

# Black local government in SA

*The burden of votelessness — blacks pay the same taxes as whites — but end up paying more for inferior services*

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This article was written as a service to communities all over the country who speak a variety of languages. It has therefore been written in simple English.

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**T**he Black Local Authorities Act sets up a new local government structure to replace the Community Councils in black townships in the so-called 'white' areas - the area outside the homelands.

In most ways the Act is very like the laws which control white Municipalities. In South Africa much power has been removed from Municipal Councils and Municipalities and they are under the close control of the Provincial Councils. Government departments such as the Departments of Community Development and of Co-operation and Development can also prevent Municipalities from doing things they might want to do.

For example, if the City Council of Johannesburg wanted to say that any one at all of any race could live in the suburb of Mayfair they would not be allowed to do it. The Department of Community Development enforces the Group Areas Act and says that coloured and Indian people must live in coloured and Indian townships. Co-operation and Development, through the Administration Boards, raids properties in municipal areas regularly and arrests black people living there. The only black people allowed to live in white suburbs are registered domestic workers.

So no local authorities in South Africa have much power. It is not like the United States of America where town and city councils control many different things such as the local police force and education.

This is what DECENTRALISATION means when we talk about government. When city and town Councils have power the system is more democratic because the people have a chance to elect people they know to the Council and they can watch what the Councillors are doing and make sure that the Councillors do what the people want.

In South Africa local government is not like that for anybody.

**BUT** in black townships local government has even less power because of **LACK OF MONEY**.

When Soweto was part of the municipal area of Johannesburg, and other townships were part of the municipal areas of the white towns, black people had no representation on the Municipal Councils **but** money collected in rates on buildings and land in the white area as well as rents from the black townships all went to the Municipality and money from the Municipality was used for all the people, black and white.

Because black people had no representation on the Municipal Councils much more money was spent in the white townships than in the black townships but the situation was better than it is now.

In a city like Johannesburg the Municipality gets a lot of money from the rates (ie local taxes) paid by the wealthy shops and businesses and property owners in the centre of town and in the white suburbs. Some of this money used to be used to build houses in Soweto and to lay roads and provide water and sewage and so on.

**BUT** in 1971 the Government passed the law which set up the Administration

Boards. All black townships were taken away from the Municipalities and put under the control of the Administration Boards.

The Boards get no money from Municipalities at all.

The only money which the Board collects from white people is the registration fees and levies which employers pay to the Boards for their black workers.

**ALL** the rest of the money has to come from black people themselves. There are very few wealthy businesses in black townships because for many years black people were not allowed to establish and expand businesses in black townships so most of the money comes from **rents** and **site rents** and the sale of houses, liquor, beer etc.

### **It is Government policy that black people must pay for their own services**

That is the reason why site rents, lodger's permit fees, service charges go up and up all the time.

When the Community Councils were established some of the responsibilities of the Administration Boards such as allocation of houses and collection of rents were given to the Councils **BUT THERE WAS NO NEW SOURCE OF MONEY.**

So all the service charges, site rents etc, went on going up and up but now the increased charges are made in the name of the Community Councils instead of the Administration Boards.

On October 1, 1983 the Soweto Council increased the fees for a Lodger's Permit from R1 a month to R10 a month. This is only one example.

When electricity was put into Soweto the Community Council raised R186 million in loans to pay for the electrification.

**Every penny of that money** has to be paid back by the people of Soweto. That is why a levy was introduced by the Community Council in 1983. This levy was first R20 which had to be paid every month by **every** household — even the households which had no electricity. People complained so the levy was reduced to R12 a month but the Council said it would have to go up soon and might be R30 per month in 1984.

This is not justice because the people of Soweto have to buy their electrical appliances from white businesses. The companies which make things like stoves, fridges, irons, TV, lamps, heaters and so on are white companies. So are most of the shops which sell them.

The profits from the electrification go to white Johannesburg but white Johannesburg does not pay to the Soweto Council to help to raise the money for the repayment of the loans.

This is the reason why many people are saying that they will have nothing to do with elections for new Local Authority Councils in black townships. They say that without money they will be nothing more than scapegoats to bear the blame for increasing rents. They say that the new Councils will be able to do nothing to provide all the things that people in black townships need to make their lives better such as houses, tarred roads, parks, sportsgrounds, pavements, because there is **no money** to pay for these things unless rents go up and up and up.

It is also the case that neither Community Councils nor the new Councils can buy more land to add to black townships in order to make more space for housing because the Government will not allow land to be bought for more black housing in the cities.

Government policy is that new areas for housing must be far away and, if possible, in the homelands or next to them.

Thus Soshanguve was built for the non-Tswana black people of Pretoria. It is not in the prescribed area of Pretoria so people who go to Soshanguve because they need

a house lose their Section 10 rights.

