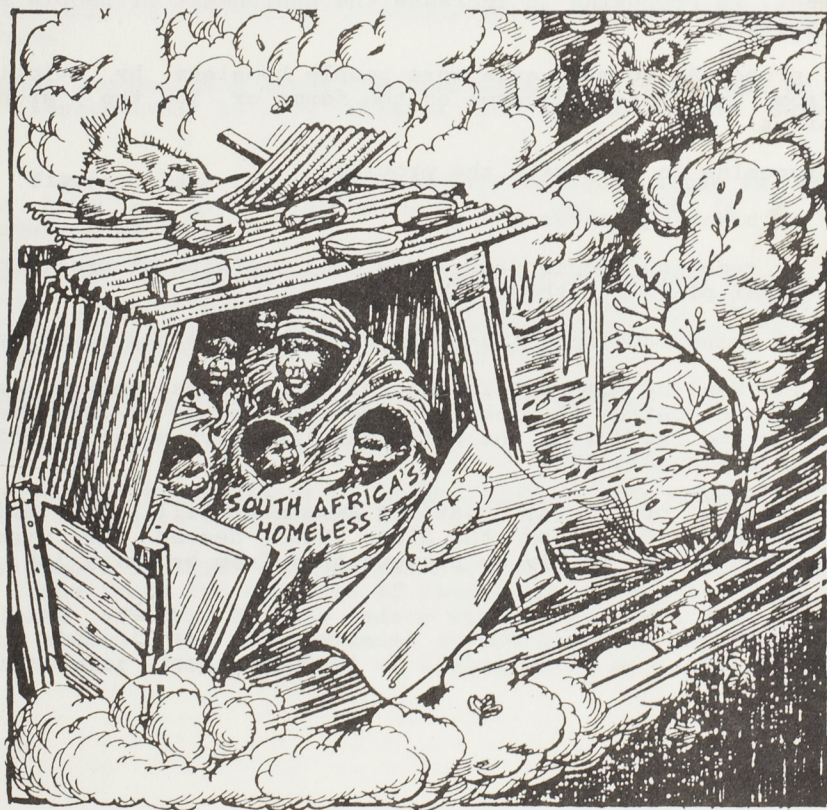


OF  
SQUATTERS, SLUMS, GROUP AREAS  
AND  
**HOMELESSNESS**



**New Bills before Parliament, August 1988**

1. Prevention of Illegal Squatting Amendment Bill
2. Group Areas Amendment Bill; Free Settlement Areas Bill; Local Government Affairs in Free Settlement Areas Bill
3. Slums Bill

## SQUATTERS, SLUMS AND GROUP AREAS.

More than five million people in South Africa are suffering because they are homeless.

Over one million families do not have proper shelter.

Homelessness is arguably the most serious problem in South Africa at this time.

What is the government doing about it?

Government is proposing to increase the punishment of people for being homeless.

It is proposing to make even more people homeless by evicting them from their present homes on the farms or in the "wrong" group areas.

It is proposing to deal with the problem -

- \* by breaking houses down;
- \* by removing people from where they are without providing any other place for them to be;
- \* by reintroducing influx control with increased severity.

Three Bills dealing with enforcement of Group Areas, control over squatting, and control of slums have been presented to Parliament and may become law during the short Parliamentary session which begins on 22nd August 1988.

The Prevention of Illegal Squatting Amendment Bill, the Group Areas Amendment Bill and the Slums Bill demand our urgent attention and action to try to prevent them from becoming law.

## HOMELESSNESS IN SOUTH AFRICA.

In June 1988 the Minister of Constitutional Development and Planning, Mr Chris Heunis, told Parliament that there is a shortage of 702 750 housing units for black people outside the homelands.

That means that 702 750 black families have no adequate shelter. Other authorities have estimated the shortage to be well over 800 000 units.

The shortage in the TBVC homelands in 1986 was 106 291 units. The shortage in the non-independent homelands in 1985 was between 149 218 and 174 978 units: a conservative estimate would be 160 000 units.

In indian and coloured areas the shortages were 44 000 and 52 000 units respectively in 1986. (Figures from Race Relations Survey, 1986)

These figures mean that more than five million people in South Africa have no proper place to live - and that is a very conservative estimate.

Another way of saying it is that one out of every six South Africans is without proper shelter or is living "illegally" somewhere where he or she is not supposed to be. They have no security of tenure, no privacy and no warmth.

