SECOND CARNEGIE INQUIRY INTO POVERTY AND DEVELOPMENT IN SOUTHERN AFRICA

A Housing Study: Legislation and the Control of the Supply of Urban African Accommodation.

by

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A HOUSING STUDY: LEGISLATION AND THE CONTROL OF THE SUPPLY OF URBAN AFRICAN ACCOMMODATION


INTRODUCTION

The housing supply for urban Africans has been, and continues to be an important political and social issue in the urbanisation and industrial processes in South Africa. This study will investigate the attitudes of Central Government and the Cape Town City Council in particular to the residential segregation of the urban African.

It is contended that this residential segregation once it was legitimated by legislation has contributed immeasurably to the impoverishment of the urban African. This has been achieved in numerous ways, both overt and covert, and this study will delineate empirically the methods used.

The study will be divided into two parts. Part 1 of the study will examine the period 1879-1934 chronologically and the Acts and Ordinances of the Central Government and Cape Provincial authorities which were promulgated during this period when residential segregation was slowly and insidiously implemented in the Cape Peninsula. It is believed that it will sometimes be necessary to examine the social conditions existing at the time of the promulgation of such legislation so these will be briefly examined in the context of such legislation. The effect of such legislation on the urban/urbanising African will form the third part of each Act or Ordinance discussed.
Part 2 of the paper will examine the legislation promulgated and draw some conclusions. Although the paper will deal mainly with legislation which has controlled the supply of land and housing for the urban African, the writer appreciates that Pass and Citizenship legislation amongst other factors, have played an important role in attempting to control the expected or "natural" urbanisation process of the rural African.

As mentioned previously the emphasis in this paper will be on the legislation enacted in the Cape of Good Hope Colony - later known as the Cape Province. It is as well to note the situation which existed in the other three provinces or colonies of South Africa in the last century.

In Natal, Ordinance No 2 of 1855 provided that Natives were to be removed from Crown land not within Native Locations. However a Location Ordinance per se, does not appear to have been enacted at this time. In the Transvaal a resolution passed in the Volksraad on September 1871 forbade Coloured people except those under contract to live in an urban area. Resolution Artikel 1 393 provided for Kaffirs to live in location. If they refused they forfeited all rights to live in a location. (S.A.N.A.C:1905:A 11) Law No. 8 of 1893 made provision in the Orange River Colony for locations for Coloured people. (IBID)

The South African Native Affairs Commission remarked that the major location regulations were promulgated in the Cape Colony.
PART ONE

1 NATIVE LOCATIONS LANDS AND COMMONAGE ACT NO 40 of 1879

1.1 DETAILS OF ACT

1.1.1 Section 1 of this Act gave the right to the Governor to establish locations on Government waste property. The land was to be divided into lots and title could be granted to separate individuals upon quitrent tenure upon such annual rent as the Governor might deem proper.

1.1.2 Section 2 of the Act made it lawful for the Governor to set aside and reserve a sufficient quantity of land in the vicinity or adjoining the lots as commonage for the common pasturage of stock. The number of livestock was to be limited so that the commonage could not be "depastured" or overgrazed.

1.2 SOCIO-LEGISLATIVE PERIOD

The Cape Colony had been granted Responsible Government in 1850 and the Constitution had given the franchise to every male over 21 who had lived in an electoral division for a year and who owned land valued at £75 or who had earned £50 during the previous year. No mention was made in the Constitution of exclusion on the basis of race - only of sex. Section 3 of the Masters and Servants Act no. 15 of 1856 had made provision for a five year contract period and also for the agreed rate of pay for those seeking employment in the Colony. Section 27 of the Certificate of Citizenship Amendment Act no. 17 of 1864 which had amended the principal Act No. 24 of 1857 now required that ten years service should be served in employment before a certificate of citizenship could be issued. The Native Pass Act no. 22 of 1867 assured that no Native foreigner could enter the Colony to seek work without first obtaining a pass.
An added qualification had been added to the franchise in 1872 in that a voter had to have earned £75 during the previous year in order to qualify for the franchise - an increase of 50%. The Master's and Servants Amendment Act no. 18 of 1873 reduced the contract period from five years to one year. It is interesting to note that on the same day that the Native Locations, Land and Commonage Act was published on September 11th 1879, the First Vagrancy Act No. 23 was published. Section 2 of this Act defined a vagrant as "any person found wandering abroad and having no visible means of insufficient means of support." Section 10 of the same Act defined a vagrant further as "as a person without sufficient clothing for the purposes of decency shall be a disorderly person". It is tempting to deduce that this Act was more related to the African of the country than any other person or group of people.

1. 3 IMPACT ON THE URBANISING AFRICAN

The Native Locations Lands and Commonage Act of 1879 legitimated residential segregation of the urban African in the Cape Colony. The overt reason would appear to have been because the African was an agrarian person and this Act permitted him to continue this way of life whilst enabling him to sell his labour in the free market economy of the urban area. However there were several serendipitous effects which might provide the clues for the covert reasons of the Act.

1. 3. 1

The urbanising African, living in a segregated Location, was unable to absorb the norms and values of the Western way of life. This process of acculturation was denied him and yet the Abakweta and Intonjane Dances Act No. 16 of 1891 denied him the right to continue practising part of his culture in an urban area.
1. 3. 2
The urban dweller was destined to be denied the important cultural life and traditions of the urbanising African.

1. 3. 3
Residential segregation ensured a separate way of urban living for the African and this will be shown to have contributed greatly to his poverty in the urban surroundings. It should be noted that this Act did not insist on residential segregation - it allowed for it with compensatory conditions vis-à-vis pasturage for livestock. It institutionalised residential segregation of the urban African due to his different life style, ensuring that he retained his agrarian/rural way of life.

It is necessary to investigate the impact of some of the legislation discussed in 1. 2 on the urbanising African.

1. 3. 4
Section 5 of the Native Pass Law No. 22 of 1867 gave the right to any "Native Foreigner" to take up his contract of service at the conclusion of his prison sentence imposed because he had not obtained a pass before entering the Colony. This would surely have removed the stigma of imprisonment from any African who had been convicted under this Act.

Section 7 of the Act granted citizenship to those "Native Foreigners" who owned property or a house valued at £10 sterling in their areas. Once the African had citizenship he would have been able to obtain franchise rights in the Colony provided he fulfilled the qualifications mentioned previously. This curious condition meant that an urbanising African was obliged to retain permanent links with his place of birth in order to be given citizenship rights.

