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COMMISSION OF INQUIRY REGARD-  
ING THE PREVENTION OF PUBLIC  
VIOLENCE AND INTIMIDATION

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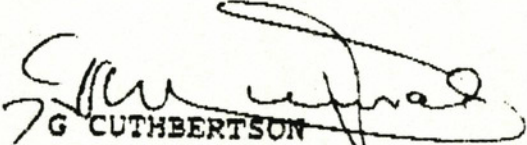
From : GLENN CUTHBERTSON

Subject : CROSSROADS REPORT

Message :  
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G CUTHBERTSON  
SECRETARY OF THE COMMISSION

THE STATE PRESIDENT

The Commission of Inquiry regarding the Prevention of Public Violence and Intimidation has the honour to present its report on public violence and intimidation at Crossroads (Cape) during March / June 1993.

The Commission's committee investigating the said violence has submitted its report, which is attached hereto.

The Commission accepts the findings and recommendations of the committee.



R J GOLDSTONE  
CHAIRMAN OF THE COMMISSION

SANDTON  
11 NOVEMBER 1993

THE COMMISSION

REPORT TO THE COMMISSION OF INQUIRY REGARDING THE PREVENTION  
OF PUBLIC VIOLENCE AND INTIMIDATION BY THE COMMITTEE INVESTI-  
GATING PUBLIC VIOLENCE AND INTIMIDATION AT CROSSROADS DURING  
MARCH / JUNE 1993.

D J ROSSOUW, SC  
CHAIRMAN OF THE COMMITTEE

F C BAM  
MEMBER OF THE COMMITTEE

M A ALBERTUS  
MEMBER OF THE COMMITTEE

CAPE TOWN  
22 OCTOBER 1993

REPORT TO THE COMMISSION BY THE COMMITTEE INVESTIGATING PUBLIC  
VIOLENCE AND INTIMIDATION AT CROSSROADS IN THE GREATER CAPE TOWN  
AREA

1. INTRODUCTION

1.1 Crossroads is a squatter camp located within the south-eastern sector of the Cape Metropolitan area. In early 1993 this area was wracked by tension and renewed violence. There were several shootings and the burning of shacks in March. This pattern of violence was repeated in the ensuing months, with approximately 60 shacks being torched in Sections 2 and 3 on 29 May alone.

1.2 The culture of violence and intimidation was of such a nature and degree that law enforcement in the area proved to be ineffectual and efforts at peace-brokering by various groups, such as the Local Peace Committee, the Network of Independent Monitors, the Black Sash and the local branch of the ANC, was rendered futile.

1.3 It was against this backdrop of violence and intimidation that the Commission on 18 June announced that an inquiry into the cause and nature of the violence and intimidation would be held by a committee of the Commission.

2. THE COMMITTEE AND ITS OPERATION

2.1 The committee so appointed consisted of the Vice-Chairman of the Commission, Mr D J Rossouw, SC (chairman), Mr F C Bam of the

Port Elizabeth Bar and Mr M A Albertus of the Cape Town Bar. The committee was assisted by its legal officer, Mr J Moses, and its investigation officer, Mr L F Coetzee. The committee wishes to record its gratitude to these two gentlemen for their tireless industry, tact and good humour before and during the inquiry.

2.2 The committee held its first session on 2 July 1992 in the Senate Hall at the University of the Western Cape, only a few kilometres from Crossroads. The inquiry was concluded on 30 July 1993 after sittings on 17 days during the month, during which time 15 witnesses testified before the committee.

2.3 The parties represented during the proceedings were:

The African National Congress - Mr J H de Lange  
The Legal Resources Centre, representing certain witnesses  
 - Mr L Bozalek  
The Minister of Law and Order - Mr J W Olivier  
The Cape Provincial Administration - Mr R van Rooyen

Our thanks to them for their assistance.

2.4 The committee also records its indebtedness to the Rector of the University of the Western Cape for making the Senate Hall and other facilities available, and to his staff for their unstinting and friendly assistance.

### 3. BACKGROUND

#### 3.1 Political and historical development of Crossroads

3.1.1 In the course of the inquiry it became clear from the evidence adduced before the committee that the recent violence in Crossroads is inextricably linked to its past. A brief exposition of political and historical factors and events that have had an impact on the situation is therefore necessary.

3.1.2 Crossroads is a triangular piece of land approximately 90 hectares in extent, that is covered with aeolian sand and calcrete and that was originally vegetated by Port Jackson bush. The soil is waterlogged during the rainy winters on account of a weak drainage pattern and excavations left through the mining of calcrete.

3.1.3 Crossroads was originally proclaimed as Nyanga Extension 3. However, owing to the close proximity of the DF Malan Airport and the adjacent Philippi industrial area, the Divisional Council of the Cape did not develop the land for residential purposes.

3.1.4 In the mid-1970s Black immigration from the newly independent Transkei Republic to the Cape took place at an accelerated rate. The various bodies that had to deal with the influx were not only unprepared for it but were also hampered by the apartheid laws in terms of which the new arrivals were treated as illegal immigrants. Virtually no new land or houses had been made available for Blacks for nearly 13 years prior to the early

1980s. Ninety-nine-year leasehold tenure was also denied Black residents in the Western Cape at this stage and strict labour laws that gave preference to the employment of other race groups were applied.

3.1.5 Their great need to find a place to live and work in the Western Cape drove people from the homelands to settle at Crossroads. From the outset, housing was their first imperative. The homes which they erected were essentially shacks, constructed from wood, corrugated iron sheets and plastic. They were squatters in essence and the area which they occupied at Crossroads therefore became a squatter camp.

3.1.6 During the Easter weekend of 1975 a large number of shacks mushroomed amongst the bushes at Crossroads. As no services existed, the Department of Health warned against an outbreak of typhoid, cholera and related enteric diseases. The influx of immigrants continued, and the Peninsula Board requested the Divisional Council to provide basic services such as water, toilets and refuse removal at the Board's account. On 24 April 1975 a total of 1 017 shacks were counted, as against 580 at Easter.