Bloemfontein people who need housing will soon have to apply at Botsabelo which is more than 50 kms from Bloemfontein and which is on Trust land next to the resettlement area of Onverwacht. It may soon become a second part of the Qwa Qwa homeland. Ekangala is a big new expensive township 20 kms outside Bronkhorstspuit. Part of it will be included in the homeland — Kwa Ndebele.

### **Black Local Authorities can do nothing to change this policy**

If there was no Apartheid, and if South Africa was a democratic country, then all town people would be represented in the Municipal Councils and the total money collected in rates from all people, including the big buildings and big shops and businesses, would be shared out between **all** the people in the Municipal area so that the poor would not have to pay more and more all the time. This is what happens in democratic countries.

Because South Africa is not a democratic country many people feel that it is no good going into the new Local Authorities because these Authorities will have power **over** the people in the townships but no power to **change** things in the way the people want them to be changed.

Another reason why some people refuse to have anything to do with the Local Authorities is that the Government means them to be **instead of** rather than **as well as** full representation in South Africa's Parliament.

The Government would like the Local Authorities to be linked to the homeland governments. In some places one finds that Community Councillors are also representatives of a homeland government.



*photo: Paul Weinberg*

## THE BLACK LOCAL AUTHORITIES ACT NO 102 OF 1982

This Act is one of the three 'Kooornhof Bills'. The other two are the Black Communities Development Bill and the Orderly Movement and Settlement of Black Persons Bill which are not yet law but which will be coming before Parliament in 1984.

The Black Local Authorities Act was passed by Parliament in 1983 and the first elections are to be held in November and December 1983.

The Act says that the Minister of Co-operation and Development can establish a **Town Council** or a **Village Council** for a black urban township (or one Council for several townships together, or, if the township is very big, he can divide it into more than one part and establish a Council for each part.)

The Minister must consult with the Provincial Council and the Development (Administration) Board first.

A Village Council can become a Town Council and a Town Council can become a City Council if the Minister agrees.

Community Councils will be dissolved as soon as a new Town or Village Council is established.

The new Councils will fall under a Director of Local Government who will be an official of the Department of Co-operation and Development. He will fall under the direction and control of the Director-General of Co-operation and Development. If there is no Town or Village Council in any area the Minister can establish a **local committee**. These committees will be advisory bodies only and will be the same as the Black Advisory Boards.

A local committee will be dissolved if a Village Council is established for the township concerned.

The number of members any Council will have will be decided by the Minister of Co-operation and Development. He must publish his decision in the Government Gazette. After a new Council has been established the Minister must consult with it before he changes the number of members.



*By courtesy of Rand Daily Mail*

**Members of a Council** will be elected by voters in the township concerned.

**If no Council members are elected** for any reason, or if some of the seats on the Council are vacant because no one was elected, **the Minister can appoint** people to fill the empty seats.

## **Who can vote in a Local Authority election?**

In order to vote a persons must be:

- 1 **Black.** (The Minister can allow certain other people to vote. This might happen, for instance, in the case of so-called 'coloured' people living in a black township).
- 2 A South African citizen or a citizen of an 'independent' homeland.
- 3 Qualified in terms of Section 10(1)(a) or (b) or (c) **and** living in the area of the local Authority concerned.

If a person is not qualified under Section 10 he can still vote if he has been **lawfully** (ie with a permit) resident in the area for a full 12 months. (The Minister can change this 12 months period if he wants to and make it longer, but not longer than 3 years.

For example he might say that people who do not have Section 10 rights can only vote if they have been lawfully in the area for 24 months or 30 months or 36 months.)

- 4 Older than 18 years.
- 5 His name must be on a list of voters.

**A person cannot vote** if he has been convicted in South Africa or Namibia or an 'independent' homeland of treason, murder or any offence connected with communism or terrorism, if he has been sentenced to prison for that offence without the choice of paying a fine instead of going to prison.

**He cannot vote** if he has been convicted of a 'corrupt or illegal practice' and has been disqualified from voting.

**He cannot vote** if he has been detained for using drugs or alcohol, or if he has been declared by a Court to be mentally disordered, or if he is detained as a mentally ill person, or if he is detained in a reform school.

## **Who can stand as a candidate in an election of Councillors?**

A person who wants to be elected as a Councillor must be over the age of 21 years. He must also be qualified to be a voter as listed above.

**The mayor of a Local Authority** must be a member of the Council. He will be elected as mayor by the members of the Council. He will be elected to serve as mayor for one year at a time but at the end of the year he can be elected again for another year. He can be re-elected as often as the Councillors want him to be mayor.

**The deputy-mayor** is elected in the same way.

**Meetings of the Council** must take place at least once a month in 11 months of the year. The Council can meet more often if it needs to.

Government or Development Board officials can attend meetings of a Council if they are invited to do so by the Council but they cannot vote at Council meetings.

Meetings of the Council must be open to the public and the press but if the Council goes 'into committee' the meetings will be closed. In practice this means the public can be excluded from hearing discussion of important matters.