The Native Pass Act of 1867 undoubtedly proved a very effective means of influx control as the following population figures for
Cape Town will demonstrate. The population census in 1875 revealed that there were 156 Kaffir and Bechuana males and females in Cape Town at that period. There were also 17 Fingoes making a total of 173 Africans out of a total of 33066 inhabitants of the Mother City. (M.M:1898:Appendix No. 14:cixi) In 1891 the number of Fingoes had increased to 69 and the Kaffir and Bechuanas to 554. The total population had risen to 51251(IBID).

1.3.5

The Responsible Government Act no. 1 of 1872 which increased the annual income qualification from £50 to £75 undoubtedly made it considerably harder for an aspiring African to obtain the franchise in the Cape Colony.

1.3.6

The Masters and Servants Amendment Act No. 18 of 1873 also served to make the qualification of residence more difficult for the African to obtain by reducing the period of contract to one year.

1.3.7

As stated previously it would seem that the Vagrancy Act of 1879 could have been used as a most effective means of influx control for those Africans who had come to the urban areas either innocently, not aware that a pass was required, or hoping to obtain employment without a pass.

1.3.8

Before leaving this era it is necessary to take a brief look at an Act promulgated in 1857. It was called the Introduction of Children of Natives Act no. 22 of 1857 and its purpose was to forbid children under the age of sixteen years "belonging to any Native tribe in Africa" from being brought across the boundary into the Colony. This surely could be interpreted as being a way of persuading the African that even then he was a temporary sojourner in the Cape Colony.
2. NATIVE RESERVE LOCATION ACT NO. 40 of 1902

2.1 DETAILS OF THE ACT

2.1.1 Section 1 of the Act defined the term Native Reserve Location as an area set aside for the occupation or residence of natives employed in any city, town or village or any area area proclaimed under Section 13 of the Public Health Amendment Act no. 23 of 1897. The term Native was defined and included Fingos as well as Hottentots Bushmen and Koranas, and all other tribes such as Zulus, Damaras and Bechuanas.

2.1.2 Section 3 stipulated that after a date proclaimed by the Governor it would be unlawful for Africans to live outside a Location.

2.1.3 Section 4 defined those who were excluded from the provisions of Section 3. These included

2.1.3.1 Domestic or other servants

2.1.3.2 Natives working within the Municipal limits

2.1.3.3 Those natives registered under the "Native Registered Voters Relief Act No. 39 of 1887"

2.1.4 Section 5 defined the new native location outside Cape Town. Called Uitvlugt it had been established in 1901 by Government notice number 237. In terms of the Act it was now to be called Ndabeni.

2.1.4 Section 6 required that every Native adult occupier of a house or dwelling should pay occupation rent for the accommodation provided.

2.1.5 Sections 8 and 9 provided for the various fines and prison sentences which reluctant-paying tenants would be forced to undergo.
Section 11 summarised the rules and regulations for Ndabeni which had been formulated and published during 1901 when Uitvlugt/Ndabeni came into being.

2. 1. 6. 1 It provided for the appointment of officers and headmen.

2. 1. 6. 2 It provided a method of registering the inhabitants of the location and of "regulating the conditions of residence within such location of any wives and children residing in such location."

2. 1. 6. 3 It regulated the type of building to be built.

2. 1. 6. 4 It provided for permission to enter, temporarily sojourn at and depart from any location of a non-resident. It further prevented any bona fide resident of a location from "harbouring" such natives.

2. 1. 6. 5 It provided for the means of collecting rents, railway fares and other revenue "lawfully due"

2. 1. 6. 6 It provided for the control and management of hospitals, schools and other institutions and the collection of fees for their use.

2. 1. 6. 7 Sub-sections 7, 8 and 9 provided for the protection and care of Government property; the suppression of nuisances and the maintenance of healthy and clean conditions.

2. 1. 6. 8 The keeping of livestock within the location was limited and all of them had to be registered.

2. 1. 6. 9 The transport of residents to and from the location and the tariffs of fares and charges and their recovery from the inhabitants was provided for.
2.1.6.10 A curfew was built into the Act and residents were not allowed to be outside the boundaries of the location without a letter of authority.

2.1.6.11 All Africans living within the Location were obliged to carry identification cards (in the case of Uitvlugt this was a token). Employment in the Cape Town area was restricted to those who possessed this identification.

2.1.6.12 Trading was controlled within the location.

2.1.6.13 The issuing of passes to Africans entering or leaving the Location was provided for as was their registration.

2.1.6.14 The safety, convenience and good order of the residents was provided for in the Location. Contravention of any of the above regulations meant a fine of £5 for the first offence and £10 for any subsequent one. In default of payment imprisonment with or without hard labour was imposed. For the first offence a period of imprisonment of not more than six weeks was imposed and for the second and any subsequent contravention a period of three months.

2.1.7 Section 12 stipulated that these regulations could apply to any location situated within the limits of any local authority proclaimed under the Villages Management Act of 1881.

2.1.8 Section 13 permitted the Governor to allot sites within the Location for school and Church purposes.

2.1.9 Section 14 forbade the sale of intoxicating liquor within the Location and sections 15, 16, 17 and 18 enlarged on the sanctions on the importing of liquor. However section 15 permitted
the consumption of liquor for medicinal purposes but the certificate had to be obtained from a Medical Practitioner.

2. 2 SOCIO-LEGISLATIVE PERIOD
The historical and social period during which this Act was promulgated is extremely significant.

2. 2. 1 The Afrikaner Bond had been formed in 1879. Seven years later under the Cape leadership of Jan Hofmeyer the Bond aligned with C.J. Rhodes. One of their common ideals was their view of African tribesmen whom they regarded as "barbarous" and whom they recommended


2. 2. 2 HOUSING SITUATION FOR AFRICANS IN CAPE TOWN;
The Location Act. No. 40 of 1879 had legislated a segregated urban area for Africans. However this never occurred in Cape Town and there existed a situation where all races lived side by side except at the Docks Locations where the African stevedores were housed. As land in the centre of Cape Town was still leasehold at that epoch, the Cape Town City Corporation (hereafter shortened to the C.C.C.) decided to build Labourers barracks for the Coloured (a generic term used to designate all those who were not white-skinned) who could not afford high rentals. The Women's Metropole was started in 1896 and completed in 1898 at a cost of approximately £7,000. When completed the C.C.C. handed over its administration to the Salvation Army as they felt they were better able to deal with the letting of the rooms.