3.1.7 From the time that they moved into Crossroads the squatters faced enormous hardships in their bid to remain there. The government of the day was determined not only to limit the number of Blacks living in the Western Cape but also to substantially

reduce their numbers. Because many if not most of the squatters were illegal immigrants in the Western Cape by virtue of the influx control measures, they were frequently prosecuted in pursuance of these measures. Their shacks were demolished by the authorities with monotonous regularity, often during the rainy winter months. They were frequently transported back to the homelands after having had their shacks demolished. Many of the attempts at removal erupted in violence and tragedy. These events focused international attention on Crossroads. In the course of time, the very existence of Crossroads was perceived as a symbol of defiance and resistance to apartheid laws.

3.1.8 The two leaders in the Crossroads area at the time of defiance and resistance, J Ngxobongwana and O Memani, joined forces and formed the United Crossroads Committee. This committee obtained assistance from a variety of organisations, including the Urban Foundation. These organisations facilitated discussions between the then Minister of Co-operation and Development, Dr Piet Koornhof, and the Crossroads Committee. These discussions resulted in an "agreement" whereby the Government agreed that people living at Crossroads would be enumerated and that those who wished to stay and who qualified in terms of certain criteria would be granted temporary rights in terms of the urban area measures and would be provided with housing in the area between Nyanga and Guguletu. This area has since become known as New Crossroads. However, only part of New Crossroads was eventually developed. The remainder of the area is now known as KTC. The Crossroads community for its part was to assist in the enumeration and thus limit further influx. If a dispute were to arise regarding the implementation of the agreement, a dispute resolution committee was to be established in



order to resolve the dispute.

3.1.9 The Koornhof agreement had the effect of making Crossroads an extremely desirable place to live for those people who were illegally in the region. If anyone could be enumerated, such person would automatically qualify for temporary rights enabling him to seek work and setting him free from being detained without a "pass". In addition, such person would qualify for a house. This special dispensation resulted in a rapid rise in the population of Crossroads.

3.1.10 Crossroads was at that stage divided into four wards, with Mr Memani in control of one and Mr Ngxobongwana of the other three. Each of the leaders soon realised that he had a commodity that he could sell. People were required to pay them to have their names put on lists drawn up by them as being original Crossroads settlers who were therefore entitled to the benefits of the Crossroads Agreement. In the result the lists grew longer, but with only a finite number of people able to be accommodated at New Crossroads, disputes arose between the leaders.

3.1.11 The growth of Crossroads continued unabated during the early 1980s. People were hopeful that they would get access to the

benefits of the Koornhof Agreement. They were in any case less likely to be harassed under the influx control measures, since merely living at Crossroads was seen to be part of the special dispensation.

3.1.12 Because of the steady influx of people into Crossroads and disputes amongst the various leaders, satellite camps such as Nyanga Extension, Nyanga Bush and Portland Cement were established and by 1985 the entire triangle forming Crossroads was fully occupied and was probably the highest density single-storey settlement in the country.

3.1.13 New Crossroads, to be built in terms of the Koornhof Agreement, was to be built in three phases by the Department of Community Development. Phase 1, consisting of some 1 100 units, was built during 1981. Phases 2 and 3 were never built. This was because of difficulties in identifying who should qualify (lack of consensus "lists"), lack of State funds, and subsequently a policy decision that all Blacks would "voluntarily" move to Khayelitsha, as a result of which all development in the existing townships was frozen. Those who settled at New Crossroads in terms of Phase 1 came from Crossroads and predominantly from Mr Ngxobongwana's group.

3.1.14 According to Dr Koornhof's proposals, the area known as KTC was earmarked for Phases 2 and 3 of the New Crossroads development. A small portion of this area was originally set aside as a site and service settlement for persons who moved from Crossroads when it was originally threatened with destruction. The KTC site became progressively occupied from about 1983 onwards and

early in 1984 a group under the leadership of Mr Memani settled at KTC after being evicted from Crossroads by Mr Ngxobongwana. Despite the constant demolition of shacks at Crossroads the community grew rapidly.

3.1.15 The first people scheduled to move to Khayelitsha were to be the squatter inhabitants of Crossroads. In order to make such a move attractive, the inhabitants were offered a serviced site and an 18-month temporary permit to live in the Western Cape. Some leaders, notably, Mali Hoza, took their followers and moved to Khayelitsha. The majority refused to move, demanding permanent rights and the honouring of the Koornhof Agreement. Many who moved to Khayelitsha as a result of the offer came from backyards in order to escape exploitation and receive the benefit of the 18-month permit.

3.1.16 As this relocation was taking place, new squatters moved into Crossroads. The new groups moved onto land bounded by Mahobe Drive in the west, while the original group under Mr Johnson Ngxobongwana's control was located more to the east, in the area known as Section 1. The new groups were led by Messrs Christopher Toise, Melford Yamile and Siphika. None of these groups was prepared to resettle at Khayelitsha. After Mr Ngxobongwana drove his vice-chairman, Mr Memani, and his followers out of Crossroads, Mr Jeffrey Nongwe was made chairman of the remaining headmen at

Crossroads by Mr Ngxobongwana.

3.1.17 During 1984 Mr Ngxobongwana became chairman of the Western Cape Civic Association in recognition of his leadership role in the struggle and his progressive political stance.

3.1.18 At the beginning of 1986 the Government decided to upgrade Crossroads and accordingly abandoned the strategy of resettling Crossroads squatters at Khayelitsha. The upgrading proposals made provision for reducing the density of the overall settlement by approximately one third.

3.1.19 A major outbreak of violence occurred in 1986 when the leaders of the satellite camps and their followers were driven out and large areas of KTC were subsequently destroyed. Towards the end of that year Johnson Ngxobongwana, who had been in voluntary exile in Transkei for most of the year, returned to Crossroads. He immediately started reorganising his Executive Committee, the Elders Committee and the Women's Committee. He also instituted disciplinary proceedings against certain of his followers, including one Prince Cabingca, who then left Crossroads and formed the Western Cape Squatters Association (WCSA) with the exclusive purpose of undermining the leadership of Crossroads and Khayelitsha. The prominent members of the WCSA - which only lasted a year - were Cabingca, Toise, Kweliza, Jerry Tutu, Ntano, Yamile and Siphika.