The three new Bills have certain things in common:

- \* They make homelessness a crime.
- \* They punish the condition of being homeless with penalties more suited to crimes of violence.
- \* They remove judicial consideration of justice and human rights and substitute the opinions of functionaries and a compulsion on judicial officers to make orders without allowing them to take into account the circumstances surrounding the conviction of a particular person accused of living where he is not allowed to be.

# The Prevention of Illegal Squatting Amendment Bill.

## Onus of Proof.

At the moment it is an offence to enter on to land or into a building without lawful reason and to remain on land or in a building without the permission of the owner or lawful occupier.

If a person is charged with such an offence the State must prove that he had no lawful reason or that he did not have permission.

The amendment completely changes this. The accused will have to prove that he did have a lawful reason or the necessary permission. This is an absolute denial of the principle of law and justice that the State must prove the case against an accused.

The penalties on conviction will be doubled to a possible fine of R2000 or 12 months imprisonment, or both, plus R20 or 14 days for every day on which the offence is continued after conviction.

## Compulsory ejection and demolition.

At present if a person is convicted of illegal squatting the court has a discretion as to whether it will order the eviction of the accused and the demolition of the structure.

In future the court will have no discretion but will be obliged to order the ejection of the convicted person and the demolition of the structure. This will be irrespective of whether or not the person has anywhere else to go to.

## Penalties on owners or lessees.

The penalties on owners or leasees who permit squatting on their land are to be raised five times to a fine of up to R10 000 or to imprisonment for up to five years, or to both the fine and the imprisonment.

## Interdicts.

Persons will no longer be able to bring action for a court interdict against unlawful demolition when they can prove some right or title to the land. The Bill provides that even if a person can show some right or title to the land he will not be entitled to apply for an interdict or spoliation order.

## Local Authorities.

A local authority can be ordered to remove squatters and illegal structures and, if it fails to do so, the Administrator of the Province can cause the work to be done and can recover the costs by, among other things, levying a special tax on all rateable properties in the local authority area.

## Outside local authority areas.

Outside local authority areas a special committee may be

established. If this committee believes that people, who are not employees of the owner or lawful occupier of land, are living on the land or in structures on the land it **must** direct an official to investigate.

When the committee receives a report from such an official that people who are not employees are on the land it **must** order the owner to eject them within 30 days.

This threatens the families of farm workers who are not themselves employed.

An owner who fails to obey the order is liable to a fine of up to R10 000 or to imprisonment for five years.

#### Appeals.

An appeal against any conviction or order for ejection or demolition will no longer have the effect of suspending the punishment or order. People may well have served a prison sentence or have been rendered entirely homeless long before the Appeal Court acquits them.

This Bill re-introduces a more severe form of influx control. It re-introduces the State's power to remove any group, tribe or black person from any area to another area. It re-introduces provisions allowing the removal of black people from farms. All these things were removed in the Abolition Of Influx Control Act of 1986: Two years later the controls are being re-introduced in a very much more severe form.

Families of farmworkers are now threatened with even greater insecurity than they have experienced before.

## The Group Areas Amendment Bill.

### Onus of proof.

A person who is accused of owning or leasing or occupying any property in a "wrong" group area (i.e. an area which is set aside for occupation by a race group of which he is not a member) will be presumed to be guilty unless he can prove that he is not.

### Compulsory ejectment.

The Minister of Constitutional Development and Planning will be able to order a person to leave a property or to sell a property after giving him three months notice. No court order is necessary.

A magistrate must evict a person from his house if he is satisfied that that person is living in a place where he is not permitted to live in terms of the Act.

A magistrate must evict a person who has been convicted of living in a "wrong" group area.

There is no longer any discretion on the part of a magistrate.

No human compassion or practical consideration about the availability of alternative accommodation will be allowed.

### Penalties.

A person who buys or lives in property in the "wrong" group area will be liable to a fine of R10 000 or to imprisonment for up to five years. This is an increase from a possible fine of R400 or imprisonment for two years.

### Appeals.

As in the Squatting Bill appeals against any conviction or order will no longer have the effect of suspending the punishment or eviction.

## The Slums Bill.

This Bill, if it becomes law, will remove all the existing procedures for protecting people from arbitrary action by bureaucrats. There will be no protection whatsoever for people who are ordered by a local authority to vacate premises.