Dr. Barnard Fuller, the Medical Officer of Health for Cape Town (subsequently shortened to M.O.H.) in his annual report of 1898 stated that
"The Salvation Army, to whom the building is sublet provide night shelter to the vagrant white class"

(M.O.H:1898:lxii)

However attitudes of the population of Cape Town were becoming institutionalized with regard to the residential segregation of the African population and both verbal and written petitions were handed into the C.C.C. requesting that the relaxed situation be corrected. In 1898 a petition was presented by the ratepayers residing in Districts Numbers 5 and 6 to the C.C.C. requesting

"That measures be taken in Districts 5 and 6 to prevent them being rendered unfit for the habitation of the respectable working classes by reason of the herding of Kaffirs therein" (M.M:1898:48)

Dr. Barnard Fuller was more generous in his assessment and felt that the "Kaffir" was not to blame for the overcrowded conditions in which he lived. Far more responsible were the landlords who took advantage of the fact that the Kaffir was content with very little and was therefore a remunerative lodger. Dr. Fuller felt that as the Kaffir was a necessary social unit in the community the least that could be done would be to provide him with a "responsible opportunity of securing that first essential for a step upward in the civilised social scale Viz. cleanliness" (M.O.H:1898:11xxi)

A year later even Dr. Fuller had been persuaded that residential segregation for the African was necessary and recommended that they should be

"relegated to a location under proper supervision at some reasonable distance from the City boundaries" (M.O.H:1899:cii)

The C.C.C. drew up an ambitious housing project which was eventually sited at the Salt River Outspan for the building of 1,000 2-roomed houses and a kitchen. (M.M:1900:53) Council decided to delay the
start of the project until the summer of 1899/1900 in order that they might study the drainage of the area during the winter rainfall period of 1899. This delay was to have immensely significant repercussions on the housing of the urban Africans in Cape Town. The declaration of the Anglo-Boer War in 1899 put paid to any building plans and in 1901 bubonic plague broke out in the Cape.

3. 2. 3 THE EFFECT OF THE ANGLO-BOER WAR AND THE AGREEMENT OF VEREENIGING

It has been stated earlier that the declaration of the Anglo-Boer War delayed the implementation of the building scheme consisting of a 1 000 2-roomed houses for Africans. In addition the overcrowded conditions of central Cape Town were further exacerbated by the influx of refugees from the Transvaal and the Orange River Colony, and the arrival of the military from Great Britain. The white population increased from 30 000 in 1899/1900 to 37 313 in 1900/1901: (M.O.H:1901/1902:cxl and lxxxv) In addition there was a dramatic rise in the African population from an estimated 1 600 in 1898/1899 to 7 000 in 1900/1901. (IBID)

Martial law had been imposed in Cape Town and this made it easier to enforce the removal of Africans living in the centre of Cape Town to the Accommodation camp at Uitvlugt. It seems that difficulty was experienced by the Port Elizabeth Municipality when attempting to move Africans from their existing location in Port Elizabeth to New Brighton. It is worth noting that Act No. 17 of 1883 entitled the Port Elizabeth Native Strangers Location Act was promulgated in order "To enable the Municipality of Port Elizabeth to remove the Native Strangers Location from its present site and to sell the Ground forming the said site" It would seem therefore that for the Africans living in Port Elizabeth, the Native Reserve Locations Act of 1902 legislated their third resettlement within this local authority area.
It is scarcely surprising that the residents refused to move to New Brighton and chose instead to purchase land and construct their own accommodation in areas which were at that time outside the Municipality of Port Elizabeth boundaries. These included areas known as Veeplaas.

Section 8 of the Agreement of Vereeniging was probably the most important section relevant to the position of the African in urban South Africa. It stated that:

"The question of granting franchise rights to the African shall not be decided until after the introduction of self government in the Transvaal and the Orange Free State."

(Both 14/161:Vol 95:1901-1902:1905:160)

Section 7 of the Agreement of Vereeniging stated that these two republics would be granted self government as soon as they had changed their style of government from a military one to a civil one (IBID)

This abdication of responsibility by the British Government who were still the Imperial Power accountable for events in the Cape of Good Hope Colony and Natal settled the fate of the urban and rural Africans not only in these two Colonies where they enjoyed a modicum of civic and political rights but also in the two independent Boer republics.

It should be realised that without the franchise which the African held—with certain qualifications—in both the Cape Colony and Natal the African would never be able to obtain freehold land in the urban areas of South Africa. It seems hardly likely if the franchise rights of Africans could not be decided at Vereeniging that the decision of their rights would be accorded to them once the Boer Republics became self-governing.
3. 2. 4 **BUBONIC PLAGUE IN CAPE TOWN**

Because of the outbreak of bubonic plague in Cape Town early in 1901, the Governor of the Cape Colony Sir Gordon Sprigg issued Proclamation No. 209 of 1901. This appeared in the Cape of Good Hope Gazette (hereafter C.G.H.G) and invoked the Public Health Amendment Act of 1897 and proclaimed that it would be lawful for him to remove

"all or any aboriginal natives resident within the Cape District...to any place....duly proclaimed by the Colonial Secretary to be a Native Location" C.G.H.G:1901:416

As stated previously there had never been a location proclaimed in the Cape Town Municipal area so a "Temporary Accommodation Camp" had to be speedily set up. Regulations followed thick and fast most of which were included in the Native Reserve Locations Act promulgated a year later.

3. 2. 5 **DEBATE ON THE BILL IN THE CAPE LEGISLATIVE ASSEMBLY**

It is interesting to note the attitudes of the Cape Colony legislature during the debate on the Bill in 1902 a year after its implementation in Cape Town. Mr. J.W. Sauer who was destined to pilot the Natives Land Act of 1913 though Parliament was one of its few most vociferous opponents. Mr. Sauer felt that the Government was being given powers which enabled it to confiscate a man's property and take away his liberty. (HANSARD: Cape House of Assembly"1902:326-327) He also felt that the Bill should not deal with the totally dissimilar problems of prohibition and locations. Mr. Sauer also remarked that he felt that the accommodation at Uitvlugt provided by the Colonial Government looked for all the world like "dog kennels"(IBID)

It was left to the Governor of the Cape Colony Sir Gordon Sprigg to provide the student with considerable insight into the covert
reasons behind the Act. One of these was to sanction contact between the "Native" and the white population (HANSARD: Cape of Good Hope Assembly: 1902: 144) Sir Gordon felt that "Civilised" people had a great responsibility to enable the native to emerge from his "state of barbarism". (IBID)

3. 2. 6 ATTITUDE OF THE CAPE TOWN CITY CORPORATION

The Mayor of Cape Town Mr. William Thorne felt it was "highly satisfactory from every point of view that the natives of the city were to be resettled in the Location and required to live there permanently (M.M: 1901: 180) The City Engineer corroborated this statement and found it "Highly desirable" that the Colonial Government should "take this work in hand and provide a Kaffir Location at Uitvlugt" (Report of the City Engineer (hereafter R.C.E: 1901: x)

3. 2. 7 SOCIO-POLITICAL IMPLICATIONS OF THE NATIVE RESERVE LOCATIONS ACT.

3. 2. 7. 1 It gave the right of Central Government to interfere with the decision-making process of the local authority.