3.1.20 The Western Cape United Squatters of South Africa (WECUSA) was formed directly after the demise of the WCSA. The prominent members of WECUSA were Conrad Sandile, Jeffrey Nongwe, Jerry Tutu, Christopher Toise and Isaac Kweliza. Its aim was to promote development in the Black communities and negotiations with local and provincial authorities.

3.1.21 During 1987 about 800 houses were built by the private developers Bester Homes and Habitech in Phase One at Crossroads and were offered to the inhabitants for sale. They could, however, not afford to buy these houses and the houses had to be offered to outsiders who had the money to buy them. During the same period 874 houses were built with State assistance and were offered to the people of Crossroads for R55 monthly rental. This area is known as Unathi - Phase Two of the development area.

3.1.22 After the completion of Phases One and Two expectations of obtaining houses were frustrated by inability to pay for them. A Council decision vetoing unregistered occupants and those in arrears with service fees owed to the Council (which included almost the whole of Boys' Town) added to the frustration.

3.1.23 Johnson Ngxobongwana was unanimously elected mayor of Crossroads in October 1988. He retained the informal system of headmen. There were at that time 21 headmen, with Mr Nongwe as their chairman. After the election tension developed between Nongwe and Ngxobongwana, the former accusing the latter of selling the houses in Phase One to outsiders and of unfairly allocating the houses in Phase Two. This led to Nongwe and 14 of the headmen

breaking away from Ngxobongwana, and eventually to open warfare between them. This lasted several months, leaving many people dead and wounded. Several houses, including some of those in Phase Two, were burnt down. Eventually, in about October 1990, Ngxobongwana and 2 000 of his followers left Crossroads and settled at Driftsands, near Khayelitsha. He voluntarily resigned as mayor of Crossroads, and the administration of Crossroads was taken over by an administrator.

3.1.24 After Ngxobongwana's departure Nongwe assumed the leadership role at Crossroads, being the chairman of the local branch of the ANC and the chairman of WECUSA. After some time Nongwe began losing support and this led to the establishment of the Buntubakhe ANC branch in the Unathi area (houses). Towards the end of 1992 the organisation of an SACP branch was started by one Amos Nyhakatyha with support from residents of Boys' Town.

### 3.2 Past violence as part of the historical and political development of Crossroads

3.2.1 The nature and extent of past violence at Crossroads has been such that three major battles that were fought in 1984, 1986 and 1990 call for separate attention, the more so because the causes thereof have permeated through to the recent violence.

#### 3.2.2 The 1984 violence

With the 1979 dispensation granted to the people living at Cross-

roads the squatter leaders, as already indicated, soon realised that they possessed a commodity of some value which they could sell. Since as the people had to be enumerated, they were required to pay the squatter leaders certain levies so as to have their names placed on lists prepared by the leaders as reflecting original Crossroads settlers who were entitled to the benefits of the Cross-roads dispensation. In the circumstances, the squatter leaders enticed people into the area. Large numbers of people under the control of a squatter leader meant political power as well as a source of income for the squatter leader and his committee members. In the circumstances, squatter leaders exploited the opportunity of increasing their wealth and political power by selling rights to occupy land at Crossroads and collecting dues from people living within their areas. Territory accordingly became a vital component within the context of Crossroads. In consequence of this attitude there were boundary disputes and leadership challenges, and breakaway groups were formed in an effort to establish themselves in similar positions.

Given the attitude of the squatter leaders, it is hardly surprising that the first incidents of violence at Crossroads were related to preparation of lists of people who would qualify for houses in New Crossroads in terms of the 1979 dispensation. Thus a dispute arose between Johnson Ngxobongwana and his vice-chairman, Oliver Memani. This dispute was aggravated when Memani sought to take over leadership of Crossroads from Ngxobongwana when the latter was arrested in 1981. There were attacks and counter-attacks by these two groups on each other. Memani was ultimately driven out of Crossroads at the end of December 1984 and he subsequently settled

at KTC.

### 3.2.3 The 1986 violence

As already indicated, during August 1985 the Government decided to abandon its notion of cleaning up Crossroads by relocating its people at Khayelitsha and decided rather to proceed with the upgrading of Crossroads. The upgrading proposals made provision for reducing the density of the overall settlement by approximately one third. Ngxobongwana and his committee were unhappy about this as it meant that they would be losing approximately one third of their support base and income. They were further opposed to the notion that Melford Yamile's group, which was located to the west of Old Crossroads, was to be included in the upgrading scheme. Ngxobongwana saw the leaders of the satellite camps to the west of Crossroads as not only a threat to his leadership but also as having settled on land rightfully belonging to him. During the first few months of 1986 tension began mounting between the satellite camps to the west of Crossroads and the original groups known as Sections 1,2,3 and 4 in Old Crossroads. This tension was aggravated by Ngxobongwana and his committees of Old and New Crossroads breaking off relations with the United Democratic Front (UDF) and its affiliated organisations. The breaking off of relations took place because it was believed that the UDF and its affiliated organisations were interfering in the domestic affairs of New Crossroads. During the months of March to June 1986 a bloody and devastating territorial war was fought between Ngxobongwana's groups and the satellite camps. Ngxobongwana was in Ciskei at the



time of the violence. The Wit Doeke from Crossroads were supported by Mali Hoza and his community in Site C of Khayelitsha. Many eye witnesses claimed that the Wit Doeke were also supported by the police and the army. It was claimed that there was identity of interest between Ngxobongwana, who wished to have the area cleared for his own people, and the State, which wished to crush the "comrades" and pave the way for the establishment of a town council and an "orderly settlement". Many lives were lost, shacks were destroyed and almost 65% of the area of KTC was razed to the ground. The leaders of the satellite camps and their followers were, in the result, driven out of their camps. After the people of the satellite camps were driven out of Crossroads they settled in the surrounding areas now known as Brown's Farm, Black City, Miller's Camp, Mpetha Square, Mpinga Square and Mkonto Square. The satellite communities were prohibited from returning to their camps in terms of an agreement reached between Minister Chris Heunis, the police and Ngxobongwana's committee.