A Council can decide to go into committee and have the public removed and then open the meeting again to vote on decisions without discussion.

**The minutes** of a meeting of a local authority must be available for inspection by a member of the public on payment of a fee but **not** the minutes of the Council 'in committee'. This again limits the rights of the public to know about Council discussions.

**A Town Council will be responsible** for the 'moral and social welfare' of residents, sound community development, the beautifying and neatness of the area, parks and public resorts, sport and recreational facilities, libraries, museums, botanical and zoological gardens, bursaries, building plans and demolition of abandoned or illegal buildings.

It will also be responsible for the allocation and administration of the letting of houses, other accommodation, buildings etc, **AND** the prevention of the unlawful occupation of land or buildings — **that is squatting and trespassing.**

It will control the keeping of dogs and other animals, street trading and advertising, rubbish and night soil removal, some health matters, water supply and sewerage, electricity, parking garages and parking grounds, cemeteries, distribution of poor relief and the establishment and maintenance of charitable institutions, the building of roads and streets and their maintenance, the building of houses, flats and office blocks.

• **THE COUNCIL CAN DECIDE WHAT CHARGES WILL BE LEVIED FOR ANY OF THE ABOVE SERVICES**

A Town Council will take over all these functions from the Administration Board.

**A Village Council** will only take over these functions as and when the Minister decides to give the Council the responsibility.

**Town and Village Councils** can make recommendations to the Minister of Co-operation and Development about Regulations to be applied in the townships. They can also make recommendations about education, transport and postal services.

The State President or the Minister can give Councils additional responsibilities.

Local Authorities will be able to make by-laws relating to anything for which they have responsibility. By-laws must be published in the Government Gazette.

If a Council fails to do the things the Act gives it responsibility for, the Minister can arrange for them to be done and then charge the Council for the costs of the work done.

If a Council allows its financial affairs to become unsound the Minister can either remove members of the Council or dissolve the Council. If he removes members of a Council he can appoint people to do the work of the Council.

A Council can appoint a 'police force' if the Minister approves. The Minister must first consult the Minister of Law and Order. If a Council does have its own 'police force' the South African Police continue to operate in the area as usual. The SAP cannot be excluded from the area by the Council.

A Council must submit its budget to the Minister for approval.

• **WHERE WILL THE MONEY COME FROM?**

**THE BLACK COMMUNITIES DEVELOPMENT BILL**

**This Bill is not yet law.** It is expected to come before Parliament in 1984.

The Bill allows for the establishment of Development Boards which will be very like the Administration Boards.

All Administration Boards will become Development Boards and Administration areas will become Development Board Areas.

Members of the Boards will be appointed by the Minister of Co-operation and Development.

'The object of boards shall be to promote the viability, development and autonomy of black communities...'

The Development Boards will administer the 99-year leasehold system and will be able to establish towns and hostels.

The Bill allows for the setting up of a 'Revolving Fund' to provide money for development programmes in Board Areas.

A revolving fund is an amount of money which can be used to do certain things and then used again after money has been paid back to the fund.

The Development Boards will be responsible for the same things as the Administration Boards except those things which have been given over to Town and Village Councils but there will be big changes in the administration of influx control when this Bill and **the Orderly Movement and Settlement of Black Persons Bill** become law.

**The Orderly Movement Bill** has been 'postponed' to 1984 and the Minister has said he is going to consult with the new Local Authorities after the elections at the end of 1983. Some changes may be made to the Bill after these consultations but it is clear that the Government intends to go ahead with:

- (a) Increasing the punishments imposed on people who come to town without a permit, and on those who give them employment and accommodation;
- (b) Reducing the number of black people who have legal rights to remain in town;
- (c) Stopping the urbanisation of black people who were born in rural and homeland areas;
- (d) Making a permit to be in town dependent on having 'approved accommodation', and limiting the amount of accommodation available in the towns by providing new housing in the homelands or just outside the homeland borders.
- (e) **Increasing the costs** of living in urban black townships so much that poor people are forced to move out to the homelands.

## **MONEY**

**Control over finance is the most important way in which people can exercise real power. Financial matters in South Africa are decided by the Central Parliament not by Development Boards or Local Authorities or Homeland Governments or by the governments of 'independent' homelands.**

All of them are dependent on the amount of money which the central government allows them to have. This money is always less than their fair share so all of them have to impose enormous levies, taxes or service charges on black people who live in their areas of jurisdiction.

Until black people have a vote and are represented in central government Local Authorities and all other black governmental institutions will be the scapegoats — the ones who take the blame — for the injustices in our South African society.

Black Local Authorities and the people they represent can have no real power until the **total revenue** from all the taxes collected from **all** the people are shared out between **all** the people.

**THIS WILL NOT HAPPEN UNTIL ALL THE PEOPLE ARE REPRESENTED IN THE CENTRAL GOVERNMENT IN SOUTH AFRICA.**