3. 2. 7. 2 Residential segregation of the urban African was transformed from an informal practice into a legalised institution.

3. 2. 7. 3 This segregation was seen as reasonable since the social and health practices of the rural African and urban white appeared to be different.

3. 2. 7. 4 Resettlement of Africans was institutionalised (ELIAS: 1980: 6-7)

It can be argued that this initial discriminatory legislation on the grounds of health hazards has become an institutionalized
practice legitimated not only for health reasons but also sanctioned by the argument that each racial group, in order to develop its social identity without "friction" must, de facto, be segregated (IBID)

3.3 IMPACT ON THE URBANISING AFRICAN

This significant legislation had tremendous impact on the urbanising African and determined the pace and extent of his integration in the industrialising urban areas of South Africa for the following reasons.

3.3.1 It restricted the right of freedom of residence to all urbanising Africans except for the exempted few mentioned previously.

3.3.2 A curfew system was institutionalized into his urban way of life.

3.3.3 The pass system was strengthened by the requirement that a "token" of residence at Uitvlugt was also required by each resident.

3.3.4 It legalised separate educational facilities for urban Africans.

3.3.5 Freedom of religious worship was threatened in that separate churches were built for Africans in the locations.

3.3.6 Health facilities were institutionalized on racial lines in that separate facilities were provided for in the Location under the provisions of the Native Reserve Location Act of 1902.

3.3.7 Locations were placed on the outskirts of urban areas hence transport to and from places of work to the location proved problematic.
3.3.8
The right of a man's home being private was removed in that right of entry into a man's home at reasonable times was permitted under the provisions of the Locations Act of 1902.

3.3.9
Because the right to purchase land under individual tenure was denied it meant that no urbanising African could acquire the right to the franchise.
This restriction was removed with the amending Locations Act promulgated in 1905.

4. NATIVE LOCATIONS AMENDMENT ACT NO. 8 OF 1905
There were two important amendments to the principal Act promulgated in this legislation.

4.1.1.
Section 17 provided for the establishment of Native Advisory Boards. These were the forerunners of the Urban Bantu Council, the Community Councils and now the Black Local Authorities. Originally they existed in a purely advisory capacity. It has still to be seen whether the latest form of Black Local Authority has any greater powers than its forerunners.

4.1.2
Section 18 provided for the purchase of land in Locations in order for home ownership to be exercised. The Governor was detailed to decide the terms.

4.2 SOCIO-LEGISLATIVE PERIOD
In 1903 the South African Native Affairs Commission was appointed in order to determine a common native policy for the four colonies of the country. Its terms of reference were as follows. To examine

4.2.1.1 The status and condition of the Natives; the lines on which their natural advancement should proceed; their education; industrial training; labour.
4. 2. 1. 2 The tenure of land by Natives and the obligation to the State which it entails.

4. 2. 1. 3 Native law and administration

4. 2. 1. 4 The prohibition of the sale of liquor to Natives.

4. 2. 1. 5 Native marriages

4. 2. 1. 6 The extent and effect of Polygamy.

(S.A.N.A.C:1903-1905: 1905:1)

4. 2. 2 LAND

Considerable attention was paid by the Commission to the acquisition of land both in urban and rural areas both under communal and individual tenure.

4. 2. 2. 1 Rec ommendation No. 145 stipulated that "To unduly perpetuate that which hinders a lower race from advancing, if it slows down the desire and capacity to do so, is neither intelligent nor right." (S.A.N.A.C:1905:26)

4. 2. 2. 2 With regard to individual tenure Rec. 146 states "The Commission has no hesitation in recording the conviction, derived both from overwhelming evidence and personal impression that progressive tendencies are manifested and that it is essential to provide for a change capable of extension according as local conditions may warrant" (IBID)

4. 2. 2. 3 However Rec. No. 192 flies in the wind of the "Overwhelming evidence" given and states that "It will be far more difficult to preserve the absolutely necessary political and social distinction if the growth of a mixed rural population of land owners is not discouraged" (IBID:35)

4. 2. 2. 4 Resolution 193 encapsulates the findings of the S A N A C Commission on the land question.
It recommends that
4. 2. 2. 4. The purchase (of land) by natives should in future be limited to certain areas to be defined by legislative enactment.

This in fact occurred when the Natives Land Act no. 27 of 1913 was promulgated.
4. 2. 2. 4.2 The purchase of land which may lead to tribal, communal or collective possession or occupation by natives should not be permitted.

These two restrictive recommendations were passed "Almost unanimously" the vote being five in favour and three against. Those members of the Commission who voted against them were Col Walter Stanford who represented the Cape Colony on the Commission and Mr. S.O. Samuelson and the Hon. Marshall Campbell from Natal.

(IBID:36-37)
4. 2. 2. 5 In Resolution 198 Col. Stanford cogent reasons why the land restriction for Africans was unwise. They included the fact that the acquisition of land was a powerful incentive to loyalty. In addition, Col. Stanford said that the experience of the Cape Colony was that depopulation of the land had not occurred when Africans had bought land. He warned that the "contention that the safety of the European races must be guarded by such as have been under discussion is unsound" (IBID:36)
4. 2. 2. 6 The Natal representatives felt amongst other reasons that the restrictions were in conflict with the spirit of other recommendations of the Commission which had as their object the encouragement of individual tenure (IBID:37)
4. 2. 2. 7 En passant it is worth noting that the Commission's
resolution No. 267 recommended that on the railways

"In the interests of goodwill and order, and for the comfort of the passengers of both races, carriages of each class be set apart for Natives only, and that tickets issued to them should entitle them only to travel in such carriages" (IBID:51)

4. 2. 2. Eight important people gave evidence in favour of the acquisition of individual tenure of land by the African. They were Mr. Tenga Jabavu, Mr. J.W. Sauer and Mr. T. Schreiner. Unfortunately their extremely prescient recommendations were not implemented and although the Native Location Amendment Act no. 8 of 1905 permitted the purchase of land by African within an urban location this was never put into effect at Uitvlugt.

4. 2. 3   NATIVE LOCATIONS

The S.A.N.A.C. Commission noted that only experts would be able to say whether the concept of Native Locations was "a conservation of tribal usage and in part thereof" or a "departure therefore with a view towards non-tribal conditions". (SANAC:1905:A8) They concluded however that their approach would be that it had an economic and a fiscal, as well as a social and police aspect. (IBID) The Commission noted that much more emphasis had been placed on this type of legislation in the Cape than in the other colonies.