#### 3.2.4 The 1990 violence

After the expulsion of the people living in the satellite camps to the west of Crossroads in 1986, the Government, with the consent of the Crossroads community, cleaned up the vacated area. As a result of the Carlton Summit, private sector companies, inter alia Bester Homes, Habitech and others, became involved in the construction of houses in this area - known as Phase 1 - after the

infrastructure had been developed by the State. Since potential buyers were required to qualify for loans, not all squatters from Crossroads could obtain houses in Phase 1. It was accordingly decided that the development would be open to all applicants that satisfied the financial prerequisites. Since many of the Old Crossroads squatters were unable to afford these houses the approximately 800 houses that were built were accordingly offered to people living outside Crossroads, once more generating tension.

During the period 1987 to 1988 further moneys were made available for the development of Phase 2. However, before development of the area could commence the squatters had to be temporarily resettled. The area to the north of Klipfontein Road, known as Boys' Town, was identified as a transit camp. Agreement was accordingly reached with the community living in the area of Phase 2 that they would be temporarily resettled at Boys' Town while the Phase 2 area was being developed and houses constructed. A total of 874 houses (the so-called white houses) were accordingly constructed in pursuance of the Phase 2 development and made available at a rental of R55 per month. However, the town council of which Ngxobongwana was then the mayor, decided to allocate the houses subject to compliance with the following requirements:

1. An applicant had to prove that he had been a bona fide inhabitant of Crossroads.
2. An applicant had to settle unpaid service charges in full before he could be allocated a house.
3. Preference was to be given to applicants who were inhabitants of Boys' Town.

The above requirements were calculated to prevent people who had not previously stayed in the vacated area at Crossroads from rushing to Boys' Town and thereby claiming a right to such houses. The problem was, however, that virtually all the inhabitants of Boys' Town had not paid their service charges, having previously been advised by Ngxobongwana not to do so, and were accordingly heavily in arrears. Although of Boys' Town's inhabitants wanted to pay their service charges they were intimidated and therefore did not do so. The houses were made available in batches of 21. After 3 weeks had elapsed, there were still no applicants. During to increasing vandalism at the houses it was decided to offer the houses to all registered inhabitants of Crossroads. As applicants from the rest of Crossroads applied and moved into these houses there was also an influx from Boys' Town to own some of these houses. It goes without saying that, had the people of Boys' Town who were entitled to these houses been properly consulted, and had they been given a say in the decision as to the allocation of houses, they would hardly have made it a prerequisite that all arrear service charges had to be paid in full. They were substantially in arrears and it would not have made sense for them to impose such a prerequisite. The fact that Boys' Town's inhabitants lost out in obtaining houses in the Phase 2 development gave rise to further tension and this was a precursor to the 1989/1990 violence.

After Ngxobongwana's unopposed election as mayor of Crossroads in 1988, Jeffrey Nongwe, who had up to then been chairman of 21 headmen under Ngxobongwana, broke away with 14 headmen. Tension then developed between the two leaders on account of allegations by Nongwe that Ngxobongwana and his committee had allowed the newly built houses in Phase 1 to go to people from outside Crossroads and

that he had allowed people other than those of Boys' Town to acquire the houses in Phase 2.

On 10 December 1989 violence broke out between the groups of Ngxobongwana and Nongwe. During 1990 there were numerous incidents of violence and fighting between the two groups. During the period September to October 1990 Ngxobongwana's group was driven from Crossroads. They settled in an area close to Khayelitsha known as Driftsands. Section 1 was completely razed to the ground.

#### 4. THE RECENT VIOLENCE AND THE INFLUENCE OF PRECEDING EVENTS

4.1 As already indicated, after Ngxobongwana's departure, Nongwe assumed the leadership position at Crossroads however, this was soon challenged with the establishment of the Buntubakhe ANC branch in the Unathi area (houses).

4.2 In June 1992 the Cape Provincial Administration (CPA) started the development of other phases at Crossroads with the intention of upgrade Sections 2 and 3 as part of Phase Three. This was done in consultation only with Nongwe, who was regarded as the popular leader at the time. It was expected of him to inform his followers about the plans and to persuade them to move voluntarily to temporary alternative sites at Lower Crossroads. (It was also left to Nongwe to appoint labourers and private transport contractors to assist in the resettlement of people from Crossroads. The Ikapa

Town Council paid the labourers and contractors. This elicited many complaints.)

4.3 According to evidence received at the inquiry, a meeting of the residents of Section 2 was called by Nongwe on 2 March 1993 at which the move to Lower Crossroads was discussed. There can be no doubt that the people of Sections 2 and 3 had voiced their opposition to moving. Within days after this meeting, violence erupted with shootings and houses being torched in Section 2. Sporadic violence continued up to the end of June.

4.4 Despite opposition by the people of Sections 2 and 3 to removals - which by April 1993 had led to serious violence - Nongwe approached the CPA on 18 May 1993 for permission to resettle the residents of Section 3 the next day. Permission was refused.

4.5 There is no doubt that Nongwe and his followers were intent upon getting the people living in Sections 2 and 3 to relocate to Lower Crossroads against their wishes. There is further no question that the violence which engulfed Crossroads from March to June 1993 was sparked off by this conflict and was concentrated between these two opposing groups, namely Nongwe and his followers on the one hand and the people of Sections 2 and 3 on the other.

4.6 It is not insignificant that, following the violence, Sections 2 and 3 do not exist any more while Section 4 has not been affected. While not losing sight of the fact that some of the residents of Sections 2 and 3 moved out voluntarily, and that many were intimidated to do so, the conclusion is rather obvious that most of the violence that gripped Crossroads this year was focused on Sections 2 and 3.

