale price of homes in Croftdene, Chatsworth, by the Croftdene Residents' Association.

(Continued from Page 19)

of that book, document or thing then and there or at a time and place fixed by him . . .'

● RULE BY REGULATION

The trend in South Africa whereby the making of law is removed from Parliament to the Executive, which has been particu-

larly evident since Mr Botha became Prime Minister, is inherent in legislation. The Minister is given wide powers to make Regulations, and the Bill leaves the majority of people at the mercy of the rules he may choose to make because so few legal rights are specified in the law itself. In addition the State President is given wide powers which in effect would allow him to amend the law by proclamation.

Editor's Note: We welcome the announcement that Dr Koornhof has withdrawn the Bill for referral to a committee for revision. We trust that it will bear no resemblance to the above.