4. 3   IMPACT ON URBANISING AFRICAN;

4. 3. 1 ADVISORY BOARDS. These were introduced by means of this amending Act. They in fact never amounted to being much more than an institution which offered advice which was in the main ignored by the local authorities or the Central authority. Each location had them and although in the 1950's the Langa Advisory
Board had several very political figures advising it there is no record of them having effected any sort of important change in policy on the part of the local authority or Central Government.

4. 3. 2  

**TENURE OF LAND**

There is no record in Ndaleni of any individual ownership of land ever being granted to the urban African in these locations. This right, which was probably inserted due to the pressures and evidence of the members of the S.A.N.A:C.Commission was legislated but never implemented. Because of this urban Africans were not able to purchase land which would have been both a source of wealth and opportunity to them. In addition it became extremely difficult to qualify for the ownership of land required under the Constitution drawn up in the last century which gave the franchise to those possessing the necessary qualifications. This has undoubtedly contributed to the endemic poverty of the urban African. This unimplemented right existed until 1923 when the Native (Urban Areas) Act of 1923 removed it.

Several Acts promulgated during the period from 1905 to 1920 had an indirect bearing on the supply and control of housing for Africans in the urban areas. These will be merely noted. The Municipal Ordinance No. 10 of 1912, had clause 254 which gave the right to local authorities to build houses for the poorer classes. The Native Land Act No. 27 of 1913 allocated land in the rural areas for ownership by the African, but totally ignored the need for land in the urban area. The Municipal (Provision of Homes) Ordinance no. 23 of 1919 was used in order to borrow capital to develop Langa in 1923.
5. **HOUSING ACT NO. 35 of 1920**

5. 1 **THE HOUSING COMMISSION**

The Housing Commission was formed in 1919 in order to enquire into the housing crisis which existed in South Africa and which had resulted in so many deaths due to the overcrowded conditions which meant that the Spanish flu epidemic of 1918 was able to spread like wildfire wherever these conditions existed. When the Secretary of the Housing Commission wrote to the Town Clerk of Cape Town requesting information on the housing position in the area, he stressed that the details in the housing shortage should be distinguished between European, Coloured and Native population.

(Annexure 370:1920:Appendix 2)

After evaluating the evidence presented to the Housing Commission in South Africa they came to the conclusion that the following shortages existed in the country:

**TABLE 1**

DETAILS OF HOUSING SHORTAGE IN SOUTH AFRICA - 1919.

<table>
<thead>
<tr>
<th>Type of HOUSE</th>
<th>DETAILS OF DWELLING</th>
<th>Estimated SHORTAGE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Class A</td>
<td>3, 4, 5-roomed houses suitable for clerks, artisans and shop assistants</td>
<td>4 400</td>
</tr>
<tr>
<td>Class B</td>
<td>2 3 and 4-roomed houses suitable for the poorer white, coloured and Asiatic people (but must not include the poorer class of Indian in Natal)</td>
<td>5 150</td>
</tr>
<tr>
<td>Class</td>
<td>Dwellings for natives and asiatics</td>
<td>10 000</td>
</tr>
</tbody>
</table>

There was an estimated shortage of 3,500 dwellings for White and Coloured in Cape Town. During 1920-1935, 16,357 homes were built in South Africa under the provisions of the Housing Act (ELIAS:1980:69). As most of them were built under the provision of section 5 of the housing Act, i.e., were in general, individual scheme houses, this did not fill the need for the poorest section of the community. The Housing Commission excluded both East London and Cape Town when estimating housing needs for Africans. (U.G.4:1920:37)

Several curious statements are made in the Housing Commission's reports especially when one considers that their overt brief was to report on the housing crisis in the country.

5.1.1 The "poor white" had to be treated differently "as he could not pay an economic rent and it is the duty of the State or the local authority to provide for them with homes at a subsidised rent..... (U.G.4:1920:55)

5.1.2 "The poor white was living in the most degrading and undesirable conditions in many of the towns and having regard to the preponderance of the black population and the importance as all believed, of maintaining the prestige of the white race, this class of people not only cannot be permitted to remain as they are but should be compelled to reinstate themselves in what must be their proper standing in the social scale. (IBID):65)

5.1.3 Mr. Fred K. Weiner and Mr. Johannes Smuts wrote a memo to the Commission's report stating: "If fixing wages for white labour in South Africa is within the range of practical politics we submit that the present necessity to subsidize housing schemes will bring home to the taxpayer and ratepayer the urgency of the question. The provision of housing for the poorer whites and coloured persons
the poorer classes cannot immediately be brought about the only alternative appears to be a subsidy for housing schemes or the continuance of existing dangerous conditions (IBID: 65) (My emphasis)

Several important points of policy emerge in the last two references. The are

5. 1. 4 The housing of the poor white had to be subsidized as he could not afford to pay an economic rent.

5. 1. 1. 1 The prestige of the white race had to be maintained.

5. 1. 1. 2 Racial residential segregation should be adopted so that the existing dangerous conditions (of all races living in juxtaposition) could be eliminated.

5. 1. 1. 3 A minimum wage for white labourers was recommended (IBID. 73)

5. 1. 1. 4 The "preponderence" of the African population was regarded as a threat, and the fact that they were not considered for Class A or B houses amply demonstrates how they had been placed in a category destined forever to be segregated from the remainder of the urban population.

5. 2 SOCIO-HISTORICAL PERIOD;

It can be confidently stated that the covert fears of the white population vis à vis the African were overtly expressed in the report of the Housing Commission as detailed above. There are in addition the reports of several important Commissions which will be discussed in Section 7. Although not all directly involved with housing they had the opportunity of articulating and institutionalizing the norm of single hostel accommodation being built for African workers migrating to the urban areas for employment, with the result that he was turned into a temporary labourer in the urban area. It should be noted that although Housing was initially in the portfolio of the Minister of Health, when the Pact Government took office in 1924 it became the responsibility of Dr. D.P. Malan who also took
the portfolios of the Interior and Education. Crucial also to the decisions taken during this period was the portfolio of General J.B.M. Hertzog the Prime Minister. The third important portfolio with regard to housing matters was that of labour which was held by the Hon. F.H.P. Cresswell D.S.O. These three men played a vital role in the promulgation of housing, labour and administration policies, the effects of which are still experienced over fifty years later (Elias: 1980:78).

5.3 EFFECT ON THE URBAN AFRICAN

State policy in the early 1920's was to consider the African a temporary worker in the urban areas and this status was institutionalized by only providing funds for hostel type accommodation. (ELIAS: 1980:221) It was later entrenched by the Native (Urban Areas) Act of 1923 which will be discussed in Section 6.

The Housing Act of 1920 was not designed to build homes for those who needed them most. It provided, on the contrary, an excellent vehicle for providing urban accommodation both for the poor white population emigrating to the urban areas and the relief of the housing shortage for whites during the period 1920-1935.