4.7 It is further not insignificant that Nongwe had wrongly informed the CPA that the people of Sections 2,3 and 4 were prepared to leave these sections and relocate temporarily to Lower Crossroads. This misinformation only serves to underscore the fact that the present structures do not represent the feelings of all the people at Crossroads. It further illustrates the fact that there is very little communication, if any at all, with the people at grassroots level. Decisions are taken by WECUSA and Nongwe on behalf of the people without, it seems, first obtaining their views and consent. By all accounts the meeting in March 1993 served Nongwe as a vehicle to tell people that they had to move. This underscores the basic autocracy of Nongwe's leadership.

4.8 There was furthermore a perception amongst the people that Nongwe had previously managed to get residents of Section 1 to move from there to Lower Crossroads on the understanding that they would be at Lower Crossroads for 3 to 6 months and that they would then come back to properly constructed houses in Section 1. After their removal to Lower Crossroads no houses in Section 1 were built for them and they are still living there. The CPA was adamant that it had made no such promises and Nongwe in turn denied ever having made such promises to the people in Section 1. It was, however, suggested that because houses were previously built in pursuance of

Phases 1 and 2 this could have created the expectation that houses were also to be built in Section 1 after the people had vacated this area. One can only speculate that, had the people in Section 1 been accurately informed as to what was going to happen in the future, there would probably have been no misunderstanding on their part and that later the people in Sections 2 and 3 might conceivably not have been reluctant to move to Lower Crossroads.

4.9 However, the fact of the matter is that in 1993 the people living in Sections 2 and 3 laboured under the impression that Nongwe had made false promises to the people of Section 1. There is no doubt that it was this impression (rightly or wrongly) that influenced them in their refusal to move to Lower Crossroads when they were requested to do so by Nongwe at the beginning of 1993.

5. FACTORS THAT HAVE A NEGATIVE IMPACT ON HOUSING AND THAT MAKE IT A SOURCE OF DIVISION

5.1 Although the squatters' dire need to remain at Crossroads - with the hope of gaining access to housing and other services - constituted a constant rallying point and unifying force among them in their opposition to the Government's attempts to forcibly remove them from the area, this very component of unity became a divisive element amongst them in the course of time. This has proved to be so principally because of the negative impact of the following factors:

5.1.1 Squatter leaders' preoccupation with acquiring and protecting "their land or territory".

5.1.2 A singular lack of democratic structures, which resulted in exploitation by squatter leaders of the needs of the people for their own political and economic ends.

5.1.3 A singular lack of inclusive consultation and decision-making as regards the allocation of serviced sites and housing, which in turn led to inadequate communication and/or lack of communication at grassroots level

5.1.4 Piecemeal development, which created a disparity between supply and demand.

5.1.5 Police conduct and lack of effective law enforcement

5.2 Squatter leaders' preoccupation with acquiring and protecting "their land or territory"

History has shown that the many bloody battles fought in the past between opposing groups at Crossroads were characterised by a struggle for turf and territory.



The squatters feel that they have fought for the right to stay on what is "their land or territory" and that it is for "their people". No other community has a right to tell them what to do since they were not there during their struggle. This attitude is reflected in a letter written by Ngxobongwana to the press in October 1986 in which says, inter alia:

"We are not prepared to negotiate our land at Crossroads for which we have fought and shed blood against radical elements and outsiders".

This approach of "our land" and "our territory" has more recently been extended to land that has been identified by consultants employed by WECUSA and land identified by the CPA for development. In Philippi East, for example, a preliminary planning exercise was undertaken by the CPA to find land for the expansion of the Black areas and in particular to take the overflow from Crossroads. Draft proposals were prepared for the declaration of a substantial area in Philippi East as a Black development area. All of the land at Philippi East is now seen by WECUSA as its land with no other party having a say over the land. This is reflected in Philippi East now being seen by Nongwe and others as "Lower Crossroads".

This attitude of "territorial sovereignty" has flourished simply because of the co-existence of the other negative factors referred to above. This attitude will accordingly - it is hoped - suffer its demise along with the resolution of the other negative factors.

### 5.3 Lack of democratic structures and exploitation of the needs of the people by squatter leaders

It is interesting to observe that since the original Crossroads committee was elected in 1988 no further elective processes for head-men have taken place. The change in leadership has in fact been characterised by violent conflicts rather than by popular elections. There was and remains no mechanism within the current structures - consisting of headmen and committees - for the democratic removal of a leader who has become unpopular. Corrupt and dictatorial leaders who remained in power have had to be removed by force.

The majority of people living in the squatter areas are relatively recent migrants to the urban area. They are accustomed to the tribal system of control and to tribal customs. They are unfamiliar with local government, democratic principles and urban cultural values. They are dismayed at the more urbanised population that has moved away from traditional values, and consider this disrespectful. They also resent being made to feel inferior because of retaining their traditions. Their young people have not grown up with any "political education", their schooling is traditional and their exposure to the dynamics of urban politics nil. Traditionally they are brought up never to question authority and to be obedient to tribal law. When the migrants arrive in the city they seek and cling to those available institutions that resemble the familiar tribal system and customs. Headmanship therefore fills a need.

On the other hand, the urbanised section of the population tends to view with some disdain those still rooted in the traditional culture. The township youth challenge these values and the leadership of the squatter committees, which they view as

dictatorial, backward and undemocratic. Many of the challenges to the squatter leadership have accordingly emanated from the young.

As communities become "urbanised" and values change and they are influenced by urban politics, the leadership comes under increasing pressure and changes in allegiances follow. Communities overthrow the existing leadership and move from the fold of squatter organisations to that of civic organisations. This is at present the trend at Crossroads, and it has proved divisive within the community.

#### 5.4 Lack of inclusive consultation and decision-making as regards the allocation of serviced sites and housing

The autocratic style of leadership at Crossroads and the desire of its leadership to retain control made it extremely difficult to communicate with the Crossroads community. The leadership played a gatekeeper role regarding information and tried to ensure that participation in decision-making was restricted only to their own followers. Consequently the community at large at Crossroads were either not informed or were ill-informed on proposals regarding housing and development that affected them. As the procurement of labour was also in the hands of the leaders, it was a case of jobs for pals.

The squatter committees were in the past responsible for all sites to people at Crossroads. The right of occupation was therefore entirely at the discretion of the committees. People who opposed the leaders or who were perceived to be recalcitrant could

be forcibly evicted, often with the burning down of their shacks at the whim of the leaders or committees.