The penalties for disobedience to orders can be a fine of R4000 or imprisonment for up to one year.

## THE LAND

People have to live somewhere.

The existing chaos is the direct result of government policy and laws and will be worsened if laws such as are now proposed are put into effect.

All land in South Africa is basically reserved for white people except for the limited areas set aside for occupation by people of other races.

Between 13% and 14% of the land constitutes the homelands. Thirteen million people, more than one third of the total population, live in those areas because they were removed there or because they were not permitted to leave to seek their survival elsewhere.

Limited areas are set aside as "Group Areas" for indian and coloured people.

Limited areas are set aside for african occupation in the black townships attached to white towns and cities.

The rest of the land is for white people who constitute only 15% of the population.

Homeless black people are unable to resolve their housing problems legally because there is just not enough space in the areas where they are allowed to live. Most are unable to afford such land as is becoming available.

The proposed laws cannot be enforced. They will cause more human suffering and more chaos. Orderly urbanisation will be prevented.

Laws such as these bring law into disrespect.

If you need more information please phone one of the following

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# Sunday Star

## Inhumane laws pose a threat to peace

**L**AST week the Government beseeched blacks to join in the search for a brave new South Africa. This week, it tabled a trio of Bills so brutal that if they did become law, more than 200 000 people, all of them black, would be out on the streets within months.

The new Bills will circumvent the landmark Goldstone judgment of 1982 which ensured that people could only be evicted from their homes in terms of the Group Areas Act if alternative accommodation was available in their legally appointed group area. The Government, which never fails to state its high regard for the courts, has overruled the learned judge's humane decision. It appears that the Government has acquired only a heart of stone from witnessing years of human suffering spawned by apartheid's forced removals. If the Bills become law, thousands could be homeless while white accommodation stands empty in many areas.

6/7/88 **THE CITIZEN COMMENT**

### Too harsh

THE proposed new laws concerning group and open areas are good and bad.

The good are the measures which provide for open areas; the bad is the Group Areas Amendment Bill which enforces group areas with even greater harshness.

We understand the government's dilemma. It is under attack from the Right, which regards groups areas as; among the last pillars of apartheid. It wants to show both toughness and worthwhile change ahead of the municipal elections.

The Conservative Party has been yelling to high heaven about Hillbrow and other areas in which Blacks are living illegally.

To the CP the answer is simple. Kick the Blacks out, punish the landlords and keep suburbs like Hillbrow White.

It is far-fetched to think that people of different colours can still be kept in separate hoks. Economic factors determine where people live — and the pressures for people to move into White areas is irresistible.

The Star Monday June 20 1988

## The Star A wrong turn in tackling squatting

THE WHOLE thrust of the Government's squatter legislation is wrong. What the State intends with its Illegal Squatting Amendment Bill is to "deal with" squatters. What it should be doing is relieving the unbearable pressure on land and housing that has built up through rapid urbanisation, a process in which squatters are the victims, not the culprits.

Squatting is a problem South Africa has come nowhere near defeating. The difficulties have been further aggravated by the still prevalent white perception that squatters are aliens to be somehow got rid of. They are nothing of the sort. They are fellow South Africans caught in a tide of economic desperation. Their plight deserves sympathetic redress.

The worst of the new legislation is punitive action against landowners who give permission for squatters to occupy their premises. It permits a squatter to be expelled even if he has the owner's permission to live on particular land, and it prevents him from using that permission as a defence against eviction. The owner or lessee would meanwhile face fierce fines.

There can be no excuse for such arbitrary intrusion into a landowner's rights, unless the owner is in breach of land use regulations or is responsible for disturbing the peace (neither of which requires a squatting law to be attended to).

Clearly squatters should not have carte blanche to live where they like, but they also cannot be wished away. The Bill appears to make some attempt to address this issue by providing for "designated areas" where the growth of informal towns will be allowed. This is an important advance, the first official recognition of the inevitability in present circumstances of squatter towns, until the housing backlog can be overcome.

The real answers to squatting lie in a totally different direction from forcible evictions and punitive prosecutions. They lie in upgrading existing informal settlements into more livable places and in a sustained crash programme to eliminate the horrendous housing shortage. A start has been made in the PWV metropolitan complex, for instance, with the allocation of more land for township growth. Now we need to see the houses.