As a result of being neither a land nor a home-owner in the urban areas the African was eventually stripped of all his civic rights. It is as a result of this that his few political rights were finally removed by the implementation of the Representation of Natives Act of 1936. It is hypothesized that the slow removal of all civic urban rights from the African which occurred during the period 1902 - 1935 had the direct result of removing him as a permanent resident in the urban areas and made possible the plethora of discriminatory legislation which occurred after 1948 with the accession of the National Party to power under Dr. D.F. Malan.
THE NATIVE(URBAN AREAS) ACT NO. 21 of 1923

6.1 This Act which had first been presented to Parliament in 1918, then again 1922 had as its motivation the following overt points.

6.1.1 To provide for the improved conditions of residence for African people in urban areas.

6.1.2 To provide for the registration and better control of contracts of service for African people within such areas.

6.1.3 To provide for the better administration of African affairs in such area.

6.1.4 To provide for the regulation of African people and their residence in such areas.

6.1.5 To exempt the coloured people from the pass laws.

6.1.6 To restrict and regulate the possession and use of Kaffir beer in such areas.

6.1.7 Other incidental purposes. (Elias:1980:85)

The Department of Public Health in its annual report of 1928 was blunter in its assessment of the legislation and gave the following covert reasons for the promulgation of the Act.

6.1.8 To restrict the number of African people residing in an urban area to that which is required for normal labour requirements.

6.1.8.1 Not to extend the permanent population(0f Africans)

6.1.8.2 To ensure that further labour requirements be met by housing African men in hostels and barracks in the urban areas.

6.1.8.3 To ensure that on the completion of their contracts they returned to their kraals.

6.1.8.4 To ensure that in the case of married African people accommodation is limited to only those who are perma-
nently domiciled in the urban area. (U.G. 47:1928:51)

As stated previously many of the provisions of the Native (Urban Areas) Act of 1923 can be found in the Native Reserve Locations Act of 1902 and the regulations which preceded it in 1901. The single difference however is that Central Government handed back the responsibility for housing the urban African population to the local authorities, a responsibility which the Cape Town City Council was reluctant to accept.

There were a few clauses which rendered the Native (Urban Areas) Act severely discriminatory, in view of the legislation of the Housing Act which had been promulgated three years before. Section 7 (b) of the Native (Urban Areas) Act of 1923 permitted a local authority subject to the approval of the Minister of Native Affairs to construct buildings and provide facilities within the location. This clause meant that it was much more difficult to obtain finance for building homes in a proclaimed area such as a location, because permission had first to be sought from the Minister of Native Affairs - at that time it was General Hertzog, and once that had been obtained application had to be made to the Central Housing Board who vetted every application extremely carefully.

6.2 SOCIO-HISTORICAL PERIOD

When the Native Urban Areas Bill was first introduced in Parliament shortly after the end of World War 1 it was withdrawn shortly afterwards, and a Native Affairs Commission was appointed in order to investigate the situation. Dr. Roberts and Dr. Loram were both members of the Commission and they were asked to address the Cape Province Municipal Association annual meeting held in May 1922. Both gentlemen supported the views of the commission, which gives one an idea of how public opinion was being shaped and norms and values being institutionalised so as to accept the urban segregation of Africans as an unquestioned fait accompli. Dr. Roberts
stated that the commission recommended that "The native should be given the opportunity for development and growth along his own lines, and not have the veneer of civilisation" (Agenda and Minutes (hereafter A & M.) C C C: 1922: Annexure L). Dr. Loram was even more explicit in his approval of the recommendations of the Commission. He said that the "Native had embarked on a way of life and was making native townships apart from European cities" (IBID).

Dr. Loram continued that it was not possible to have a uniform policy for South Africa and that the views of the Transvaal, Natal and Orange Free state provinces should be given consideration as they "rubbed shoulders. . . . . . . most with the natives" (IBID).

The rebellion of the Gold Mines had occurred in 1922 and had hardened attitudes "and entrenched the color bar not only in the mines but in the economy as well" (Wilson, F: 1972: 11).

In addition a coalition of the Nationalist and Labour parties was brought about by the rebellion (IBID). This coalition was called the P.A.C.T government and the thrust of its legislation for the next ten years was to remove the urban African and to prevent any others from settling permanently in towns.

6. 3 IMPACT ON THE URBAN AFRICAN

6. 3. 1 The following points are the more obvious aspects of the effect of the Native (Urban Areas) Act of 1923 on the urban African.

6. 3. 1. 1 Influx control was legalised and deportation and penalties imposed on all those Africans who came to the urban areas either without a job or who could not find employment.
6. 3. 1. 2 The majority of Africans were to be considered temporary sojourners in the urban areas.

6. 3. 1. 3 The principal form of accommodation to be built in urban areas was to be of the hostel-type catering for African men living on their own. This was achieved by the simple expedient of the Central Housing Board only granting funds when schemes for single accommodation were submitted. It is useful to remember that Langa, the oldest Location in the Cape Peninsula was built entirely - until 1933 - with funds raised from the Enrolled Voters of Cape Town.

6. 3. 1. 4 The Black (Urban areas) Act of 1923 introduced a new approach into the building of African accommodation in urban areas. Despite the fact that the Housing Act was promulgated in 1920 with the ostensive purpose of attempting to solve the Housing crisis, funds could only be obtained from them when the Minister of Native Affairs had given his permission.

6. 3. 1. 5 The first official implementation of influx control was exercised soon after the promulgation of the Native (Urban Areas) Act. This occurred when 700 Africans who were living in Ndabeni but who were unemployed were repatriated back to the "Reserves"(M.M:1925:52). As a result space was made available for Africans living outside the proclaimed area in the heart of Cape Town were moved into the Location at Ndabeni.

6. 3. 1. 6 Before the promulgation of the Native(Urban Areas) Act of 1923, the C.C.C. had set in progress the creation of a new village for Africans which was to be called Langa.
There are several Acts and Ordinances which will be briefly examined as they have a direct bearing on the control of the supply of African urban housing.

7. INDUSTRIAL CONCILIATION ACT no. 11 of 1924

1. This Act required that skilled labour only should be used in the building industry. This raised the cost of the provision of houses way beyond the means of the average African worker. The Central Housing Board was alarmed at the implications of this decision.

"The success of the policy of segregation in urban areas may be said to depend on the fact that the provision of housing for the natives in the location does not become too heavy a burden on the general body of rate payers. In view of the wages generally earned by Africans it is impossible that the ratepayers can be relieved altogether of the burden but if the cost of providing accomodation is to be increased to any extent it will be impossible to require the local communities to carry out the necessary measures which which alone the policy of the Government may be made effective"

(U.G. 19:1926:11)

Langa was built with skilled labour as the Minister of Labour refused to grant it an exemption. This raised the rents far beyond the reach of most of the prospective tenants. In order to induce people to move to Langa rents had to be drastically reduced. The loss on the Native Revenue account was divided between other Municipal accounts. It was only in 1930 that the Minister finally agreed to a clause being inserted into the Amending Act no. 24 to the effect that provided the Minister gazetted the proclamation, certain building contruction such as Locations could be exempt from the provisions of this Act.