The 1990 violence that afflicted Crossroads and that witnessed the complete destruction of Section 1 and the expulsion of Ngxobongwana may be ascribed to a lack of inclusive consultation and decision-making as regards the allocation of houses. The CPA repeated this mistake in seeing Nongwe as the only spokesman the community and ignoring the clear signs of opposition to him, which indicated that other points of view were pertinent to the subject of housing.

#### 5.5 Divisiveness of piecemeal development

At Crossroads where there is such a dire need for housing and other services there have unfortunately to date been hopelessly inadequate resources to meet this need. At Crossroads where there has been piecemeal development the struggle by people on the one hand to obtain access to such development benefits has been matched on the other hand by organisations and individuals striving to increase their power by being the conduit through which such development is channelled. Because of the inadequate response to the huge demand, development on a piecemeal basis has proved to be extremely divisive and in itself a source of conflict. Piecemeal development has also unfortunately entrenched the position and encouraged the attitude of the existing leadership because it lends itself to use as a medium for soliciting patronage and loyalty.

Development in the area must aim at dedensification. The enormous density of the population living at Crossroads has its own negative consequences. The close proximity of the dwellings makes servicing and law enforcement well nigh impossible. There can be little doubt that the threshold of tolerance is lower than in a less densely populated area, which creates a volatile situation that can ignite into violence quickly.

However, dedensification can also be a divisive factor. The planned "roll over" method, with areas being cleared, developed and people then moved back, contains the seeds of conflict because the number of sites or houses that would be developed on the vacated land would not be able to accommodate the number of people that had been removed from the area. The allocation of who would be allowed back and who would have to find other accommodation has in the past led to violence and, if the same method is to be used in future, it will have to be applied with great circumspection.

#### 5.6 Police conduct and lack of effective law enforcement

As Crossroads grew the squatter leaders imposed their own laws and enforced these in their own areas. The areas were not efficiently policed and the impression was that the police saw them as no-go areas or were not interested in protecting people against common law crime. The police were seen as enforcers of statutory laws. As a result the inhabitants were at the mercy of squatter leaders and criminal elements.

The police were not seen as being neutral. They were seen as having intervened on behalf of Ngxobongwana in the major outbreak of violence in 1986. The subsequent support by Ngxobongwana of the Black Local Authority system and his involvement in the Crossroads Town Council confirmed in the minds of many that there was collaboration between the police and Ngxobongwana's group to introduce the Council system at Crossroads. This impression has apparently not changed during Nongwe's tenure.

Various witnesses at the inquiry alleged that members of the police participated in the violence of 1993. In all, 43 statements were handed in to the committee, of which 21 contained complaints about general misconduct by policemen and 22 allegations of complicity in criminal conduct ranging from murder, attempted murder and assault to abduction and arson.

These are serious allegations that should be brought to justice without delay. The statements were therefore immediately referred to the Attorney-General and the Police Reporting Officer (an independent legal practitioner) for investigation and such further steps, such as prosecution, as may be indicated. A report on the outcome of the investigation will be submitted by this committee as soon as possible.

Whereas criminal conduct naturally needs to be punished by a court of law, the truth or otherwise of the allegations contained in the statements, while important, is in the present inquiry not essential for the purpose of establishing whether the conduct of

the police constituted a cause of the violence because of the strong belief within the community that under the pretence of upholding the peace the police actually fuelled the violence. In the collective mind of the community of Crossroads the firm perception existed (and may still exist) that members of the security forces, including the police, themselves shot residents and burned down their houses. This perception reinforces mistrust of the police that harks back to the days of grand apartheid and influx control and casts the police in the role of an enemy of the community. It is therefore hardly surprising that members of the Crossroads community react to the police as if they were an enemy.

Had the above-mentioned perception, and the other concomitant perceptions regarding the efficiency and reliability of the police been adequately addressed, law enforcement could possibly have been more effective. The committee believes that the police themselves should have done more, and the following example suffices to underline this statement.

Because of the climate of intimidation, only a few persons from the community at Crossroads seemed willing to testify before the committee before the start of the inquiry on 2 July. We were then told of a 14-year-old boy and his mother and aunt who were willing to testify about conditions generally at Crossroads and in particular how the boy had been abducted by Jeffrey Nongwe. The witnesses were only willing to testify if they were taken into protection because of justifiable fear that they would otherwise be in mortal danger. The boy, his mother and two younger brothers were brought into the protection programme of the Goldstone

Commission. They and their aunt testified at the inquiry. On the strength of their statements Nongwe was arrested a few days later, on 9 July 1993.

He was released on bail of R2 000 and allowed to go home. He was recently tried and acquitted; nevertheless his release on bail raised the level of fear and the culture of intimidation. The committee believes that on that basis a strong case could and should have been made for refusal of bail.

When, some time later, the Attorney-General was contacted to enquire about the progress of the trial, the committee was shocked to be informed that Nongwe was scheduled to appear again on 30 August simply to fix a trial date, which it was then thought might be in October.

It seemed to the committee that Nongwe, a symbol of violence in Crossroads, ought to have been tried forthwith. The police and the prosecuting authorities complain about the difficulty of procuring witnesses; when witnesses were immediately available there did not seem to be any sense of urgency on their part in setting an early trial date. This would have sent a positive signal to the community.

It must be stated that law enforcement is notoriously difficult in densely populated areas. When such profound mistrust exists, law



enforcement becomes impossible. There was evidence that the capability of the police force was stretched; that 52 men out of a complement of 80 are themselves under threat because they live among the community, and that the very people that they are called upon to protect shoot and kill the police. To attempt law enforcement under such circumstances must be frustrating, depressing and futile. These negative factors should be recognised: one-sided criticism of the police is of no assistance.