7. 2 SOCIO-LEGALISTIC PERIOD

There were several Acts or Commission reports which directly affected the supply of housing...
Civilised labour policy

This in fact meant the employment of white labour in preference to other labour. Every local authority was obliged to offer employment to an unemployed white in return for food accommodation and clothing. (A. & M: C.C.C: 1922: Annexure L) The Mayor of Cape Town reported in 1927 that the civilised labour policy of the Government had increased unemployment amongst the African and Coloured population of the Western Cape as avenues of employment in the unskilled labour sphere were allotted to civilised or white labourers (M.M: 1927: 68)

ECONOMIC AND WAGES COMMISSION ANNEXURE 202 OF 1925

This commission was appointed to investigate the economic structure of South Africa. The first report stated that the contact between the native and European was of too long duration to be rent asunder by excluding the Native from the European areas and industries (Annex. 202: 1925: 300) The commission continued that detribalized Natives, having no reserves to fall back upon needed the same legislative protection as was required by the weaker members of the European wage-earners. They concluded that the high cost of living in South Africa was the result of the high level of rents, because of the shortage of accommodation.

LOCAL LOANS ACT NO 19 OF 1926

Section 7(o) of the above Act stipulated that it was "For the establishment of location and native villages and the erection of dwellings for the occupation of natives and coloured persons" Both the Central Housing Board and the Department of Public Health were critical
of the Act as they did not feel the State should advance finance to the local authorities at a higher rate of interest than that at which they had borrowed (Annex. 201:1927:32). In this case the interest rate was to be 6%. This Act exacerbated the housing crisis even further as it meant that finance for this type of housing would no longer be provided by the Central Housing Board even with the restrictions placed on it by the Native (Urban Areas) Act of 1923.

TOWN PLANNING ORDINANCE NO. 13 OF 1927

Although representations by the C.C.C. had been made with monotonous regularity over the last eleven years this ordinance was only passed in 1927. When questioned by the Mayor of Cape Town in 1923, the Local Government Inspector Mr. Kirby stated that the questioned "Bristled with difficulties". It is incomprehensible how a Town Planning Ordinance can have such an effect. One must therefore conclude that even at that time Central Government were concerned with the residential segregation for all population groups and were unable to put it into effect due to the Act of Union. The Town Planning Ordinance gave very wide powers to the Administrator of the Cape Province with regard to the siting of townships. Both the Transvaal and the Orange Free State refused to serve on the committee framing the legislation.

SUB-ECONOMIC HOUSING FINANCE

It was in 1930 finally that the Government agreed to lend money to the local authorities at a lower rate of interest in order to finance sub-economic housing. Housing for Africans was not to be included in this benefit as the finance was only to be used for alleviating
the housing conditions of the poorer classes among the European and Coloured populations. (Annexure 259: 1931/1932:31 Annual Report of the Central Housing Board. This restriction is reiterated in the Annual Report of the Housing Board for 1933 when it is stated "The loans under the scheme (sub-economic) were intended to be used mainly for alleviating the housing conditions of the poorer classes among the European and Coloured population and not for facilitating the working of the Native (Urban Areas) Act of 1923.

7. 3 IMPACT ON THE URBAN AFRICAN

The impact of the five previous Acts, Ordinances, and Commission reports on the supply of housing for Africans in the urban areas was extremely severe.

7. 3. 1 It reduced the supply of housing in urban areas to that required by the permanent African population.

7. 3. 2 It legalised the building of hostels for Africans seeking work in urban areas. Preference was given to plans submitted showing this type of accommodation. Because of the single accommodation provided, there were additional problems for those who were married such as the breakdown of family life.

7. 3. 4 It impoverished those attempting to live in the urban areas by raising the rent of housing beyond that which they could afford.

7. 3. 5 It reduced the number of African families living in the urban areas.

7. 3. 6 It reduced the rate of finance available for building African homes.
7.3.7 It legitimated a curfew on all those living in locations.

7.3.8 Where a local authority had been granted the right to sell "kaffir beer" (sec. 21 of the Act) it was permitted to use the profits in order to provide facilities in the Location. The results of this decision had far-reaching effects.

7.3.9 It removed the responsibility for supplying housing from Central Government and placed it on the Local Authorities. This occurred in spite of the fact that in the Act of Union Section 147 had made Central Government responsible for all African affairs.

8. **SLUMS ACT NO 53 of 1934**

8.1 **ASPECTS OF THE ACT**

The overt reason for this Act was "To make better provision for the elimination of slums within the area of jurisdiction of various local authorities."

Section 1(vi) of the Act excluded any areas proclaimed under

8.1.1 The Native Regulation Act No. 15 of 1911. This included all mining and industrial compounds.

8.1.2 The Native (Urban Areas) Act no. 21 of 1923.

Further conditions of the Act were very laudable and ensured, for instance that areas and buildings which were dirty or unsafe or had congested overcrowded buildings or an inadequate water supply (Sections 2(a)(b)(c)(d)) could be declared slums and subject to the sanctions contained in the Act.

8.2 **SOCIO-HISTORICAL PERIOD**

The Cape Town City Council had been agitating for a Slums Act
for many years. Dr. Shadick Higgins, the C.C.C. Medical Officer of Health undertook a slums survey in 1924 and again in 1930 and it is largely as a result of his reports that the Slums Act was framed. The clause excluding areas occupied by Africans from proclamation under the Slums Act does not however appear to have been recommended by him. The Slums Act appeared at the end of the P.A.C.T's term of office. The Minister of Public Health in the succeeding government the Rt. Hon. J.H. Hofmeyer convened a meeting in Cape Town in 1936 with the specific purpose of discussing the Slums Act in public and how it could be improved. I have not as yet found any objection to the Slums Act on the grounds that areas occupied by Africans were excluded from its provisions.

8. 3 IMPACT ON THE URBAN AFRICANS

The exclusion of areas occupied by Africans in terms of this Act have had very obvious results.

8. 3. 1 Conditions of housing did not have to meet minimum standards.

8. 3. 2 Health standards with regard to supply of water, control of refuse removal etc. etc. were not subject to the same scrutiny as areas protected by the Slums Act.

8. 3. 3 The supply of infrastructure within the areas occupied by Africans had no standards to meet.

8. 3. 4 Overcrowding was acceptable as the Slums Act did not operate in areas where Africans lived.

It is hypothesized that Section 1(vi) of the Slums Act had as much influence on the continued poverty of the urban African as their enforced segregation legislated under the Locations Act of 1902.

It is significant to note that the Slums Act No 76 of 1979 which
the original Act of 1934 included a clause which enshrined this discriminatory clause regarding the exclusion of proclaimed African areas. Section 1(xii) of the Slums Act of 1979 states "excluded are any compound situated on proclaimed land and and erected in terms of the regulations made under the Black Labour Act No. 67/1964 nor any location, Black village or Black hostel, or any part thereof, established by a local authority in terms of the Black(Urban Areas)Consolidation Act No. 25of 1945.

As only economic housing has been built for Africans apart from the schemes at Crossroads No. 1 and 2, this exclusion is highly discriminatory. Housing built at economic rates of interest is extremely expensive. If in addition it experiences no protection under the Slums Act the situation is prejudicial to the interests of the urban African. It is probably because of this that economic housing built according to the specifications of the Housing Code offer the minimum of housing comfort to the urban African. Ceilings internal doors and wooden floors are not de rigeur in an economic house for the African. Bathroom and toilet facilities are minimal. Electricity was supplied in the old Langa, but most of the homes built since the fifties do not have this modern convenience. If the tenant desires it amenities may be installed at his expense, but this is not recoverable if he vacates the house.

The total result of these Act and Ordinances has been to ensure that large areas have been built in the urban industrial areas of South Africa which have provided slum conditions very shortly after the completion of the scheme. To be harsher, but accurate, the legislation enacted from 1902 - 1934 ensured impoverished ghetto-like conditions for our urban African population.
9. CONCLUSION

It should be apparent that the legislation enacted over the period from 1879 to 1935 has had a seriously depressing effect on the supply of urban African housing. Although no mention is made in this paper on the legislation enacted during the period 1936-1983 it continues in general to militate against satisfying the critical urban African housing situation. Mention must be made of the Bantu Affairs Administration Board Act no. 45 of 1971 which has changed the direction of Government housing policy. The following table will demonstrate this point.

**TABLE XIV: Comparative Building Figures for African Housing in "White" and "Black" South Africa 1967-1977**

<table>
<thead>
<tr>
<th>Year</th>
<th>South African Urban Areas</th>
<th>Homeland Urban Areas</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>No. of Units</td>
<td>Amount Spent on Housing</td>
</tr>
<tr>
<td>1967-1968</td>
<td>14 639a</td>
<td>R7,770,894</td>
</tr>
<tr>
<td>1968-1969</td>
<td>14 950a</td>
<td>R8,571,656</td>
</tr>
<tr>
<td>1969-1970</td>
<td>12 127a</td>
<td>R6,880,089</td>
</tr>
<tr>
<td>1970-1971</td>
<td>8 566a</td>
<td>R6,289,394</td>
</tr>
<tr>
<td>1971-1972</td>
<td>6 710a</td>
<td>R6,273,584</td>
</tr>
<tr>
<td>1972-1973</td>
<td>5 149a</td>
<td>R5,670,884</td>
</tr>
<tr>
<td>1973-1974</td>
<td>7 577a</td>
<td>R6,026,602</td>
</tr>
<tr>
<td>1974-1975</td>
<td>8 111a</td>
<td>R6,611,385</td>
</tr>
<tr>
<td>1975-1976</td>
<td>7 835a</td>
<td>R9,811,387</td>
</tr>
<tr>
<td>1976-1977</td>
<td>6 109a</td>
<td>R5,610,169</td>
</tr>
</tbody>
</table>

Key
(a) RP 32/1979 p. 110 (Riekert Report)
(b) Ibid 3.290(b) p. 70
(c) Ibid p. 116
(d) Ibid p. 116 includes transfers from Kwanashu 15 415; Edendale 4 984
Clermont 2 840

* Money spent by the S.A. Development Trust. After 1970/71 the Black States also contributed to the cost of housing.

* Elias: 1983: 71
Two important points emerge from this table. The first one is that the pace of house building decreased in South African urban areas once the B.A.A.B. Act of 1971 was put into operation in 1973. Secondly there was an increase in the amount of housing built in the Homeland urban areas. This was of course in line with Government policy which was to reduce the number of urban Africans in "White" South Africa. This policy has exacerbated the poverty of the urban African severely. In the Cape, with the added constraint of the Coloured Labour Preference policy, no housing was built from the time the B.A.A.B. Act of 1971 came into operation in 1973 until the crisis at Crossroads forced the Government to build 1295 homes in 1980-1982 at New Crossroads. (Elias:1983:73)

I believe that I should now attempt to explain my contention that control over the supply of housing and land in urban areas has increased African poverty.

9. 1

When there is a housing shortage people generally have a choice of several courses of action. These include some of the following.

9. 1. 1

They may build a house for themselves where they choose. This course of action is denied the African in urban areas by legislation. Frequently however the African has chosen an alternative course, also denied him by legislation, and that is to build a shanty, sometimes hidden, but very often on a site close to transport, work opportunities and shopping facilities.

9. 1. 2

They may move to another urban area where housing and employment are available. This course of action is also denied to the African as the housing crisis which exists in the Cape Peninsula area is repeated in every urban centre in South Africa.
The third course of action and the only legal one open to urban Africans is to move in with relatives. This exacerbates the overcrowded housing conditions even more. It satisfies a condition which Schorr calls primordial conditions (Townsend:1970:116) and is the means by which urban African poverty in South Africa is maintained. Essentially Schorr is saying that when a housing crisis exists, no matter what the reason, any housing is better than no housing. But he stresses the point that poor housing both causes and maintains poverty (IBID:114). This, it would seem to me, has been the effect of legislation on the urban African. Because of a housing policy of Central Government which has not only depressed the rate of supply of accommodation in urban areas but actively legislated against it, a critical situation has developed. In a study completed last year it was found that in order to satisfy the immediate housing shortage in the Cape Peninsula in 1980, 10 284 4-roomed dwelling units were needed. (Elias:1983:124)

In parenthesis I do not believe that removal of the homeless to an area such as Khayaletsha will solve the crisis. Where no infrastructure exists ghetto-like conditions of poverty can only multiply. There would appear to be a solution, but that would demand repealing most of the discriminatory legislation enacted over the last 150 years and attempting to change attitudes, and institutionalise new norms and values with regard to segregation. It might be as well to take a leaf out of the report on the 1st Carnegie Commission on Poverty which solved the problem of the urbanising poor white by giving them every opportunity of obtaining free-hold land and homes in the urban areas. We can only hope that Central Government will be pragmatic enough to realise that this is one of the solutions to urban African poverty.
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