## 6. THE CAUSES OF THE VIOLENCE

The conclusions that the committee draws from the foregoing exposition of the history and factors influencing the situation in regard to the causes of the flare-up of violence in the first half of 1993 are as follows:

6.1 Past government policies of restricting urbanisation, not planning for or providing land and infrastructure for urbanising communities, restricting job and education opportunities and denying people legal individual rights have contributed significantly to the growth of unplanned squatter settlements in which rights of occupation vest in non-statutory and largely unaccountable leadership structures. Past deprivations have accordingly prevented the development of proper infrastructure.

6.2.1 Squatter leadership, which has its roots in the tribal system, has played and still plays an important role in assisting

newly urbanised families to become assimilated into the urban culture. It is recognised that this leadership withstood severe pressure from the Government during the period when influx control and other restrictive measures were in place. Some services have also been provided by the leaders to the communities in the form of community schools, advisory services, etc.

6.2.2        However, squatter leaders saw and have exploited the opportunity to increase their wealth and political power by selling rights to occupy and collecting money from people living in "their area". Boundary disputes, leadership challenges, break-away groups, etc, ensued as others sought opportunities to establish themselves in similar positions. Any opposition to existing structures is frequently dealt with ruthlessly. Territory seen as the property of the squatter leaders is no longer confined to area at present occupied but is now also seen to include new areas identified by them for future development.

6.2.3        Bearing in mind the ethos of exploitation by squatter leaders and that Nongwe is the latest incumbent, it is hardly surprising that large segments of the residents of Crossroads viewed with suspicion Nongwe's recent overtures to them to relocate. The evidence indicates that they placed no faith in Nongwe's word about future developments in the areas they were asked to vacate, and refused to do so. It stands to reason, that Nongwe was seen as the symbol of past exploitation for gain and that this would also have contributed to the resistance to relocation. This is a case of the chickens of past exploitation coming home to roost.

6.3 There is considerable hostility between the original squatter leadership and the organisations representing the townships. This has generated tension of its own. This hostility is based on cultural differences, the lack of support shown by the township dwellers for the squatter communities in their earlier struggles and the desire of organisations to extend their support base. These hostilities are continually fanned by some of the squatter leaders in order to hold together the fragile alliance of the squatter organisation WECUSA. Against this background it is not surprising that there is a history of conflict between the township youth and the squatter leadership. This is still the case and claims continue to be made by the squatter leaders of attacks by the youth on them and their supporters. The squatters' claim that the youth are under the control of township organisations and, in particular, of SANCO.

6.4 The autocratic style of leadership in the squatter areas and the desire of this leadership to retain control has made it extremely difficult to communicate with the community. The leadership plays a gatekeeper role regarding information and ensures that participation in decision-making is restricted to its own followers. Consequently the community is either not informed or ill informed on proposals that will affect them.

6.5 Development has been undertaken in a piecemeal fashion, with supply far short of demand. Development has also been used as a vehicle for patronage in order to entrench the position of the

existing leadership. The benefits that could accrue to the community through participation have largely been ignored or have been unattainable. Development has become divisive and a focal point of violence.

6.6 The lack of acceptable, democratic structures and the climate of political intolerance make the achievement of an inclusive participatory approach to projects to upgrade and improve living conditions difficult to achieve. However, failure to achieve these objectives continues to underpin development patronage and exclusivity, thus leading to violence.

6.7 There is a strong belief among the people of Crossroads that the police participated in the violence and themselves shot people and burned down houses. They were therefore seen as enemies and were attacked with stones and firearms. As a result of this profound mistrust of the police residents did not furnish the police with vital information and were loathe to come forward as witnesses. Because of the reluctance of residents to call upon the police to intervene in cases of violence and crime, they engaged in attacks and counter-attacks and this type of situation fed on itself and created a cycle of violence.

Law enforcement, already under strain because of the high population density and difficult terrain, has thus been further eroded by this mistrust. Consequently, individuals and families are at the mercy of criminal elements and ruthless leadership structures.

The police have also missed opportunities to improve their efficacy in failing to produce results that could possibly have countered the negative perceptions of the inhabitants.

### THE ROLE OF POLITICS

7.1 Crossroads was seen as a focal point of the struggle against apartheid and in particular against the influx control measures. Ngxobongwana was elected chairman of the Western Cape Civic Association in recognition of his role in this struggle. He was arrested during 1985 and when he was subsequently released from prison it became evident that he was adopting a new political line and was changing from his previous "progressive" attitude to one of greater compliance with Government policy at the time. This new more "conservative" approach led to a break with the progressive movements and with the youth. The squatter leadership under WECUSA continues to be viewed by the "progressive movement" as being conservative and working in co-operation with the Government.

Since the unbanning of political organisations there has been a strong drive in the squatter areas to sign up membership for the ANC. This drive has been supported by the WECUSA leadership. The ANC has found itself in a compromised position, with its concept of democracy clearly in conflict with the tribal, undemocratic style of leadership that is imposed by its own members in the squatter areas. This difficulty is compounded by the ongoing struggle between WECUSA and the "progressive" SANCO over control of the squatter communities.

7.2 The committee finds that party politics have an influence on the situation in so far as Nongwe is chairman of the numerically strongest branch of the ANC at Crossroads as well as being chairman of WECUSA. This must, however, not be understood as a finding that Nongwe has been acting with the approval of the leadership of the ANC. In fact, it is undoubtedly time that the Buntubakhe ANC branch was established by persons who were disaffected with Nongwe's leadership and that the subsequent organising to establish an SACP branch in the area was likewise a breakaway from Nongwe's influence.

However, the housing issue and opposition to Nongwe's style of leadership played a signal role in the fighting. Nongwe said in evidence that he was the leader at Crossroads "because nothing can happen without me in the Crossroads community". Asked what the difference was between his functions as a leader in the Crossroads community and his functions as chairman of the ANC branch, he professed to have something of a problem. "However, what I'm impressing upon the people is that no one should go ahead with anything without having first consulted me". This attitude was also evident when WECUSA withdrew from the Serviced Land Project as a result of what Mr Sandile described as "determining their own destiny and control of their own matters".

The committee has no doubt that the violence was fuelled by a power struggle between Nongwe and his followers and the dissidents ranged against them. The vacated areas of Sections 2 and 3 are mute evidence of Nongwe's ruthlessly successful defense of his power base.

7.3 The committee has no clarity as to whether those persons in opposition to Nongwe are not themselves more interested in building power bases than in genuinely representing the community. History has repeated itself on a number of occasions at Crossroads in that when one autocrat was drummed out of the township he was succeeded by another. It would be a tragedy if the people of Crossroads were to have other autocrats succeeding Nongwe

7.4 Under this heading one more witness needs to be mentioned, namely Conrad Sandile. Sandile is WECUSA's director of housing and development. In evidence he propounded the theory that the housing issue was simply a ploy used in a power struggle between SANCO and WECUSA, with SANCO planning, engineering and carrying out the violence. According to Sandile the leaders of SANCO are vying for power within the ANC with an eye to positions of power in future governmental structures.

No other witness supported or, indeed, refuted this theory. Sandile did not give sufficient concrete information for the committee to come to a conclusion on the correctness of the theory. Sandile was unfortunately given to making vague statements: among other things he was vague about his background, his qualifications (he stated that he had received an MBA in 1985 but declined to say at which institution), his experience in housing ("I have been exposed to housing for about say six seven years more or less"), the regularity of his salary and the source of his transport. Sandile's evidence raised more questions than it answered. Because we were not taken into Sandile's confidence on everyday issues, the committee is hesitant in relying on Mr Sandile's evidence unless it

is supported by other evidence.

## 8. RECOMMENDATIONS

8.1 The first recommendation is a general one, namely that the causes enumerated in paragraph 6 above should as far as possible enjoy immediate attention. In particular the following matters need to be addressed:

8.2 Consultation with the people of Crossroads should take place on an inclusive basis. In tribalised or newly urbanised sectors in the community there is a deeply ingrained view that there should be one spokesman for the entire community. This could be based on the system of chiefs and headmen. The reality of urban society is that entirely different standards obtain because of, inter alia, the size of the community, the differing needs of people, and exposure to various views and influences from outside the community.

In the cosmopolitan climate of the city the realities of urbanised society demand that different voices be heard. The democratic system, as it is already being applied, accommodates and allows scope for differing views to be expressed in regard to a subject. Thus there are different political parties and organisations operating in the townships, each propagating its own views and agenda.

There is no reason why different groups of the same community may not peacefully hold different views on an issue such as housing,



PROVIDED that there is a forum where the issues may be constructively debated and the most suitable solution be decided upon.

This calls for "some structure [to be] put in place whereby the people would be represented and whereby their feelings should be expressed and listened to" in the words of the redoubtable Mr Nongwe.

This recommendation should not be taken to mean that the position of headman should be abolished. Headmen have an important role to play, especially in regard to newly urbanised people, but there should be a clear delimitation of functions between this new democratic structure and those of headmen.

Such a structure should be democratically elected at elections that are held regularly. Its functions should approximate to those of a town council. The form and functions of such a body should be established after thorough consultation with the community. In this process the local and regional peace committees could play an important if not vital role.

8.3 It is noted that WECUSA, acting through Jeffrey Nongwe and Conrad Sandile, has tried to limit the participation of other structures within the consultation and decision-making process concerning the development of Crossroads and the allocation of houses and serviced sites. While it is not denied that WECUSA and Nongwe enjoy some support within the squatter community, it is strongly recommended that the CPA and other authorities that are

engaged in the development of Crossroads broaden the base of consultation and decision-making to other representative structures at Crossroads. Consequently, steps should be taken to ensure that the Crossroads community is properly informed and consulted regarding any decisions that affect the development of Crossroads and the allocation of houses and serviced sites.

To this end, the proposed structured body referred to above and the Peace Accord structures may play an important role, especially since in the case of the peace structures there are individuals with a thorough grasp of the dynamics within the Crossroads community and what the effects of the development projects will be at any given time.

8.4 Inasmuch as piecemeal development has proved to be divisive in the past, the CPA and the other authorities engaged in the Serviced Land Project are urged to proceed as quickly as possible with developments on a comprehensive basis, if this is at all practicable and viable.

In passing, the CPA is to be commended for its Serviced Land Project, which seems to be a well-considered and comprehensive plan for the upgrading and development of Crossroads.

8.5 Law enforcement will have to be made more effective. The committee is concerned that the SAP may have placed too much reliance on its own intelligence-gathering while not utilising other sources of information, with the result that a one-sided picture of the situation has emerged.

It is imperative that the SAP should evidence a change in outlook. An attitude should be cultivated within the SAP that, whatever views may be held of squatters and the influx of people into the city, they are as much part of the entire community as if they had been born and bred in Bishopscourt or Welgemoed. They accordingly deserve to be protected in every respect just like people living at Bishopscourt or Welgemoed.

Indeed, this is precisely the aim of the new community-policing policies of the SAP.

In order to put these policies into operation the present impasse in SAP-community relations needs to be overcome. The police say: "Talk to us - bring us the evidence so that we can prosecute the wrongdoers". The community might be heard to say: "We see no results, we don't trust the police".

Although there are many problems attendant upon witness protection, it merits thorough study. It does not simply entail removing witnesses and holding them at a safe place. Witnesses could be protected by dealing with them through third parties (so that they are not seen in the company of policemen); this could obviate their coming to police stations, which might mark such visitors as "sell-outs".

It seems to the committee that the intense mistrust at present bedevilling SAP-community relations at Crossroads and elsewhere will only improve when a sufficient number of positive results are achieved in preventing, quelling, investigating and prosecuting

crime and violence. Thus for example where the SAP becomes aware either through its own intelligence-gathering or some other source that violence is brewing, it should take timely steps to defuse the situation by stepping up policing and mediation. To this end, wisdom dictates that communication be established by the SAP with as many persons and bodies that can be of assistance as possible. Proactive steps designed to prevent violence must be taken. Also, where some high profile case lends itself to quick investigation and solution, it should be followed up with the Attorney-General to ensure an early trial.

It might well take any number of such positive efforts, pursued with determination and enthusiasm, to win back the trust of the community and restore the esteem of the SAP. When this purpose is achieved, peace, law and order and the goodwill of the community will be the rewards.